

ABSTRACT

WALTER, AVERY NICOLE. Liberty and Justice for All?: The Limitations of a State-Centered Approach in Immigrant Advocacy. (Under the direction of Dr. Kim Ebert).

Past sociological research examines how anti-immigrant messaging perpetuates negative perceptions of immigrants and how pro-immigrant organizations try to combat their messaging. However, even when opposing nativism and xenophobia and trying to support the immigrant community, pro-immigrant organizations often reinforce anti-immigrant ideologies. This research expands and contributes to previous literature by studying how a national legal rights organization frames immigrants in its advocacy work. Although prior studies argue that legal advocacy organizations can benefit movements in multiple ways, a growing body of research suggests the possibility of beneficial *and* detrimental effects. In this study, I examine how a national legal rights organization employs narratives to advocate for the rights of immigrants in the United States by analyzing 145 public documents released by the American Civil Liberties Union (ACLU) from the beginning of Donald Trump's presidency in 2016 to 2019. I find that the organization advocates for immigrants by employing abstract liberalism and liberty-and-justice frames and relying on ideals of deservingness. I argue that these frames/narratives stem from (1) the fact that the ACLU centers the state and formal legal and political rights in its advocacy efforts and (2) the social position of the ACLU as a "predominantly white" organization. While the ACLU depicts immigrants in a positive light, its framing is not inclusive to all immigrants. My findings show how pro-immigrant messaging can unintentionally perpetuate harm to immigrant communities and illustrate the limitations of a state-centric and race-neutral approach to immigrant advocacy.

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Liberty and Justice for All?: The Limitations of a State-Centered Approach in Immigrant
Advocacy

by
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DEDICATION

To Viola, Deva, Chantel, and Alex.

BIOGRAPHY

Avery Walter was raised in Cary, NC and graduated from Cary High School in 2014. During their undergraduate career, they became an activist and organizer for racial and gender inequality. Avery graduated from Appalachian State University with a Bachelor of Arts in sociology and a Bachelor of Arts in psychology. Since 2018, they have been studying inequalities and social movements as a graduate student in the sociology department at North Carolina State University.

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INTRODUCTION

Given the prevalence of anti-immigrant messaging and frames in recent years, it is reasonable to assume that pro-immigrant advocacy organizations¹ would combat negative framings of immigrant communities by describing immigrants in positive ways. However, research on pro-immigrant organizations shows combatting anti-immigrant messaging is not so simple and potentially reinforces anti-immigrant ideologies (see Brown and Jones 2022). Despite the research on harmful anti-immigrant messaging and framing, there is a lack of research on the potentially harmful effects of pro-immigrant advocacy and the ways they frame immigrants.

Previous research on narratives surrounding immigration focuses on the negative images and messaging used against undocumented immigrants (Chavez 2013; Armenta 2017). Although immigrant communities are underrepresented in mass media (Santa Ana 2013), media outlets often depict immigrants in negative ways by relying on racist caricatures and amplifying fears of the “immigrant other” (Chavez 2008). Anti-immigrant media outlets, political and social actors, and institutions commonly portray undocumented immigrants as “others” or criminals (Menjívar, 2016; Gómez Cervantes, Alvord, and Menjívar 2018). Additionally, media outlets regularly use racially coded language to emphasize the perceived criminality of Latinx immigrants (Brown, Jones, and Becker 2018). These are the anti-immigrant frames and narratives that pro-immigrant organizations often try to combat.

¹ For this study, advocacy organizations are defined as groups that “make public interest claims either promoting or resisting social change that, if implemented, would conflict with the social, cultural, political, or economic interests or values of other constituencies and groups” (Andrews and Edwards 2004:485).

Past research on social movement and advocacy organizations emphasizes the importance of complementary efforts between legal advocacy efforts and other forms of collective action to achieve their goals (Scheingold 1974; Olson 1984; McCann 1994). However, few studies have examined what legal advocacy organizations “bring to the table” when advocating for immigrants (but see Kurdyla 2020; Liao, Ebert, Hummel, and Estrada 2021). There is a lack of research on how large-scale pro-immigration organizations frame and advocate for immigrants. If legal rights organizations are considered beneficial to collective action, then it is important to consider how these organizations and their narratives about immigrants contribute to or undermine broader pro-immigrant advocacy efforts.

To address these gaps in the literature, I ask: What do legal rights organizations bring to the table? How do they frame immigrants? Do they challenge or perpetuate anti-immigrant narratives? I answer these questions by analyzing how the ACLU, a national legal advocacy organization, employs pro-immigrant narratives to advocate for immigrants. Through a content analysis of over 100 ACLU primary documents from the election of Donald Trump in 2016 to 2019, my research finds that the ACLU uses abstract liberalism and liberty-and-justice frames when informing the public on issues of injustice or violations of human rights. While these tactics positively portray some immigrants, they are ultimately assimilationist and exclusionary in that they idealize certain “model” immigrants and deem them as more deserving of support and rights than others. I find that ACLU’s state-centric and race-neutral approach in its pro-immigrant advocacy challenges anti-immigrant narratives while simultaneously reinforcing white supremacy and assigning levels of deservingness to different immigrants.

