

6

Spectacular Immigration Enforcement in Hidden Spaces

Jennifer M. Chacón

6.1 INTRODUCTION

This chapter analyzes recent, spectacular immigration enforcement efforts at the paradigmatic sites of animal caging and killing: meatpacking and poultry processing plants. Over the last four decades, the growing role of immigrant workers in these industries has paralleled the rise of a massive immigration enforcement machine in the United States. Though the US government now expends more than \$18 billion on immigration enforcement every year, immigration enforcement at these sites is selective and sporadic.

This is by design. The infrequent but highly visible nature of immigration enforcement at meatpacking and poultry processing plants ensures that workers live and work in fear of the possibility of deportation. Employers generally can count on the continued existence of a sizable, yet legally vulnerable, immigrant workforce. Immigration enforcement is an essential ingredient in the making of meat and poultry in the United States, not only because it produces the material conditions for workplace exploitation, but also because it is performed in ways that contribute to social structures of racial inequality and domination at the heart of the workplace exploitation that produces cheap food.

Spectacular immigration enforcement – large-scale, highly publicized immigration enforcement efforts in concentrated geographic spaces – plays an important role in the maintenance of the racial order of the United States and of the global region that it dominates. These enforcement efforts, like prison walls and border walls, act as high-visibility markers of sociopolitical exclusion and inclusion. Spectacular immigration enforcement has a direct, material effect: through these efforts, officials signal the condition of deportability to immigrant workers without significantly undercutting the industry's labor supply. But they also have a more diffuse effect on the structure and understanding of power and of belonging.

By focusing on spectacular immigration enforcement efforts at sites of animal slaughter, this chapter sheds light on how immigrant deportability is facilitated by and reinforces structural racism. It also underscores the salience of race in shaping how people see – or fail to see – the exercise of state and private violence. This is not, of course, the only place where spectacular immigration enforcement occurs, but this analysis of one exemplary site helps limn particular elements of the role of racial spectacle in immigration enforcement choices.

The chapter proceeds in four parts. Section 6.2 briefly summarizes the changes in industrial meat and poultry processing over the past forty years, as the workforce makeup of the industry has shifted from predominantly white to predominantly Black, Asian and Latinx, with a sizable undocumented workforce. Section 6.3 discusses how the confluence of labor recruitment and immigration regulation at these sites (and elsewhere) has generated a “deportable” workforce. Section 6.4 describes several recent examples of spectacular immigration enforcement at meatpacking and poultry processing sites, with attention to the mechanism through which these enforcement efforts contribute to the illegalization and criminalization of Latinx workers in particular. Section 6.5 analyzes the ways that spectacular immigration enforcement is publicized and explores how this messaging both draws from and reinforces racism.

Sites of animal slaughter are designed to stay out of sight. They come into focus only when light is shined deliberately upon them. Spectacular immigration enforcement focuses an intense light on certain aspects of meat and poultry processing, but does so in a deliberately deceptive way – one that offers a biased and incomplete vision of work in the US heartland. These efforts conceal as much as they reveal, reaffirming racial scripts even as they obscure recurring patterns of cruelty and transnational capitalist exploitation.

6.2 CHANGING INDUSTRY, CHANGING WORKERS

Most people are familiar with the horrors of early-twentieth-century meatpacking, exposed by Upton Sinclair in his watershed 1906 book, *The Jungle*.¹ The abusive working conditions, the endemic mistreatment of nonhuman animals, and the unsanitary production processes that Sinclair documented helped to galvanize a push for greater regulation – of a piece with similar efforts in other industries. This progressive regulatory impulse, running alongside the economic collapse of the Great Depression, ushered in the demise of the *Lochner* era,² and generated a

¹ UPTON SINCLAIR, *THE JUNGLE* (2001).

² See *Lochner v. New York*, 198 U.S. 45 (1905) (striking down a New York maximum hour law for bakers, reasoning that “the freedom of master and employees to contract with each other in relation to their employment, and in defining the same, cannot be prohibited or interfered with, without violating the Federal Constitution.”); see also HOWARD GILLMAN, *THE*

new wave of judicial tolerance for the increased regulation of meatpacking and other industries.³

In the years that followed, the meatpacking industry became a somewhat better place for humans to work, even as the growing size and productivity of the industry increased the scale of immiseration of nonhuman animals. A great deal of animal slaughter and processing occurred in urban centers, often overseen by a unionized workforce.⁴ The work was difficult and dangerous, but relatively well compensated. Increasing regulation of the industry resulted in improved working conditions for humans as well as some improvements in the treatment of nonhuman animals.⁵ But in the 1960s, things began to change.⁶

