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## Social Death

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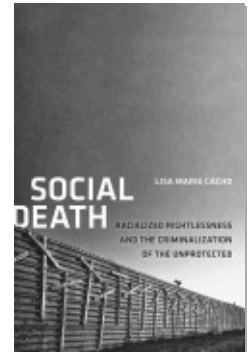
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## Grafting Terror onto Illegality

In his September 2001 speech to O'Hare International Airport workers in Chicago, President George W. Bush proclaimed,

We're a nation based upon fabulous values.

We're also a nation that is adjusting to a new type of war. . . . We face a brand of evil, the likes of which we haven't seen in a long time in the world. These are people who strike and hide, people who know no borders, people who are—people who depend upon others. And make no mistake about it, the new war is not only against the evildoers, themselves; the new war is against those who harbor them and finance them and feed them.<sup>1</sup>

The post-9/11 moment asked Americans to risk their lives as well as others' lives in a "new type of war" waged against the "evildoers" of the world. Although Bush intended for his audience to equate "evildoers" with "terrorists," he did so with descriptors that could easily refer to gang members ("people who strike and hide"), undocumented immigrants ("people who

know no borders”), the disabled or mentally ill (“people who depend upon others”), and their allies (“people who harbor them and finance them and feed them”). The “terrorist” was a new kind of composite figure, and like previous menaces, this figure drew upon and “reassembled” the body of existing dangers to bring into being a “new enemy.”<sup>2</sup>

This chapter investigates how the “new enemy,” imagined to be “people who know no borders,” was juridically, discursively, and relationally produced during the war on terror. I examine the way in which races, nations, and religions associated with or suspected to harbor “terrorist” intentions are rendered unlawful in origin and illegal in status. Unlike the racialized threats discussed in the previous chapters, suspected terrorists and any non-Western place where they may reside are rendered not only ineligible for personhood but disentitled to life. In these cases social death becomes much more than a killing abstraction; it becomes the premise and the precondition for actual death.

During the war on terror, “illegality” was a particularly salient incarnation of social death as the basis for literal death because the state depends on the notion of “illegality” to naturalize ineligibility to legal personhood, to justify the status of rightlessness as a biopolitical necessity, and to neutralize popular and potential dissent. Yet because “illegality” in immigration discourses has been racially reified as “Latina/o,” the need to incorporate the Arab and Muslim “suspected terrorist” within the racial vocabulary of the national imaginary destabilized and repurposed (abruptly but not absolutely) the gendered racial signifiers for “illegality,” noncitizenship, and non-belonging. Discourses of terrorism overlapped, unsettled, and resecured racialized imaginings of undocumented immigration as Latina/o, as well as racist narratives of Latinas/os in general, as economic and cultural threats. These ruptures altered the epistemological frame, or the evaluative structure, that has rendered undeserving the figure of the undocumented immigrant and the real world Latina/o bodies that signify it. Those Latinas/os (legal or not) who were not marked as possessing the “background-body” of “terrorism” within U.S. borders were extended the “opportunity” to earn social value for themselves, their families, and their communities by participating in the war on terror as soldiers and supporters.

This shift offered limited and costly possibilities for “rehabilitation” to a few, on a case-by-case basis, while denying redemption for the rest. In a very literal way, expedited naturalization for those who serve the U.S. military recuperated a select group of Latinas/os. And although still repudiated in reality, undocumented Latinas/os were also symbolically recuperated, positioned as the loyal noncitizen counterpart to the suspected terrorist. In this

way, as queer studies scholar Jasbir K. Puar contends, “the terrorist and the person to be domesticated—the patriot—are not distant, oppositional entities, but ‘close cousins.’”<sup>3</sup> In this instance, both the undocumented patriot and the illegal terrorist are recruited relationally to conceal the violences that U.S. systems of value direct toward its devalued and disposable others for the purpose of silencing the dead of all nations and nationalities. Because the dead can force us all to reckon with the violences that produced them, the ever-present haunting of these restless ghosts will always be the most salient threat to the United States.

### Under Surveillance and Suspicion

Because the national demand for so much death risks citizens’ lives when invoking the right to kill others, the demand must be rationalized as more than political, more than economic, and more than social and cultural. Not many will answer a call to likely death unless those othered politics, religions, or economies appear to jeopardize life itself. For states that govern through biopower, that threat to human existence is manufactured to manage and be managed in everyday life. Unlike disciplinary power, Michel Foucault explains, biopower is a “power of regularization,” a power that is about “making live and letting die.”<sup>4</sup> In these instances, racism is the “basic mechanism,” the technology of biopower that justifies and naturalizes why the state makes some live and leaves others to die.<sup>5</sup> Race, region, and religion, in contemporary discourses of terrorism, interchangeably stand in for the “other” that threatens human life itself, functioning as the “more than” subtext that legitimates the call to arms. These othered threats become fundamental, immutable, and biological through appearing to establish, in Moustafa Bayoumi’s words, a “blood relationship to Islam.”<sup>6</sup> Hypostatizing the threat of another way of life, racism transforms the threatening politics of another worldview into the world’s always threatening other.