LITERATURE REVIEW

Pro-Immigrant Advocacy

Previous research focuses on the role of media and policymakers in shaping public perceptions and understandings of U.S. immigration (Yoo 2008; Marrow 2012). For example, Chavez (2008) shows how the construction of the “Latino threat narrative” influences value judgments about immigrants seeking organ transplants (Chavez 2008). Additionally, prior studies examine the harm that anti-immigrant organizations and policies can cause (Capetillo-Ponce 2008; Chavez 2008; Yoo 2008). Through there is research on how the media and anti-immigrant activists reinforce inequality, there is a lack of research on how pro-immigrant efforts and organizations might reinforce anti-immigrant sentiments. Previous studies often portray pro-immigrant organizations causing neutral or positive outcomes for immigrants, without exploring the impact of pro-immigrant organizations and how these organizations unintentionally cause negative effects (Yukich 2013).

A growing line of research investigates pro-immigrant messaging, actions, and organizing with a more critical eye. For example, Chavez (2008) and Santa Anna (2013) examine how students and activists combat harmful anti-immigrant messaging. In terms of media coverage, Patler and Gonzales (2015) find pro-immigrant campaigns led by undocumented students often attract more media attention than campaigns led by undocumented youth who are not currently students. Positive media coverage of undocumented student activists emphasizes students’ potential as “model citizens” who are deserving of protection from deportation. While these frames may encourage sympathy for undocumented students and their activism, they also reinforce ideas of deservingness among immigrant communities which exclude immigrants who do not fit the “model citizen” description. Similarly, research on pro-

immigrant organizations shows that combatting anti-immigrant messaging is complex and can sometimes reinforce stereotypes and inequalities among the immigrant community (see Brown and Jones 2022). For example, Brown et al. (2018) show that pro-immigrant advocacy organizations frame immigrants as deserving of human rights (Brown et al. 2018). However, this framing relies on the narrative of immigrants in the workforce who will economically contribute to society rather than relying on public assistance. This framing excludes immigrants who are currently unable to work due to ability, a lack of job opportunities, or a lack of documentation. Even within religious organizations centered on “radical egalitarianism” where everyone is described as deserving, Jimenez (2022) finds that religious organizations racialize immigrants as either hard workers who contribute economically to the surrounding area or as people who can be “served” by white volunteers for religious salvation. Jimenez (2022) concludes that even pro-immigrant organizations who identify as radical may struggle to match their actions with their mission statements.

Previous research examines narratives and strategies stemming from local immigrant rights organizations and young activists who have participated in pro-immigrant movements, but few studies focus on large-scale organizations (Nicholls 2013; Yukich 2013). In recent years, pro-immigrant advocacy efforts “scaled up” from smaller, grassroots organizations and unions to larger national organizations that may offer greater financial resources, visibility, or political influence (Bloemraad and Voss 2020). Large-scale organizations consistently represent and affect public policies, such as immigration policies and perceptions, meaning they carry considerable weight in the fight for immigrant rights. Therefore, it is important to evaluate the role and effect of these large-scale organizations on pro-immigrant advocacy.

It is also important to examine legal rights organizations involved in pro-immigrant advocacy efforts. Researchers argue that there needs to be a complementary effort between legal advocacy efforts and other forms of collective action to achieve certain goals (Sheingold 1974). Some research focuses on what legal advocacy organizations “bring to the table” to collective movements and organizing, such as leading policy efforts and bringing more immigrant populations into the conversation (Olsen 1984; McCann 1994; Brown, Jones, and Dow 2016). Cordero-Guzmán, Martin, Quiroz-Becerra, and Theodore (2008) posited that non-profit pro-immigrant organizations could also help sustain immigrant movements by facilitating inter-organizational networks and resources.

In sum, there is a disproportionate focus in the literature on the role of anti-immigrant messaging and organizing on maintaining inequality and on smaller grassroots pro-immigrant organizations. Because of this, there is a notable gap in the literature regarding large-scale immigrant advocacy organizations and the ways they potentially contribute to harmful ideologies and messaging regarding immigrant communities. In the following section, I evaluate the theoretical literature and frameworks on racialization and immigration that this research expands upon.

THEORETICAL FRAMEWORKS AND EXPECTATIONS

To understand how a predominantly white immigrant-serving organization might frame its immigration advocacy efforts, I turn to two broad but interrelated theoretical frameworks: racialization and assimilation/immigration.

Color-Blindness and Racial Frames

In color-blind racism, the systemic inequities facing marginalized groups are removed from their hegemonic realities and deemed the result of merit and deservingness (Bonilla Silva

2001). Color-blind ideologies can allow accusations that people or organizations are “pulling the “race card” to prove racial discrimination (Bonilla Silva and Dietrich 2011). Because of this, many immigrant advocacy organizations advocate for immigrants from a race-neutral approach, relying on central frames of color-blind racism (Bonilla-Silva 2006). Advocacy organizations often use abstract liberalism, a central frame of color-blind racism, to decontextualize race relations and inequality while also distancing themselves from racial issues. While someone employing abstract liberalism might find differences between racial groups, they may attribute them to individual differences rather than structural racial inequities. Although most previous research on color-blind ideologies focuses on individuals, it is possible to consider what abstract liberalism looks like in an organizational structure.

Another frame that operates within the broader color-blind ideology and overlaps with abstract liberalism is the liberty-and-justice frame. Feagin (2009:157) states, “Most whites have held to a cherished liberty-and-justice frame, albeit one that is usually rhetorical and hypothetical when it comes to threats to the perpetuation of the U.S. system of racism” made by POC in the U.S. Using the liberty-and-justice frame allows white people to minimize claims of unequal opportunities. When white people refuse to apply the liberty-and-justice frame to POC, they exclude immigrants from these rights and privileges. This frame focuses on the “life, liberty, and the pursuit of happiness” in the Declaration of Independence and the Preamble of the

Constitution that applied to all eligible Americans. However, this document only deemed white, land-owning men as eligible while they sought independence from British oppression. This definition excluded women, enslaved Black people, and Indigenous people from the mold of Americans eligible for these same rights and privileges. While this ideology was restricted to a

small group of the American population at the time, it persists in contemporary society as a baseline for what human rights should look like today.