First, as was the case in the manufacturing sector more broadly, the meat processing industry consolidated. In 1970, the four largest meatpacking companies controlled 21 percent of the beef market; today four companies control more than 80 percent of the market.⁷ Second, the site of processing shifted. Previously, animals were shipped from the rural areas to cities, where they were butchered and distributed. But in the 1970s and 1980s, the industry relocated the packinghouses to the areas where livestock was raised, transitioning to a system in which meatpackers do most butchering at the site of animal husbandry and slaughter.⁸ These new sites of butchering are largely – and not coincidentally – situated where unionized work forces are rare.⁹

Newly consolidated companies staunchly opposed unionization at these work-sites, and the unionization of the workforce in meatpacking facilities entered a period of steep decline, making it more difficult for workers to negotiate for better wages and working conditions.¹⁰ In the early 1960s, 95 percent of meatpacking

CONSTITUTION BESIEGED: THE RISE AND DEMISE OF LOCHNER ERA POLICE POWERS JURISPRUDENCE (1993).

³ See, e.g., *United States v. Caroline Products* 304 U.S. 144 (1938) (“the question is at least debatable whether commerce in filled milk should be left unregulated, or in some measure restricted, or wholly prohibited. As that decision was for Congress, neither the finding of a court arrived at by weighing the evidence, nor the verdict of a jury can be substituted for it.”); *West Coast Hotel v. Parrish* 300 U.S. 379 (1937) (“regulation which is reasonable in relation to its subject and is adopted in the interests of the community is due process.”).

⁴ RUTH MILKMAN, *IMMIGRANT LABOR AND THE NEW PRECARIAT* 85 (2020).

⁵ *Id.*

⁶ *Id.*

⁷ TIMOTHY PACHIRAT, *EVERY TWELVE SECONDS: INDUSTRIALIZED SLAUGHTER AND THE POLITICS OF SIGHT* 275, n.2 (2011).

⁸ *Id.* at 276; see also MILKMAN, *supra* note 4, at 86; Roger Horowitz, *The Decline of Unionism in America's Meatpacking Industry*, 32 *SOC. POL'Y* 32–36 (2002); William Kandel & Emilio A. Parrado, *Restructuring of the U.S. Meat Processing Industry and the New Hispanic Migrant Destinations*, 31 *POPULATION DEV. REV.* 447, 447–71 (2005).

⁹ Kandel & Parrado, *supra* note 8.

¹⁰ MILKMAN, *supra* note 4, at 85–88.

workers outside the South belonged to one of two unions.¹¹ By the late 1960s, these unions experienced significant declines in membership.¹² In the 1980s the final straw for unions in the industry came in the form of nonunion plants overtaking unionized ones.¹³ Wages plummeted.¹⁴

The decline of worker bargaining power coincided with a steady increase in demand for beef, chicken, and pork – not only nationally, but globally. The resulting managerial insistence on speed in the slaughtering and processing of animals made the workplace increasingly dangerous, as workers were asked to meet rising productivity quotas.¹⁵ With declining relative wages and working conditions, the industry experienced a white flight. The white working-class men who had largely staffed meatpacking plants left these jobs in droves. Plant operators tried to meet their labor needs by hiring white women – some plants even experimented with daycare centers – but this also proved inadequate to the needs of the industry.¹⁶ So meat processing companies began to recruit nonwhite workers, investing heavily in the recruitment of Latino workers.¹⁷ They initially targeted workers in large urban centers like Los Angeles and Chicago. Finding those labor sources inadequate, recruiters expanded their efforts to target incoming refugees from Asia and Africa, as well as workers willing to move from Mexico and Central America.¹⁸ Ruth Milkman notes that these workers are often blamed for displacing US workers, though in fact, the changing nature of the industry drove US workers away before immigrant workers were recruited to fill these jobs.¹⁹ These workers actually saved many industry-adjacent jobs.²⁰

Comparable shifts were under way in the poultry industry, though on a slightly different timetable. That industry also experienced corporatization and centralization after the 1970s.²¹ Tyson Foods, Pilgrim's, Perdue, and Sanderson Farms, the

¹¹ Daniel Calamuci, *Return to the Jungle: The Rise and Fall of Meatpacking Work*, 17 *NEW LAB. FORUM* 66, 70 (2008); John Brueggemann & Cliff Brown, *The Decline of Industrial Unionism in the Meatpacking Industry: Event-Structure Analyses of Labor Unrest, 1946–1987*, 30 *WORK & OCCUPATIONS* 327, 333 (2003).

¹² Calamuci, *supra* note 11, at 72.

¹³ Horowitz, *supra* note 4, at 32, 35.