Violent and unforgiving in its means and intentions, the war on terror far exceeded the biopolitical day-to-day objectives of regulating and regularizing populations in the United States by not only seeking control over life but also demanding domination through death. Beyond letting die and making live, the war on terror insisted that it was the United States’ right to determine who may survive and who *must* die, to exert the power to let live and *make* die. For a state that regulates its population through biopower, racism is “the precondition that makes killing acceptable,” but when a state secures its sovereignty through necropower, killing does not need to be justified because what a population finds acceptable is irrelevant.<sup>7</sup> “Necropower”

and “necropolitics,” postcolonial theorist Achille Mbembe explains, “account for the various ways in which, in our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of *death-worlds*, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of *living dead*.”<sup>8</sup>

Justifying the creation of death-worlds, the Bush administration constructed the Middle East as an area where “the condition” of “evildoing” was hidden and latent, posing permanent and unpredictable threats to civilization. Afghanistan and Iraq were constructed as terrorist “hideouts” or places with “hidden” weapons of mass destruction, and this presumption of guilt assumed the existence of unseen evidence that may not, in fact, have existed. In other words, Iraq and Afghanistan would be presumed guilty even if proven innocent because the requirements for exoneration were also the terms of indictment: How does one provide tangible proof that terrorists are not hidden? How can one provide concrete evidence of the nonexistence of weapons of mass destruction? If such threats are assumed to be concealed, then the absence of evidence can also be proof of concealment.

Because terrorism was represented as a “condition” (of “evil”) that did not just threaten human bodies but threatened human life itself, the environments conceived of as conducive to harboring and propagating terrorism were likened to a disease so dangerous or a species so prolific that not just the bodies but all the surrounding areas needed to be quarantined and burned. Bush constructed terrorism as contractible, as not only affecting but infecting the world: “Its goal is remaking the world—and imposing its radical beliefs on people everywhere.”<sup>9</sup> He charged the United States with the responsibility for eradicating terrorism through aggressive, nonselective intervention: “The only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it, and destroy it where it grows.”<sup>10</sup> Whether war on terror metaphors drew from epidemiology or ecology, the “solution” always pointed toward obliteration by any means necessary. In this limiting framework, inevitable casualties were not accidental; they were instrumental. To eradicate “terrorism,” entire nations and surrounding areas needed to be made into death worlds. The war on terror not only racialized disposability; it also spatialized death. The language of invasion changed the scale of war. U.S. intervention became prevention, obscuring its purposeful invasion of the Middle East. In this context, the Bush administration’s ultimatums can appear appropriate: “No free nation can be neutral in the fight between civilization and chaos.”<sup>11</sup> Bush demanded that every nation make its “choice,” but no nation was given the choice not to choose. By marketing the war on

terror as the world's war, any group the United States identifies as "terrorist" is invasive no matter where it resides or where it might materialize.

The language of invasion also invokes discourses of immigration in the United States, particularly discourses of Latina/o undocumented immigration. Media scholar and anthropologist Leo Chavez's analyses of the "Latino Threat Narrative" illustrate that the narrative of invasion has typified the ways in which Mexican immigration have been depicted for more than three decades (since the late 1970s).<sup>12</sup> Along similar lines, media scholar Otto Santa Ana posits that during the Proposition 187 campaign in California, "immigration as invasion was the least obscure anti-immigrant metaphor in general use."<sup>13</sup> As Santa Ana further argues, "the war metaphor used during the Proposition 187 campaign stresses a violent aggression against America. This metaphor patently ignores the nation's entire immigration experience, which always has been the search for employment and freedom by unarmed and peaceful individuals."<sup>14</sup>

Following September 11, undocumented Mexican immigration was not the only imagined threat immigration posed to the nation. Even legal immigration was delinked from deservingness. Legal immigrants faced heightened scrutiny as both legal and illegal immigration were increasingly associated with the "terrorist" that no one had noticed. But the reason no one had noticed was not simply due to the inefficiency of the INS; rather, it was because illegality, like criminality, is also unrecognizable in popular discourse without a body of color. Specific racial and/or ethnic groups are more legible than others as "illegal" according to both region and historical moment, such as the Chinese in the late nineteenth century and more recently, immigrants from Mexico and Central America.