Despite the historical and contemporary usage of the liberty-and-justice frame to uphold the rights and privileges of white people, many use it as a potential counter-frame to the more commonly used white racial frame. The white racial frame is a broad collection of “racial stereotypes, prejudices, ideologies, interlinked interpretations and narratives, and visual images” that affect people’s emotions and actions toward others (Feagin 2013:xi). The white racial frame provides a basis for white people to view and interact with marginalized people in society and creates lasting systemic issues that affect marginalized populations. The liberty-and-justice frame is effective when advocating against specific forms of inequality, such as Jim Crow laws and other forms of explicit and overt racism (Feagin 2009). Anti-racist activists tend to expand this liberty-and-justice frame to be more inclusive of marginalized groups rather than the white, land-owning men the Constitution originally described.

This study examines how whiteness affects the ACLU’s advocacy for immigrant communities. Based on previously discussed literature, this study focuses on ethnoracism as an underlying and inherent factor of pro-immigrant advocacy work in predominately white organizations. I expect to find elements of abstract liberalism in the ACLU’s advocacy efforts, as frames within the ideology can stem from an unintentional deracialization of immigrant justice work that can infiltrate the work of organizations if not directly addressed. Additionally, the ACLU focuses on legal advocacy based on the rights guaranteed in the Constitution. Based on its Constitutional focus, I expect the ACLU to also rely on the liberty-and-justice frame in its pro-immigrant advocacy.

Assimilation/Immigration Frames

Another frame is the “model immigrant frame” that describes immigrants as deserving citizenship because they uphold U.S. ideals and customs, such as working hard professionally (Yukich 2013). To challenge images and stereotypes of marginalized communities, sometimes advocacy groups center “model minorities” with attributes that are more favorable to the general public or policymakers (Yukich 2013). These ideal attributes or characteristics provide comparisons between racial groups considered more deserving than other groups to attain economic mobility or success. Notably, the model minority stereotype does not address any structural or historical reasons for different levels of success between racial categories. Also, the stereotype favors immigrants who can assimilate into whiteness and dominant ideologies rather than immigrants who cannot or refuse to (Capetillo-Ponce 2008; Chavez 2008). This serves as motivation for marginalized groups who are not deemed “deserving” to attempt assimilation into mainstream American culture. While the model minority stereotype details perceived differences between racial categories, it can be applied to immigrant groups to evaluate how pro-immigrant organizations use a “model immigrant” stereotype in their advocacy work (Yukich 2013).

Often, pro-immigrant activists and organizations use the “model movement strategy” in an effort to combat negative stereotypes about immigrants and deem some groups and identities as being more deserving of aid or advocacy. Yukich (2013) describes the model movement strategy as an effort by activist and pro-immigrant organizations to support and amplify “model” individuals from a community with the intention of uplifting perceptions of the community as a whole. Within immigrant communities, this model movement strategy is harmful towards marginalized people in the community who may not be able to fit these attributes. This leads to conflict between marginalized communities as they try to prove their worth over other

communities based on various individual factors, such as legal documentation status (Chin 2001; Capetillo-Ponce 2008).

Immigrant rights organizations, activists, and policymakers similarly use these narratives to advocate on behalf of undocumented immigrants. Narratives help “provide rationales” or frame situations in a way that is appealing to a specific audience (Polletta 2006). Governmental outreach to immigrant communities, such as the campaigns surrounding Deferred Action for Childhood Arrivals (DACA) in 2012, often involves model minority stereotype narratives to attract immigrants to their cause. For example, President Obama characterized young immigrants who would benefit from the DACA program as being high achievers and are deserving of aid in every way “[...] but on paper” (Office of the Press Secretary 2012). Pro-immigrant advocacy groups use a similar citizenship frame where immigrants are characterized as “citizens but for papers” (Patler 2018). By associating undocumented youth with American ideals, such as “pulling yourself up by your bootstraps,” the government and pro-immigrant advocacy groups frame immigrants as deserving of American ideals of human rights because they fit these American ideals.

Based on the ACLU’s commitment to pro-immigrant advocacy, it is possible that the organization unintentionally utilizes this model movement strategy in its public documents when describing the community members they work with to uplift the community. While using this strategy, I expect that the ACLU unintentionally assigns levels of deservingness to immigrants based on their characteristics and how well they fit into the model immigrant stereotype. While many use this strategy to further pro-immigrant work, it risks reinforcing existing inequalities while labeling some immigrant populations as less deserving of advocacy or support. In the

following section, I further examine the ACLU as a case to understand and expand upon the previously discussed research.

The Present Study

In this study, I evaluate how a national pro-immigrant organization separate from the U.S. government or media attempts to portray and advocate for immigrants. My study contributes to a greater understanding of the narratives that large-scale and well-funded organizations might use to appeal to a broader audience.