¹⁴ MILKMAN, *supra* note 4.

¹⁵ *Id.* at 88 (“By 1991, meatpacking was the most dangerous industry for workers in America.”); see also DONALD D. STULL & MICHAEL J. BROADWAY, *SLAUGHTERHOUSE BLUES: THE MEAT AND POULTRY INDUSTRY IN NORTH AMERICA* 75 (2012).

¹⁶ MILKMAN, *supra* note 4, at 90.

¹⁷ *Id.* at 93; see also STULL & BROADWAY, *supra* note 15, at 16.

¹⁸ MILKMAN, *supra* note 4, at 93.

¹⁹ *Id.* at 31; see also GIOVANNI PERI & CHAD SPARBER, *Task Specialization, Immigration, and Wages*, 1 *AM. ECON. J.: APPLIED ECON.* 135–69 (2009) (documenting and discussing this worker complementarity).

²⁰ Peri & Sparber, *supra* note 19.

²¹ ANGELA STUESSE, *SCRATCHING OUT A LIVING: LATINOS, RACE, AND WORK IN THE DEEP SOUTH* 70 (2016).

four largest poultry companies, today employ more than 100,000 poultry processing workers and control almost 60 percent of the market.²²

As with the slaughterhouses that process the meat of cows and pigs, poultry plants were also concentrated in states with legal regimes hostile to unionization. Anti-black racism has functioned as an effective tool for frustrating unionization efforts, pitting white workers against the Black workers who were increasingly entering the business in the 1960s after a long period of racial exclusion.²³ White workers with better job options than their Black coworkers (who confronted widespread racism) increasingly left the industry, and industry elites successfully discouraged efforts by the remaining workers to unionize.²⁴ Wages continued to stagnate; working conditions continued to be terrible.²⁵ Since the 1990s, following the trend set by the meatpacking plants of the Midwest, companies sought to fill their labor through the recruitment of refugees in the United States and foreign labor.²⁶ “By 2000, over half of the country’s quarter-million poultry workers were immigrants, the vast majority of these foreign-born Hispanics.”²⁷

The changing labor needs of increasingly corporatized meat and poultry production in states politically hostile to unionization coincided with changes to immigration law that, for the first time, imposed numerical quotas on workers from Mexico

²² *No Relief: Denial of Bathroom Breaks in the Poultry Industry*, OXFAM AM. POL’Y AND ADVOC. (2016) https://www.oxfamamerica.org/static/media/files/No_Relief_Embargo.pdf.

²³ STUESSE, *supra* note 21, at 62–64.

²⁴ *Id.* at 44–67; see also Angela Stuesse, *The Poultry Industry Recruited Them. Now ICE Raids Are Devastating Their Communities*, WASH. POST (Aug. 9, 2019), <https://www.washingtonpost.com/outlook/2019/08/09/poultry-industry-recruited-them-now-ice-raids-are-devastating-their-communities/>.

²⁵ Tom Fritzsche, *Unsafe at These Speeds: Alabama’s Poultry Industry and Its Disposable Workers*, S. L. POVERTY CTR. (2013), https://www.splcenter.org/sites/default/files/Unsafe_at_These_Speeds_web.pdf; Michael Grabell, *Exploitation and Abuse at the Chicken Plant*, THE NEW YORKER (May 8, 2017), <https://www.newyorker.com/magazine/2017/05/08/exploitation-and-abuse-at-the-chicken-plant> (describing abuses at Case Farms, and noting that in “2015 alone, federal workplace-safety inspectors fined the company nearly two million dollars, and in the past seven years it has been cited for two hundred and forty violations. That’s more than any other company in the poultry industry except Tyson Foods, which has more than thirty times as many employees.”); Stuesse, *supra* note 21, at 76; see also Jessica Ramsey et al., *Evaluation of Carpal Tunnel Syndrome and Other Musculoskeletal Disorders among Employees at a Poultry Processing Plant*, HEALTH HAZARD EVALUATION PROGRAM (March 2015) (<https://www.cdc.gov/niosh/hhe/reports/pdfs/2014-0040-3232.pdf>); *No Relief*, *supra* note 22 (discussing the egregious working conditions in poultry processing plants); *Wages and Working Conditions in Arkansas Poultry Plants*, THE NW. ARK. WORKERS’ JUST. CTR. (February 1, 2016), https://www.uusc.org/sites/default/files/wages_and_working_conditions_in_arkansas_poultry_plants.pdf.

²⁶ STUESSE, *supra* note 21, at 78–91.