Anxieties over undocumented immigration following September 11 generated a new kind of crisis over "illegal" immigration. Because Latina/o bodies have rendered the status of illegality recognizable, differently racialized unauthorized immigrants unsettled this racial coupling, producing considerable anxiety over not being able to distinguish "illegal" immigrants from "fraudulent" foreigners. These anxieties worked to simultaneously create and legitimate a racially profiled threat to national security. As the *Los Angeles Times* reported,

Most or all [of the hijackers] appear to have come in legally, on the kinds of temporary visas routinely granted each year to millions of foreign tourists, merchants, students and others.

Nothing in the backgrounds of these middle-class men from Saudi Arabia, Egypt and elsewhere apparently aroused suspicion among State

Department consular officers who review visa applications. And, once here, the 19 hijackers-to-be didn't have to fret much about checkpoints and police stops, even after some of their visas expired and they became illegal immigrants.

The suicide attacks that killed 6,000 or more have brutally exposed shortcomings in airline security and intelligence gathering. But the strikes also highlighted another vulnerability: the nation's visa-granting and immigration regimen.<sup>15</sup>

According to the *Los Angeles Times*, the hijackers were not easy to monitor because they were educated, middle-class persons performing the "model minority": "At least 16 of the 19 suspected hijackers who commandeered American jetliners entered the United States with legal visas. . . . Once in the United States, the men simply blended in, even as some of their visas apparently expired."<sup>16</sup> Slipping from legal to undocumented status drew on already present anxieties because "legal" status could no longer be counted on to confer the moral virtues associated with family reunification, the consumer ethos ascribed to tourism, or the work ethic that students and professionals are presumed to have. As the *Washington Post* reported shortly after the attacks, "Over the past decade, terrorists have posed as students, slipped across the lightly patrolled Canadian border, used false passports and presented themselves as tourists to enter the United States and plot deadly acts."<sup>17</sup> Ethnic studies scholar Junaid Rana contends that post-9/11 constructions of illegality construed undocumented immigrants as "duplicitous." As he writes, "Using fake, stolen, and mistaken identities confounds systems of surveillance that cannot clearly differentiate bodies that might bear a close resemblance."<sup>18</sup> As in references to terrorist "hideouts" in the global South or to "hidden" weapons of "mass destruction," the men "blended in"—and the INS did not know where to look.<sup>19</sup>

Such perceptions of concealment, fraud, and invasion also worked to naturalize enduring and emergent notions of Arab and Muslim noncitizenship and illegality. In a follow-up to the 9/11 Commission's report on "terrorist travel," Janice Kephart, a lawyer for the commission, focused on flaws in U.S. immigration laws.

What requires emphasis is the ease with which terrorists have moved through U.S. border security and obtained significant immigration benefits such as naturalization. . . . Once within U.S. borders, terrorists seek to stay. Doing so with the appearance of legality helps to ensure long-term operational stability. At the 9/11 Commission we called this practice embedding.<sup>20</sup>

Throughout her report, Kephart ascribes illegal status to suspected terrorists even though the report details all the legal means that enable them to reside in the United States. In doing so, she both disregards noncitizens' legal status by insisting that they possess only the "appearance of legality" and symbolically revokes naturalized citizen suspects of their U.S. citizenship. Thus, she also maintains the mutually exclusive binary between "suspected terrorist" and "U.S. citizen" by labeling all suspects, regardless of status, "illegal," or in Puar's words, not legal or illegal but "*un*-legal."<sup>21</sup>

Emphasizing "illegal" worked to deprive Arab and Muslim noncitizens of their rights (rights that undocumented Latina/o immigrants already did not have). Generally, the state does not necessarily have to comply with laws presumably meant to protect people from blatant abuses of state power, especially if such persons are ineligible to personhood. The same laws that render undocumented immigrants ineligible for personhood were used to disenfranchise noncitizens suspected of terrorist activities or sympathies. Almost all detainees have been Arab or Muslim; likewise, half of the "foreign terrorist organizations" identified by the secretary of state in 1999 were either Arab or Muslim.<sup>22</sup> The primary use of the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996 has been to restrict Arab and Muslim immigration even though the act was passed in response to domestic terrorism—the Oklahoma City bombing in 1995.<sup>23</sup>

Identifying Arabs and Muslims as "illegal" didn't just justify racial profiling; it positioned them in a category that already faced legalized racial profiling. The U.S. Supreme Court does not consider "selective immigration enforcement"—such as racial profiling—unconstitutional on the grounds that "unlawful" or "illegal" immigrants do not have a constitutional right to use "selective enforcement" as defense against deportation.<sup>24</sup> Even before the Patriot Act was passed, the attorney general had absolute authority to enforce immigration laws, and immigration agencies could already prolong detention indefinitely.<sup>25</sup> Already existing immigration law permitted all proceedings and information regarding noncitizen detentions to be kept secret from the U.S. public.<sup>26</sup> Laws directed against the "illegal," "unlawful," and "un-legal" within immigrant groups worked explicitly to deprive noncitizens of legal personhood.