I chose the ACLU as a case due to its size (number of members), national focus, budget, and influence. The ACLU is a large and well-funded advocacy organization that explicitly limits its focus to the rights and privileges detailed in the U.S. Constitution. Indeed, the ACLU's pro-immigrant advocacy efforts focus on improving the rights of immigrants as outlined in the U.S. Constitution. Like other national non-profits, the ACLU focuses on a broad range of marginalized groups with the ideology that everyone deserves rights guaranteed by the Constitution. This frame carves a specific lane for the ACLU to follow. Additionally, due to its large membership base and broad array of issues that members can participate in or donate to, the ACLU has a sizable amount of money to fund its work. For example, the ACLU reported over \$350 million dollars in grants and contributions during the 2021 fiscal year to help support its advocacy efforts (American Civil Liberties Union 2022). These factors allow the ACLU to have a higher impact than smaller-scale state or local non-profit organizations focusing on direct impact within a limited number of communities.

When examining this large, mainstream, legal rights organization, it is important to consider how whiteness affects anti-racist and pro-immigration organizations. The ACLU is a "predominantly white" organization, one that mostly interacts with formal legal and political

institutions, and centers the state in its advocacy work, as evidenced by its focus on rights outlined by the U.S. Constitution. Despite past research focusing on the roles of non-profit organizations relative to social movements, there is a lack of discussion around the role of whiteness in the organizations and how it affects their advocacy efforts. Much of the past research evaluates color-blindness as an individual process, whereby individual people refuse to acknowledge whiteness. I argue color-blindness could also apply to organizations because organizations are racialized (Ray 2019). Previous work has examined how predominately white spaces affect the workers or individuals in those places, such as the additional emotional work placed on marginalized communities in the space (Wingfield and Alston 2014). Additionally, this research focuses on the ways marginalized racial groups can affect change in these predominately white spaces (Fulton, Oyakawa, and Wood 2019). Marginalized racial groups within predominately white organizations often struggle to combat the institutionalized color-blind approaches that become engrained in these spaces. The inclusion of more marginalized people in predominately white organizations is often not enough to overturn color-blind ideologies (Foldy and Buckley 2014; Fulton et al. 2019). Given previous findings on how whiteness and color-blind ideologies prevail in predominately white organizations, it is reasonable to assume that these factors could affect anti-racist and anti-immigration advocacy efforts. The ACLU itself is a predominately white organization, even though there are several people of color (POC) on the national leadership team.

When an organization fails to critique or reflect upon its whiteness, it affects how the predominately white organization implements organizational goals and frames the issues it tries to address. This study focuses on how unchecked whiteness affects an organization's advocacy efforts, despite trying to achieve positive changes for communities of color. Without a critical

analysis of the racialization and whiteness associated with the ACLU's work, predominately white non-profit organizations continue to perpetuate the previously mentioned harms when framing immigrants in its advocacy

DATA AND METHODS

To assess these expectations, I evaluated 145 public documents between 2016 and 2019 to understand how a national legal rights organization employs narratives to advocate for the rights of immigrants in the United States.

The Case: ACLU

A prominent national policy and law-driven organization, the American Civil Liberties Union (ACLU) is important when considering immigration and human rights in a U.S. context because it has a history of affecting major public policy. The ACLU has roughly 1.5 million members, with branches across the country. The ACLU's leadership is comprised of about 20 staff that are assisted by 300 staff attorneys and thousands of volunteer attorneys (American Civil Liberties Union 2020). The ACLU grounds its efforts in the U.S. Constitution as it fights to "defend and preserve the individual rights and liberties guaranteed to all people in this country by the Constitution and laws of the United States" (American Civil Liberties Union 2020). The ACLU is a non-partisan organization and is intended to focus on the civil liberties of all folks, regardless of their political affiliations. However, the ACLU often engages in non-partisan electoral politics outside of its policy work. It is not uncommon for the ACLU to mobilize members to participate in the political process in other ways. The most common form of mobilization mentioned in the documents were public petitions meant to apply public pressure on officials or organizations. The ACLU notably does not regularly encourage actions such as widespread protests or mobilizations. These actions tend to disrupt the state and the

conventionally accepted forms of expressing political dissent. Instead, the ACLU is a state-centered institution that focuses on actions such as signing petitions, calling representatives, or voting in political elections.

The ACLU advocates for immigrants in a few ways. Primarily, the ACLU centers its work on legal advocacy. Many immigrant families do not have the resources to file class-action lawsuits or to influence courts to hold a bond hearing for detainees. The ACLU uses its resources to legally hold government officials and organizations accountable. Even at the local level, many of these court cases are expensive for individual immigrants who may not be able to afford sufficient legal representation. In the same way, local organizers and activists may not have the ability or resources to hold their officials publicly accountable in the same way or release nationwide public documents. Additionally, the ACLU provides political education for readers on how the political processes work and background information on court cases.

Data Collection

For my data, I used blog posts and press releases from the ACLU. The blog posts and press releases are public documents meant to inform the public on national policies, instances of injustice or advocacy, and any work the ACLU is currently doing. These documents show the ACLU advocating for immigrants who are targeted by state policies and practices, such as detainment. I chose blog posts and press releases rather than other public documents because these documents are more targeted towards the general public and are more representative of the ACLU's language and messaging for broader audiences. The language is relatively accessible to people outside of the legal field. These documents are mostly intended for the general public—people who may not be able to participate in court cases but can still participate in other ways, such as signing a petition.