²⁷ *Id.* at 10; see also Anna Williams Shavers, *Welcome to the Jungle: New Immigrants in the Meatpacking and Poultry Processing Industry*, 5 J. L. ECON. & POL’Y 31, 63–64 (2009) (recording that “non-Hispanic whites” made up 75 percent of slaughterhouse workers in 1990, but only 40 percent in 2000, with Latino workers making up most of the difference).

and Central America.²⁸ Unable to fit within the immigration quota categories designed for workers with high levels of formal education, and lacking the familial networks that would allow for lawful family-based immigration, these workers often came to the United States outside legal channels.²⁹ Mexican nationals constituted the overwhelming majority of these workers in the 1970s and 1980s,³⁰ though recruiters have increasingly focused on Central America as a site for worker recruitment in more recent years.³¹

Unsurprisingly, then, many of the people who work in meat and poultry processing today are undocumented.³² The prevalence of undocumented workers in the industry is widely known and unofficially tolerated. Indeed, these industries extract profits from workers through the exploitation of the deportability of large segments of the workforce. The precarity of the undocumented immigrant workforce is echoed to some degree throughout the workforce. Immigrants present on temporary work visas are also quite vulnerable to industry exploitation, even though they are legally

²⁸ Until the mid-1960s, US agricultural and ranching employers actively recruited workers from Mexico under the auspices of a guest worker program known as the *Bracero* program. Congress ended the program in 1964. KITTY CALAVITA, *INSIDE THE STATE: THE BRACERO PROGRAM, IMMIGRATION, AND THE I.N.S.* (1992). In 1965, Congress added the first-ever numeric cap on immigration from the Western Hemisphere. Act of Oct. 3, 1965, Pub. L. 89-236, 79 Stat. 911 (codified as amended at 18 U.S.C. §§ 1101-1537). These two legal changes did not end labor migration from south of the US border, but they did make that migration illegal. Muzaffar Chishti, Faye Hipsman, & Isabel Ball, *Fifty Years On, the 1965 Immigration and Nationality Act Continues to Reshape the United States*, MIGRATION POL'Y INST. (October 15, 2015), <https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states>.

²⁹ Cf. HIROSHI MOTOMURA, *IMMIGRATION OUTSIDE THE LAW* 38-41 (2014) (describing the forces that drive unauthorized migration into the United States and that structured the legal treatment of these immigrants after arrival).

³⁰ MAE NGAI, *IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA* 58 (2004); see also Nicholas de Genova, *Migrant "Illegality" and Deportability in Everyday Life*, 31 ANN. REV. ANTHRO. 419 (2002) (positing migrant "illegality" as a product of a sociolegal process of "illegalization," in addition to a consequential status designation).

³¹ Central American workers of indigenous descent constituted the majority of the arrestees in both the Postville raid of 2007 and the Mississippi poultry plant raids of 2019. See Section 6.4. For a discussion of the role of Central American workers – largely from Indigenous communities – in the poultry industry, and the tensions between them and other immigrant workers from Mexico, Central and South America, see, e.g. STUESSE, *supra* note 21, at 151-53.

³² The statistics are hard to come by and vary. But a 1998 GAO federal study estimated that 25 percent of meatpacking workers in Iowa and Nebraska were undocumented, and that trend continued into the next decade. See *Workplace Safety and Health: Safety in the Meat and Poultry Industry, While Improving, Could Be Further Strengthened*, GAO-05-96 (Jan. 12, 2005), <https://www.govinfo.gov/content/pkg/GAOREPORTS-GAO-05-96/html/GAOREPORTS-GAO-05-96.htm> ("we reported in 1998 that the U.S. Immigration and Naturalization Service [now the Citizenship and Immigration Services] had often found [unauthorized immigrants] employed in meatpacking plants; one agency official estimated that up to 25 percent of workers in meatpacking plants in Nebraska and Iowa were illegal aliens. As recently as March 2004, as the result of an internal audit, one large meatpacking company found 350 undocumented workers employed in one of its plants in the Midwest."); see also Shavers, *supra* note 27, at 63-64 (2009) (citing GAO reports and discussing implications).

authorized to work.³³ Refugees who have not yet become lawful permanent residents are also extremely vulnerable.³⁴ And lawful permanent residents and citizens experience the lack of bargaining power that comes with working in a heavily deportable workplace.³⁵ In other words, the precarity of the workforce extends far beyond and is amplified by the precarity of the undocumented workers in that workforce.

6.3 DEPORTABILITY AND RACE IN THE REALM OF INDUSTRIALIZED SLAUGHTER

An extensive literature documents the gap between the size of the unauthorized workforce in the United States and the scale of the governmental enforcement efforts that would be needed to achieve anything nearing perfect enforcement of the immigration laws as they are written. Public resources are insufficient to accomplish even a fraction of this goal. And that is true even looking only to the undocumented population, before one even considers the many immigrants authorized to live and work in the country, but potentially removable for other reasons. These resource choices reveal that the removal of all “deportable” workers is not now and has never been the goal of the federal government.