### Performing Patriotism

The biological subtext for the war on terror underlay many of President Bush's speeches, which consistently insinuated that racial and religious profiling globally and domestically was regrettably necessary. Although the



message was hard to ignore, it was rarely expressed explicitly. Part of the way in which it was concealed was through describing “terrorists” with language that invoked race, national origin, and religion while describing “Americans” in cultural and legal terms through referencing multicultural citizenship. Cultural critic Jodi Melamed’s analysis of the Patriot Act reveals how U.S. citizenship recuperates racial, ethnic, and religious groups who have been targeted as “terrorist suspects.”<sup>27</sup> Melamed argues that an opening section of the Patriot Act entitled “Sense of Congress Condemning Discrimination against Arab and/or Muslim Americans” functions as a “multiculturalist gesture of protection for patriotic ‘Arab Americans,’ ‘Muslim Americans,’ and ‘Americans from South Asia’ [that] rhetorically excuses the racializing violence that the act enables—namely, the stripping of civil and human rights from nonpatriotic or non-American Arabs, Muslims, and South Asians.”<sup>28</sup> The act also enables the recuperation of Muslim Americans and Americans of Arab and South Asian descent. As Mahmood Mamdani puts the matter simply but accurately, such “culture talk” works to differentiate “Good Muslims” from “Bad Muslims.”<sup>29</sup> While the Patriot Act discriminates against noncitizens on the basis of race, nationality, and religion, it also explicitly extends symbolic protection to Americans who are simultaneously racially profiled and non-targeted. Thus, in effect, the act reads like a disclaimer of, as well as an apology for, recent and future acts of legal and social misrecognition.

Discourses of multiculturalism not only pressured targeted immigrant groups to demonstrate that they were U.S. patriots but also managed dissent among racially and religiously profiled U.S. citizens and loyal legal residents. In her ethnography of South Asian Muslim youth, Sunaina Maira contends that multiculturalism enables youth to criticize state policies without criticizing the state. Calling this practice “dissenting citizenship,” Maira argues that it betrays an investment in the state rather than a radical departure from it: “Dissenting citizenship is harnessed to multicultural citizenship by the state, for multiculturalism was one of the political and rhetorical strategies used after 9/11, as well as before, to absorb Arab, South Asian, and Muslim Americans into a discourse of difference and belonging to the ‘pluralistic’ and tolerant nation-state.”<sup>30</sup> Noncitizen groups racially profiled as “suspected terrorists,” on the other hand, are required and thus recruited to represent themselves as “docile patriots.” Analyzing Sikh organizing post 9/11, Puar and Amit Rai explain that to construct themselves as misrecognized or falsely profiled, Sikh communities were called upon not only to “educate” Americans about religious and ethnic differences but to perform the “banal pluralism of docile patriotism,” emphasizing “Sikh commitments to American life” by validating heteronormativity and middle-class domesticity.<sup>31</sup> Under

the guise of multiculturalism, citizenship can manage dissent while docile patriotism works to transform racial profiling into misrecognition, making Arabs, Muslims, and/or South Asians responsible for alleviating the state-sanctioned and vigilante violences of racial profiling.

But U.S. multiculturalism could not incorporate those whose bodies were the real world referents for the ontologized figure of the terrorist.<sup>32</sup> The National Security Entry-Exit Registration System, established in June 2002, specifically targeted men from mostly “friendly” nations in the Middle East for special registration. Unlike “docile patriots,” men targeted for “special registration” were not misrecognized by law because special registration targeted them. This gendered racial profiling program claimed to enable the Department of Homeland Security to monitor where foreign nationals lived and what they did; people selected for interviews needed to reregister at least annually and faced the possibility of endless detention.<sup>33</sup> Bayoumi argues that the program is particularly troubling because insofar as special registration is based on geography, “it makes descent or inheritability of Islam (and gender) the defining criterion.”<sup>34</sup> The legal production of racialized suspicion, Bayoumi asserts, demands that noncitizens prove their U.S. loyalty by actively disavowing the legally constructed and popularly imagined “Muslim-as-terrorist-figure.”<sup>35</sup> As he notes, “special registration” treated people “as if they were guilty of a crime and had to prove their innocence.”<sup>36</sup> Because terrorism in the United States was associated with Islam and signified by both Arab/Muslim bodies and nations in the Middle East following as well as pre-dating 9/11, being suspected of terrorism because of one’s race, ethnicity, and/or religion became a *de facto* status crime that could be enforced through immigration law and justified through the ascription of illegality. The passive act of being recognized as a potential terrorist rendered one rightless because it was not only criminal to look suspiciously Arab and/or Muslim; it was also criminal not to actively, emphatically, publicly, repeatedly, and insistently reiterate that one was not a terrorist.