Additionally, I narrowed down the ACLU public documents by searching for “Immigrants’ Rights and Detention”, which resulted in the 145 documents released between 2016 and 2019. The dates for this research were selected because of the surge in discussion over immigration during and after the Presidential election in 2016. The “Build the wall” campaign promise that Trump made during his campaign, promising that he would build a physical border wall to keep out undocumented immigrants from Mexico, often brought immigration to the forefront of the 2016 Presidential debates. Since then, national political conversations tend to focus more heavily on “illegal” immigration and the detainment of individual immigrants and families at the border of the U.S. and Mexico.

Data Analysis

I conducted a content analysis with NVivo software and used frame analysis to understand the data. Specifically, I coded the data using conventional content analysis where I created codes based on the public documents, and then I used frames from past research to interpret the codes that emerged from the data, while remaining open to emergent frames and themes. Such frames were used to describe and examine the trends that arose from the data, rather than being imposed on the data. Initially, I conducted a pilot sample of 10 percent of the data and coded it by paragraphs. These documents were selected by every 10th document and were used for preliminary coding to get an idea of the sample. After I coded the pilot sample, I noted the initial themes to see which appeared later in the coding process. Then, I reviewed the documents to see if there were any emerging themes or codes that consistently emerged. When applicable, I applied multiple codes to the same section of a document. Specifically, I coded instances where the ACLU was describing immigrants, describing actions taken by government officials or agencies, or arguing for immigrant rights and resources. For example, the following

passage would be coded as an example of the ACLU using constitutionality to explain why the government's actions were discriminatory:

“President Trump's executive order to ban Muslims, immigrants and refugees from entry into the United States, including people who have a legal right to be here, is illegal, unconstitutional and fundamentally wrong,” said Carol Rose, executive director of the ACLU of Massachusetts. (ACLU Staff 2017c)

After analyzing the pilot sample, I coded all 145 of the press releases and blog posts with the codes that emerged from the pilot sample, allowing for emergent codes. In the following, I discuss the patterns that emerged from the data, including the ACLU's use of color-blind ideologies, a state-centric approach informed by the Constitution, and how it assigns deservingness to the immigrants it advocates for.

RESULTS

Whiteness and Color-Blindness

Abstract Liberalism

A dominant theme that appears in this data is color-blind ideology-- specifically the abstract liberalism frame. Whether intentionally or unintentionally, the ACLU tends to avoid using racial descriptors of the people it advocates for. Bonilla-Silva (2006) states that the second characteristic of “new racism” is the “avoidance of direct racial terminology.” The ACLU individualizes the cases in its public documents and avoids discussion of systematic and structural issues by focusing on individual stories rather than communities. Additionally, instead of emphasizing the detrimental effects of state practices on Latinx folks or POC, the ACLU instead shares the nationality or religion of an individual who was harmed by the state.

Laura* is a 24-year-old woman from Honduras. She and her five-year-old daughter have been detained in a family detention center for over 18 days. She is approximately two months pregnant. (ACLU Staff 2017d)

When discussing Laura's experience of being detained by Immigration and Customs Enforcement (ICE) as a pregnant woman, the ACLU only identifies her nationality. They never bring up her race. In doing so, the ACLU centers injustices based on citizenship, rather than considering how racism or colorism might affect Laura's experience. The ACLU describes another mother, Lilian, in a similar way after she was detained by ICE.

Lilian Calderon, who was detained last month by Immigration and Customs Enforcement, is a 30-year-old mother of two young children who has lived in the United States since she was brought across the border at the age of three. Her detention has separated her from children who desperately need her care and raised the possibility that she could be whisked away to Guatemala, a country she barely knows. (ACLU Staff 2018d)

Additionally, the ACLU does not state that these agencies or politicians are being racist, which could imply "racism without racists" where harmful things are happening to POC, but nobody is named as racist (Bonilla-Silva 2006). Notably, the terms "racist" and "racism" appear in less than 10 of the documents compiled in this research. In the case of Lilian, the ACLU further describes her experience being detained by ICE, but never addresses the actors or actions as racist.

On Jan. 17, she appeared at the Johnston, Rhode Island, offices of U.S. Citizenship and Immigration Services (USCIS) with her husband for an interview designed to confirm their marital relationship — the first step in the process of seeking to become a lawful permanent resident. [...] Immediately afterward, she was abruptly detained by ICE and taken to a detention facility in Boston. In effect, the government's left hand beckoned her forward, and its right hand grabbed her. [...] But that detention — and any potential removal of Calderon — violates U.S. laws, regulations, and the Constitution, which prohibits detentions that are not reasonably related to the government's purpose of preventing flight and protecting the community. [...] This is yet another local example of families torn apart and lives disrupted for no legitimate immigration enforcement purpose. The Trump administration's detention and deportation machine grinds on, leaving nothing but misery in its wake. (ACLU Staff 2018d)

While the ACLU clearly condemns the actions taken by ICE and the detrimental effects of detainment on Lilian and her family, it does not connect this practice to broader racial inequities.

The ACLU consistently describes the policies, practices, and actors in this blog post as immoral or unconstitutional, but never racist. In these public documents, the ACLU primarily employs this race-neutral approach and rarely connects these individual cases to racist actors, organizations, or governmental structures.

Liberty and Justice

Another frame that overlaps with “abstract liberalism” is the “liberty-and-justice” frame (Feagin 2013) that the ACLU uses to advocate against discriminatory practices. The ACLU often uses the liberty-and-justice ideology when justifying its legal actions and cases. Frequently, the ACLU defends its advocacy by stating that immigrants do not receive the rights and privileges that the Constitution should provide. For example, the ACLU included a quote about detaining immigrant teenagers where the interviewee argued the “[...] case centers on the denial of fundamental protections that are at the core of our legal system, and that apply to everyone, regardless of immigration status” (ACLU Staff 2017a). Through the liberty-and-justice frame, the ACLU defines success as immigrants being afforded the same rights outlined in the Constitution. These ideals are not limited to court cases but were also mentioned by the subjects of these documents. Some immigrants, like Hameed Darweesh, expressed the ideal of “liberty and justice” as a reason why they came to the United States.

When he was informed of the settlement, lead plaintiff Hameed Darweesh said: "It means a lot to me to be in America. The United States is a great country because of its people. I'm glad that the lawsuit is over. Me and my family are safe; my kids go to school; we can now live a normal life. I suffered back home, but I have my rights now. I'm a human." (ACLU Staff 2017e)

The ACLU uses this ideology to connect its work to the desires of immigrants that might view the United States as the “land of opportunity” and freedoms. Additionally, it indirectly sets a “cap” on the amounts of rights and privileges that the ACLU advocates for--meaning, it is not

advocating for immigrants to gain rights that exceed what is promised in the Constitution. When interviewees match the ACLU's demands, it could be an accurate representation of what the interviewees want, but it could represent an intentional choice to select quotes that prove the ACLU is fighting for what this community wants and nothing more.

The ACLU tends to directly target the national governmental agencies or organizations, such as ICE, instead of the individuals or local officials. This allows the organization to hold specific agencies accountable to their Constitutional duties as an attempt at systemic change, rather than targeting individual politicians or policymakers. At the same time, despite its focus on government agencies over individuals, the ACLU does not advocate for structural change through abolishing agencies, such as ICE. This means that, while the organization is advocating for systemic changes in terms of processes and procedures, it is not advocating for a structural overhaul of the U.S. immigration system. This implies a state-centric approach where the U.S. government and its agencies can still oversee immigration if the actions the ACLU deems as harmful or unconstitutional are remedied.

Individual Rule-Breakers

Although the ACLU most commonly focuses on governmental institutions as the focus of change, it does sometimes target specific individuals. In these cases, it tends to focus on individual "bad apples" within the system, rather than critiquing the inherently harmful nature of the system itself. The ACLU often frames politicians or officials who are caught engaging in discriminatory acts as "rule-breakers" who are not following an organizational policy or formal law. For example, when describing the discrimination committed by police sheriffs in Colorado, the ACLU chose not to describe the actions as racist throughout the press release but instead focused on how the acts directly violate formal law enforcement regulations.

Colorado sheriffs have no legal authority to enforce federal immigration law. Nevertheless, according to the ACLU lawsuit, Sheriff Elder has unlawfully imprisoned dozens of individuals for days, weeks, and even months, without a warrant, without probable cause of a crime, and without any other valid legal authority, solely on the ground that ICE suspects that they are subject to deportation for civil immigration violations. (ACLU Staff 2018b)

I use the term “rule-breaking” to describe any actions or behaviors by state or government officials that go against any internal policy, rights guaranteed by the Constitution, or any formal law. Rule-breaking is not necessarily a moral judgment, but simply an action that goes against a formal rule. Sometimes, the ACLU will describe this rule-breaking as a form of illegal discrimination, but it mostly uses rule-breaking as a cause for action by the ACLU. As previously discussed, the ACLU is grounded in the rights guaranteed by the Constitution which limits its scope but gives the organization a clear direction for causes to act upon. Similar to the liberty-and-justice frame, the ACLU uses rule-breaking to signify that someone is harming immigrant populations and, therefore, legal action should be taken to rectify the situation.

This focus on rule-breaking allows the ACLU to focus on individual actors rather than systemic issues. While the ACLU focuses on these individual actions, these documents rarely provide context on systemic racism and anti-immigrant narratives that influence or reinforce these actions.

Deservingness

While portraying immigrants as deserving of legal advocacy and support, the ACLU often relies on ideals of deservingness. One way the ACLU deems immigrants as deserving is by emphasizing their roles as members of a family or community. This shows that immigrants have relationships and ties to people in America who would be harmed or emotionally damaged if the person was deported or detained. Often, the ACLU emphasizes parenthood to signal a caretaking responsibility of children would be affected by deportation. Even when the case is resolved, the

ACLU might highlight the detrimental effects of a family's long-term separation as a reason for policy reform.

“The government cannot lock people up without a reason, but ICE has done just that. These individuals have lived and worked in their communities, some for decades, and there is no reason they should not be home with their children and back at their jobs while their cases take months and years to work their way through our legal system,” said Miriam Aukerman, ACLU of Michigan senior staff attorney. (ACLU Staff 2017b)

“The government has caused Iraqi families immense suffering by detaining their loved ones unnecessarily for months. Today's court ruling shows that enough is enough. Now, everyone is that much closer to being released and home with their families where they belong,” said Judy Rabinovitz, deputy director of the ACLU's Immigrants' Rights Project. (ACLU Staff 2018a)

This focus on the roles of immigrants as family or community members makes the detainment and deportation of immigrants into an issue that affects people who may not be directly affected by immigration laws. Emphasizing the roles of immigrants makes the issue larger than their individual experiences with the state by highlighting the ripple effects that deportation and detainment can cause. This could be an attempt to connect the issues detailed in these public documents to readers who might be affected by the detainment and deportation of their community members, but this intent is not explicitly stated.