### Hidden Victims and Unsung Heroes

Tapping into an already present discourse of multiracial multiculturalism, the administration worked to reassemble an American identity that was multiracial yet basically American, essentialized over and against the bodies that visually signified the “terrorist threat.” As Leti Volpp contends,

Post September 11, a national identity has consolidated that is both strongly patriotic and multiracial. . . . This expansion of who is welcomed

as American has occurred through its opposition to the new construction, the putative terrorist who “looks Middle Eastern.” Other people of color have become “American” through the process of endorsing racial profiling.<sup>37</sup>

In this section, I consider the ways in which the repurposing of “illegality” worked to incompletely and insincerely rehabilitate undocumented Latinas/os when juxtaposed against the administration’s construction of anti-American terrorism.

As “terrorism” was increasingly fused with “illegality,” different narratives and images emerged to symbolically recuperate undocumented Latinas/os. Representations of undocumented Latina/o immigrants reassured the nation that the “American way of life” still circulated as a worldwide symbol of freedom. As people who were willing to live in America and were ineligible for almost all rights and protections, undocumented Latinas/os affirmed that living in the United States even without rights was better than living in other nations “ravaged by poverty or political instability.”<sup>38</sup> Undocumented Latina/o settlement did not activate the same anxieties and resentments of the previous decade. In fact, the very activities represented as economically and culturally threatening in the 1990s were largely renarrated during this era as evidence for the “universality” of the “American Dream” when written about in relation to September 11. As the *New York Times* reported just days after September 11, undocumented Latina/o immigrants “came to America to escape poverty, repression and war,” and they “made lives in mostly humble jobs.”<sup>39</sup> U.S. citizen patriots could read about undocumented immigrants and remind themselves that for most of the world, living in America was worth the sacrifices that others were expected and compelled to make. Recoding undocumented Latina/o immigrants also functioned to critique the INS for focusing on the wrong population. Undocumented Latinas/os were symbolically “rehabilitated” (even if only partially and provisionally) because they had been recognized as the wrong primary targets of the INS—because they were the people that transformed the question “Why do they hate us?” to “How *could* they hate us?”<sup>40</sup>

Undocumented Latina/o immigrants verified that America’s promise of freedom and democracy was so desirable that even those who could never access it still wanted to live in a place where others could. Sympathetic representations of undocumented Latinas/os in the immediate wake of September 11 did not just recode already prevalent national narratives; they also reinvented them in ways that notably mitigated the racial hysteria over undocumented Latinas and children that had preoccupied the national imagi-

nary in the 1980s and 1990s. In the wake of September 11, immigrants who crossed the border without authorization could be represented as highly (though ironically) patriotic. As journalist Elizabeth Llorente stated, “Many of the day laborers along Columbia Avenue in North Bergen, New Jersey, as well as others interviewed in other towns, said they were determined to stay, to ride out the hard times. Many of the men—who also had U.S. flags on their shirts and caps—said they would fight in Afghanistan if they could enlist in the military.”<sup>41</sup> Being determined to stay and work as undocumented is not usually characterized as admirable in news media, but the decision becomes honorable and courageous in the shadow of September 11. These Latino day laborers literally wrapped themselves in U.S. flags, waiting for the opportunity to be unmarked as disposable “illegal” bodies and remade into American patriots willing to sacrifice their lives for their country of residence.