Additionally, the ACLU emphasizes that immigrants are “productive members of society” by highlighting how the people it is advocating for have worked hard in their respective fields, which is a valuable trait in America. Throughout its public documents, the ACLU describes how anti-immigrant policies and institutions lead to “wasted potential” for the workforce. The following excerpt is an example of how the ACLU highlights how detainment keeps qualified immigrants from entering the workforce in their desired fields.

In another life, I was a teacher. I stood in front of young people, delivering lessons on ethics and morality, as well as math and physics. Now, I am a prisoner. For the past 16 months, I have been locked inside the Geauga County Safety Center in Chardon, Ohio. (ACLU Staff 2018c)

The ACLU highlights multiple stories of immigrants coming to the U.S. with various job skills, getting promotions, and working to provide for their families while earning what would be considered an “honest living”. By emphasizing the skills and “value” of undocumented people, the ACLU continues to define who is “deserving” of advocacy and constitutional rights. The ACLU does not state that it intends to use definitions of deservingness as a strategy to advocate for immigrants, but it is a common occurrence within its public documents. Therefore, we can argue that the ACLU is unintentionally perpetuating the color-blind ideologies and definitions of deservingness in its public documents while intentionally employing the liberty-and-justice frame.

DISCUSSION

The ACLU uses these public documents to describe the advocacy work that it does for immigrant communities and inform the public about policies, practices, state officials, and state organizations that are actively discriminating against immigrants. The ACLU does important legal advocacy work. However, I find that the organization relies on ideologies that are harmful for immigrant communities.

The ACLU does not publicly address how whiteness affects the organization’s work and ideologies or examine its work through a critical lens. Notably, these public documents avoid any discussion of race or racism. Instead, the ACLU avoids direct discussion of racism in its public documents by focusing more on the harmful policies and practices themselves. Rather than discussing race or racism directly, the ACLU uses countries of origin as racialized indicators of the immigrants the organization advocates for. This keeps the ACLU from any obligation to name race or racism in its public documents. Additionally, it allows the ACLU to ignore how whiteness affects its lack of discussion on race and racism. Refusing to name or

interrogate whiteness is one of the ways that white supremacy can continue in contemporary societies (hooks 1995). The ACLU does not explicitly address its whiteness or the steps it takes to combat these dominant narratives. However, the lack of critical reflection does not necessarily mean the ACLU is an example of “new racism”.

The ACLU does not fully align with the characteristics of “new racism” because its intent is not to perpetuate or minimize racism in society or explicitly state any beliefs of a post-racial or color-blind society. The ACLU does include a racial justice initiative and focuses within its broader platform for justice. On its website, the ACLU advocates against violence from the state against Black people, Indigenous people, and POC. Despite the ACLU platform’s explicit focus on racial injustice, the public documents analyzed in this research do not emphasize the race of the undocumented people they advocate for. Primarily, the organization intends to advocate on behalf of immigrants rather than to avoid discussions of harm and injustice or voluntarily participate in color-blind racism. However, the avoidance of discussing race and racism could inherently perpetuate a larger color-blind ideology within the United States even if it was not the original intent of the ACLU.

The ACLU does not interrogate the ways that the Constitution or the liberty-and-justice frame might limit its abilities to advocate for immigrants. In many ways, using the Constitution as a basis for their advocacy presents a clear and direct reference point for what rights people should be afforded in the United States. Often, the ACLU states explicitly that it fights for a person’s ability to experience “life, liberty, and the pursuit of happiness”. However, defining and delineating what these rights mean requires some interpretation by the state. For example, some politicians might believe that free healthcare is considered a constitutional right while others may find that it is not a right guaranteed under the constitution. Moreover, the ACLU’s focus on

constitutional rights means that the ACLU is not advocating for additional rights that go beyond the Constitution.

These documents do not address how these immigration policies, practices, state officials, or state organizations are reinforcing racism. While the ACLU does condemn discriminatory policies or practices, it frames these harmful policies and practices as “rule-breaking” within the “rules” of the Constitution. The ACLU is not refusing to condemn these discriminatory acts, policies, organizations, or officials and actively tries to hold these things and people accountable for their actions. However, the organization positions these actions and people as going against the Constitution, rather than identified how racism is perpetuated in contemporary society. This creates an image of “racism without racists” that highlights injustice without naming any actors or topics as racist (Bonilla-Silva 2006).

The ACLU relies on ideals of deservingness that imply immigrants only have value when they actively contribute to the economy and are members of heterosexual and cisgender families. When framing immigrants, it is unclear whether the ACLU is intentionally or unintentionally emphasizing the value and deservingness of immigrants in its public documents. If it is intentional, it could be theorized that the ACLU uses notions of value and deservingness to build empathy for immigrants in the eyes of readers. By emphasizing the “value” of immigrants as workers or members of a community, the ACLU emphasizes the roles that immigrants play in the lives of people who would be affected if immigrant communities were detained or deported. The other notions of “deservingness” related to relationships, such as family, establish pathos to get readers emotionally involved in the stories of immigrants.

Whether these notions of value or deservingness are intentionally included by the ACLU, the unintended consequences still apply to immigrant communities. When establishing

“deservingness”, the ACLU is unintentionally describing who is worthy or deserving of constitutional protections. People who are unemployed, single, parents, or have a criminal background are less likely to be highlighted in these public documents. These notions of deservingness create hierarchies within immigrant communities that allow some immigrants more access to resources, support, and advocacy than “less deserving” immigrants who do not fit these qualifications. Meanwhile, it creates “model” immigrants who hold characteristics that are viewed more favorably by the public and are more likely to gather empathy from readers while leaving immigrants who do not hold these characteristics out of the picture.

It is important to emphasize that it is hard to tell whether the ACLU is using these strategies purposely to further its advocacy efforts or trying to make its public documents more influential for readers. This research intends to understand the impact of these strategies and word choices on the perceptions of immigrants by audiences reading these documents. Because of the national platform and notoriety of the ACLU, it is important to think about how this leader in legal advocacy is framing immigration for a wide audience who may be following these public documents. Analyzing the “intent versus impact” of advocacy efforts can help to reduce any unintentional harm to communities that organizations or advocates are trying to support. This impact is especially important if the advocacy organization has the level of influence that the ACLU has as a large-scale organization.

CONCLUSION

This study of the ACLU’s race-neutral approach in its pro-immigrant advocacy expands upon literature surrounding pro-immigrant narratives in American media and politics in recent years. It evaluates how whiteness can shape a predominately white organization’s attempts to frame immigrants in positive ways while still perpetuating potentially harmful ideologies. By

using a specific national organization, we can see the ways counter-frames could be used to shape pro-immigration policy work across America. Examining the ACLU's public documents allows us to critique how the organization's intent of pro-immigrant advocacy translates into its outward facing messaging. Additionally, this research combines the previous literature on social movement framing and constructions of deservingness for immigrant communities by focusing on how legal advocates use both phenomena to advocate for policy change. While advocating for immigrant communities, the ACLU unintentionally uses a color-blind and model minority framing of immigrant rights that could further ideals of immigrant deservingness. This research provides an opportunity to further discussions on pro-immigrant mobilization strategies and advocacy efforts that do not rely on race-neutral or state-centric approaches.

The construction of a model minority or deserving immigrant archetype inherently deems some immigrants as more deserving of advocacy and support than others. While this is potentially an unintended side effect of trying to build empathy and relatability for readers to connect to the people being harmed by various policies and practices, the impact cannot be erased by the intent. The framing and rhetoric used to advocate for immigrants have an impact on how the public views pro-immigrant advocacy, especially when it comes from a highly respected national advocacy organization. Due to the high level of impact that the ACLU holds, it is important to be critical of the implications of how it portrays the vulnerable populations that it fights for. While this does not discount the relatively effective work that the ACLU has done and continues to do, the goal of helping all immigrants requires a critical reflection on how model minority framing inherently leaves some immigrants out of the conversation altogether.

Future research should expand on this research to study framing in pro-immigrant social justice work. While recent research on the Movement for Black Lives and organizations like

Black Youth Project 100 show activists intentionally moving away from race-neutral and state-centric approaches (Simpson, Walter, and Ebert 2021), research can expand on what these alternative approaches look like for pro-immigrant advocacy efforts. The ACLU is a predominately white national-level organization and much of the analysis in this research focuses on the influence of whiteness in the rhetoric of the organization. Researchers should focus on how the framing of pro-immigrant advocacy is consistent or inconsistent across various types of organizations. While the ACLU is a national organization that tries to appeal to a broader audience of potential volunteers and donors, smaller or local organizations may be more explicit in their claims-making about the influence of systemic racism on anti-immigrant policies and politicians. These local organizations might focus more heavily on local political actors and policies since they might have a smaller pool of potential targets for their advocacy work on the community level, rather than the national level. Additionally, the ACLU does not claim to be a radical organization that focuses on structural change within the U.S. immigration system. Pro-immigrant organizations who focus on alternatives to the current system or abolishing agencies, such as ICE, might be expected to frame immigrants in ways that do not rely on race-neutral and state-centric approaches.

While looking at alternative pro-immigrant social justice work, I suggest studying cases that employ critical antiracism within their organizations. In these contexts, white anti-racists reflect on their own contributions to racism and critique their actions moving forward to improve their advocacy efforts, which is a process that organizations could emulate in their work (Feagin and Vera 1995; O'Brien 2001). This can also be referred to as critical racism, anti-racist work that focuses on changing the actions and beliefs of white people to shift racial power relations (George 2004). This form of anti-racist work denies white people or organizations the ability to

ignore racism or try to change the actions or behaviors of Black and non-Black POC. However, there is the possibility that looking “inward” as an individual or organization to locate more places to incorporate anti-racist ideologies can be emotionally taxing on the Black and non-Black POC within an organization if white members choose to navigate their complex feelings about their positionality within larger group settings (O’Brien 2001). Because of this, white anti-racist organizations should be careful when engaging in self-reflective practices to avoid placing unnecessary stress on marginalized members of the organization. This could provide interesting further research that may contradict the findings in this study.

Additionally, further research could examine the effects of using the Constitution or other state-based documents to frame an organization’s advocacy work. The goal of ensuring everyone has the basic human rights guaranteed in the Constitution gives the ACLU a clear direction for where to focus its advocacy efforts. It provides an ideological and legal framework for its cases against discrimination and, ultimately, helps them in the long run to have a solid argument for why people should not be treated unjustly in the U.S. However, the “liberty-and-justice” for all framework heavily centers the state and the rights people deserve from the state and political actors. While the ACLU employs this framework often, many pro-immigrant organizations choose to not center the state as heavily and sometimes turn to community-led solutions or alternatives. Pro-immigrant organizations may also go outside of the legal or political routes for advocacy to focus on other forms of resistance, activism, or social movements. Researchers could focus on the role of “liberty-and-justice” or other state-centered frames in pro-immigrant organizations that do not fit the characteristics of the ACLU.

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