### Machismo and the Military

The Bush administration organized the chaos of 9/11 by providing a national narrative that connected patriotism to nativism and terrorism to illegality. Recoding illegal status as both Latina/o and Arab/Muslim and repurposing Latina/o racial difference as a signifier for both undocumented immigration and militarized multiculturalism required revising and reinventing how undocumented Latinas/os were both publicly represented and productively managed. Representing post-9/11 national identity as diverse and multiracial helped blur the blatant racial line that divides who serves in the military and whom the military serves. This multiracial, multicultural American identity attempted to conceal the racialized dimensions of the war on terror even as it highlighted the war’s biological undertones. Noncitizen U.S. soldiers—80 percent of whom are persons of color<sup>42</sup>—answer a call to duty for a country that has not claimed them as its own. In 2002, approximately 37 percent of noncitizens who joined the military were Latina/o, 23 percent were Asian or Pacific Islander, and 20 percent were black.<sup>43</sup> Although not drafted for service, noncitizens were conscripted into service by their legal nonpersonhood. As deportable, they were already disposable. Since the end of the draft in 1973, the all-volunteer U.S. military has not been able to attract young U.S. citizens to enlist, compelling the military to recruit outside U.S. borders. At the Iraq War’s inception, U.S. military recruiters even crossed the Mexican border to sign up recruits—in excursions euphemistically characterized by military media as a few individuals’ “overzealousness.”<sup>44</sup>

The U.S. military has also focused on those whom the United States has disenfranchised within its borders. Like African Americans, young Latinas/os

have been selectively targeted for aggressive recruitment. According to Jorge Mariscal, “The *Army Times* reported that ‘Hispanics’ constituted 22 percent of the military recruiting ‘market,’ almost double their numbers in the population.”<sup>45</sup> The Hispanic Access Initiative (HAI), described as “affirmative action” to help “diversify” the military’s officer ranks,<sup>46</sup> created military partnerships with colleges and high schools—even middle and elementary schools—with large Latina/o student populations in a manner akin to the establishment of a military presence at historically black colleges and universities. Similarly, the 2001 revision of the Solomon Amendment,<sup>47</sup> which cuts an entire university’s federal funding if any of its subdivisions deny access to military recruiters, seems more about securing soldiers of any rank at any cost than about ensuring equal representation in the military’s relatively privileged positions.<sup>48</sup> While constituting only 10 percent of the military, more than 25 percent of the army infantry and more than 20 percent of the Marine Corps infantry is of Latina/o descent.<sup>49</sup>

The overrepresentation of Latinas/os in the military’s infantry ranks has been attributed to and naturalized as Latina/o cultural difference—a difference colloquially and sometimes disdainfully referred to in the United States as “macho.” Marine recruiter Gunnery Sergeant Jorge Montes explains that Marine recruitment in predominantly Latina/o high schools and Latina/o communities sells the military through an “aggressive, testosterone-heavy image.”<sup>50</sup> Representing Latino U.S. soldiers as unable to resist the adrenaline rush of honorable, freely chosen disposability, Montes claims that “even recruits who score out of the infantry choose it anyway. . . . There is a certain pride in being in the front lines at the tip of the spear.”<sup>51</sup> “Machismo” thus functions as an abnormal “condition,” a perversion of masculinity signified by and thought to originate within Latina/o cultural difference. As a result, masculine “pride”—not poverty, disposability, or racism—becomes the reason why too many Latinas/os are at the tip of the spear. To be “macho” is read as compulsively choosing to die even when given the choice to lessen the odds. In this way, being “macho” is rendered a cultural difference that naturalizes Latina/o overrepresentation among the dead.

Labeling Latinas/os as “macho” displaces the necropolitics of the war on terror onto (supposedly improperly gendered and perversely over-sexed) Latina/o cultures and conceals how the necropolitical works through the biopolitical in its use of racial difference to determine who is disposable and who is killed for whom. To be on the “front lines” is to be in a zone of disposability that separates the lawless civilized from the death-worlds they were creating. For those living with little or no rights, the possibility of dying on the front lines is transformed into an “opportunity” for legal recognition.

Between September 2001 and April 2011, U.S. Citizenship and Immigration Services naturalized 68,974 members of the military.<sup>52</sup> In July 2002, Bush issued an executive order that not only expedited the process of attaining naturalized citizenship for active duty soldiers but also waived the residence requirement and naturalization fees for soldiers serving during military hostilities.<sup>53</sup> Margaret Stock, a law professor at the U.S. Military Academy at West Point, contends that the executive order applies to undocumented as well as legal immigrants.<sup>54</sup> A 2004 investigation by journalist Bruce Finley, for instance, found that the U.S. military lists 16,031 members whose citizenship is “unknown.”<sup>55</sup> Even though undocumented immigrants cannot legally enlist in the U.S. military, they are not exactly deterred from joining. In some cases, the military even helps undocumented U.S. soldiers attain U.S. citizenship. The military helped Private Juan Escalante, an undocumented Mexican immigrant, begin the process of naturalization; however, at the same time, an immigration judge ordered the deportation of his parents, brother, and sister.<sup>56</sup> For undocumented Latina/o immigrants such as Escalante, embracing the possibility of patriotic death becomes the method to demonstrate one’s deservingness of legal personhood.<sup>57</sup>

### Citizenship for the Dead

For noncitizens, naturalized citizenship has two particularly important, practical functions: You cannot be deported, and your family members can immigrate legally. Posthumous citizenship, however, only sometimes enables the latter. In fact, I would argue that posthumous citizenship has more purpose and function for the state than for family members of the dead. For the state, noncitizen soldiers are just as valuable, perhaps even more so, in death than in life. As Sharon Holland explains, the dead are central to nation building because “their ‘desires’ *not* their ‘bodies’ are exhumed for use by the state.”<sup>58</sup> In death, the noncitizen U.S. soldier becomes the perfect naturalized U.S. citizen because “the dead are the ultimate ‘docile bodies.’”<sup>59</sup> U.S. citizenship claims ownership over noncitizen soldiers’ bodies in order to exhume and use their desires, militarizing soldiers’ past yearnings and romanticizing soldiers’ (lack of) choices. For example, José Antonio Gutierrez, who was both an undocumented immigrant from Guatemala and the second U.S. soldier killed in the war, was represented by mainstream and military media as unselfishly choosing military service over higher education.<sup>60</sup> This portrayal of Gutierrez was consistent across news reports: He joined the Marines because he “wanted to give the United States what the United States gave to him. He came with nothing. This country gave him everything.”<sup>61</sup> News

stories represented him as wanting to “give” (not pay back) everything to the nation, but they failed to add that the nation did, in fact, take everything he had to give, including the rights to tell his story. In contrast, Heidi Specogna’s documentary *The Short Life of José Antonio Gutierrez* offers a competing representation. According to the film’s narrative, Gutierrez reluctantly joined the U.S. military because he needed to become a more competitive college applicant and wanted to obtain U.S. citizenship.<sup>62</sup>

In another example, a deceased soldier’s father was recruited to speak for his son and on behalf of the nation. Columbian-born noncitizen U.S. soldier Diego Rincon died overseas while on active duty. Diego Rincon’s father, Jorge Rincon, was portrayed as the representative (father) figure for speeding up the naturalization process for noncitizen soldiers. Through Jorge Rincon, naturalized U.S. citizenship was characterized not just as a reward for dying during combat but as the culmination of a father’s dream: legal recognition for his son. Jorge Rincon also was portrayed as passionately and unconditionally supporting the United States and its military. For example, a *Washington Post* story reported that “at Diego’s enlistment ceremony in January 2002, his father was so moved that he approached a sergeant and asked whether he could sign up, too.”<sup>63</sup> According to news narratives, Jorge Rincon’s enthusiasm was not tempered by his son’s death. Upon learning that his son received posthumous U.S. citizenship, Rincon said, “I’m proud for Diego and proud to be in this country and proud that my son was in the United States Army.”<sup>64</sup> In the same article, Rincon continued with “the only thing that keeps me going now is to make sure that he’s buried as an American. . . . That will be my dream come true.”<sup>65</sup> Jorge Rincon’s “American Dream” was not social or economic mobility; it was not property ownership or educational opportunities for his son. It was not even political membership for himself. His America Dream was to bury his son on American soil as an American citizen—a dream indicative of the fabulous values of this nation.

As Holland theorizes, it is actually not the biological menace (whether suspected terrorist, illegal alien, or criminal) that represents the nation’s most threatening enemy. Rather, it is the voice of our dead: “Here the dead are the most intimate ‘enemy’ of the changing and growing nation. Should they rise and speak for themselves, the state would lose all right to their borrowed and/or stolen language.”<sup>66</sup> Rincon, Gutierrez, and other noncitizen U.S. soldiers were devalued and disposable agents of “freedom,” not the intended recipients. Far from a “reward,” posthumous citizenship is a technology of necropower, another means by which the state retains and legitimates its sovereignty through controlling the dead. U.S. Citizenship and Immigration Services reported that between August 2002 and April 2011, 132 members of



the military had been granted posthumous citizenship.<sup>67</sup> Posthumous citizenship is not just symbolic belonging; it allows the state to claim the rights to these individuals' stories as American stories, making sure to silence or censor what they might have to say otherwise.<sup>68</sup>

### Rearticulating Race and Rights?

Latina/o activists and their allies were recruited into an anti-terrorist discourse that validated the racist logic foundational to draconian immigration laws deemed necessary for capturing potential terrorists. It is this foundational logic—a logic that hinges upon biopower's premise of making live—that explained not only why the policing functions of the INS would become the responsibility of Immigration Customs and Enforcement (ICE) but also why ICE needed to be the largest agency with the most discretionary power in the Department of Homeland Security, which in itself marked a radical shift from the underfunding of the INS. In December 2005, the House of Representatives passed the Border Protection, Anti-terrorism, and Illegal Immigration Control Act, also known as HR 4437.<sup>69</sup> The legislation made no distinctions among undocumented populations as either deserving or undeserving, either docile or dangerous, nor did it differentiate undocumented immigrants by intent, race, religion, or nation of origin. Rather, it grafted "terrorism" onto already existing discourses of "illegality." Although controlling "terrorism" was its stated intention, mothers, workers, and students would be the inevitable casualties of any immigration legislation passed during the war on terror—not accidental casualties but instrumental ones.

In just over a decade, national sentiments regarding the Latina/o family shifted from contempt (during the Proposition 187 campaign in 1994) to compassion (during the Immigrant Rights marches in 2006). Yet from 1994 to 2006, the Latina/o family had not significantly changed; it was still mixed-status, transnational, and disproportionately poor. From 1994 to 2006, undocumented immigrants were still employed in the jobs that some Americans would never do and that poor Americans of color envied. Instead, what had changed was the political context, and this in turn shifted how value was determined and distributed to bodies and lives. This shift enabled immigration activists to center on and to celebrate the previous decade's demonized Latina/o family, foregrounding the importance of family life and hard work, countering anti-immigrant rhetoric that so often criminalized Latinas/os' family and work life through stories about "anchor babies" and stealing jobs.

While not the primary objects of U.S. value, they were also not necessarily its not-valued others. For undocumented Latina/o immigrants, this moment



not only disrupted the signs and signifiers of illegality from Latina/o to Latina/o and Arab/Muslim; it also recast Latina/o illegality. Latina/o settlement was not about invasion or contamination when represented in the wake of September 11; it was evidence of the American Dream's worldwide appeal. In other words, undocumented Latinas/os were conferred social value as an unintentional by-product of universalizing the "American way of life." Patriotic processes of value and valorization rendered Americans, America, and the "American way of life" absolutely, universally, and transparently valuable through the equally absolute not-value of the "terrorist." This negative resource for American value became the violent grounds of possibility that would enable undocumented Latina/o immigrants and noncitizen soldiers of color to be represented as socially valuable.

Because they were not seen as the immediate nor primary threat after September 11, undocumented Latina/o immigrants could be reinterpreted not necessarily as deserving, but also as not absolutely undeserving. These ideological maneuvers were made possible because other racial and ethnic groups—namely, ("un-legal") immigrants from the Middle East—appeared to pose new and more immediate "threats" to national security. Consequently, national concerns about undocumented Latina/o immigration were not just momentarily displaced but also temporarily rearticulated. Unauthorized border crossing was provisionally recoded: It did not represent a threat to American culture and the American family but rather was representative of the universal appeal of the American Dream itself. This rearticulation made viable, and perhaps even necessary, the activation of both labor and family as the organizing themes of the Immigrant Rights demonstrations in 2006.

But the *need* for action in 2006 was not because undocumented Latina/o immigrants were sometimes characterized in the 9/11 aftermath in socially valuable terms of work and family, resolution and sacrifice. "Illegal alien" (like gang member or criminal alien) invokes images of, but is not a fixed signifier for, Latina/o. Different racial and ethnic groups have been associated with "illegality" throughout U.S. history, but what has remained consistent from the late nineteenth-century Chinese Exclusion Act to the present-day Patriot Act is the legally recognized nonpersonhood of the racialized "illegal alien." Thus, the *need* for a movement in 2006 can be traced to the destabilization of the signs and signifiers of "illegality," which unhinged but never detached Latina/o as its present-day primary racial signifier. To represent Middle Eastern immigrants as not only "suspects of terrorism" but also as "illegal" justified and made essential the intensification of immigration restrictions and exclusions. In other words, while "Latina/o" might have been

repurposed and rearticulated, the “illegal alien” was not. In fact, because “the terrorist” was grafted onto the “illegal alien,” the figure of the “illegal alien” (and the legal status category it represented) only became all the more threatening and unnerving, all the more in need of surveillance and restriction.

The “illegal alien” is the signifier, which should concern us because it signifies persons fundamentally unentitled to rights, and it refers to a category of nonpersonhood that institutes discrimination. The laws that have made undocumented Latina/o families legally vulnerable and highly exploitable are the same laws that empowered the federal government to racially profile and divest “suspected terrorists” of everything and anything resembling “rights” because to be “unlawful” is to be ineligible for personhood, as non-citizens “suspected” of “terrorism” know all too well.

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