The threat of deportation,³⁶ often unrealized but omnipresent, in combination with the increasingly ubiquitous enforcement technologies of both governmental

³³ The H-2 visas for agricultural workers notoriously facilitate worker exploitation. See, e.g., David Bacon, *Be Our Guest*, THE NATION, September 27, 2004.

³⁴ For an assessment of some of these vulnerabilities, see, e.g., Donald Kerwin, *Faltering U.S. Refugee Protection System*, 31 REFUGEE SURV. Q. 1, 16–17 (noting that lawful permanent resident status is not automatic for refugees, but requires application after a year, creating vulnerability to removal in the period prior to obtaining LPR status.)

³⁵ Leticia Saucedo, *The Employer Preference for the Subservient Worker and the Making of the Brown Collar Workplace*, 67 OHIO ST. L.J. 961 (2006) (explaining that working conditions degenerate in workplaces largely made up of legally vulnerable workers); see also Jennifer Gordon & R.A. Lenhardt, *Rethinking Work and Citizenship*, 55 UCLA L. REV. 1161 (2008) (discussing the precarity of undocumented workers and the challenges this poses for coalition-building among workers); de Genova, *supra* note 30 (demonstrating how the deportability of workers renders them susceptible to workplace exploitation).

³⁶ In immigration law, “deportation” is a term of art, referring to the removal of an individual who has previously been inspected and admitted. Individuals who have not yet been admitted, including those who entered the country without inspection, are technically subject to grounds of inadmissibility, not grounds of deportation, and their removal from the country is legally treated as an exclusion, not a deportation. This is true no matter how long they reside in the country. Both deportation and exclusion are “removals.”

Prior to 1996, anyone who had entered the country would have been placed in deportation proceedings, and those seeking to enter would be subject to exclusion. But Congress moved the line in 1996, making “admission,” rather than entry the critical legal touchstone. Consequently, the proper legal term for the legal expulsion experienced by many undocumented workers is “removal” and not “deportation,” because many were never formally admitted to the country. I nevertheless use the term “deportation” throughout this chapter to the legal removal of residents of the United States whether or not they have been formally

and private actors, instead operates as a mechanism of exploitative labor extraction. Nicolas de Genova has used the concept of “deportability” to explain the precarious and designedly exploitable condition of undocumented workers in the United States. Deportability is generated through a process of “illegalization” – official acts and policies instantiated by public and private actors that define certain segments of the population as existing outside of and in violation of the law, thereby exposing them to a constant threat of deportation. De Genova explains:

It is precisely because of their distinctive legal vulnerability, their putative “illegality” and official “exclusion,” that inflames the irrepressible desire and demand for undocumented migrants as a highly exploitable workforce – and thus ensures their enthusiastic importation and subordinate incorporation. And this is above all true because of the discipline imposed by their ultimate susceptibility to deportability.³⁷

Deportability is a state-created condition that is leveraged by public and private actors to maximize labor extraction from a precarious group. In the United States, the exploitation of “deportable” workers is facilitated by the fact that many of these workers are barred from formal political participation. Their efforts to reshape policies to take into account their needs and reward their efforts are often thwarted by their political exclusion.³⁸ Political exclusion, in turn, is compounded by the language barriers encountered by those residents with limited ability to speak English.

The exquisitely refined legal vulnerability of undocumented migrant labor – above all, materialized in its deportability – plainly serves to radically enhance the preconditions for its routinized subordination within the inherently despotic regime of the workplace...But this deportability likewise emerges as a telltale site where the totalizing procedures of otherwise partitioned “politics” and “economy” enter a zone of indistinction.³⁹

This account of “deportability,” which has been extensively redeployed throughout the literature on migration, offers a materially grounded account of contemporary migration management in which deportability is both a mechanism of political exclusion and a tool of labor exploitation, with the former reinforcing and facilitating the latter.

admitted. This term evokes a common understanding, and the violence of deportation is understood. It is worth noting, however, the ironic echoes of nineteenth-century “Indian removal,” in the current legal use of the term “removal” to describe the displacement of hundreds of immigrant workers, many of whom belong to indigenous communities in their home countries.

³⁷ Nicolas de Genova, *The Deportation Regime: Sovereignty, Space and the Freedom of Movement*, in *THE DEPORTATION MACHINE* 47 (Nicholas de Genova & Nathalie Peutz, eds., 2010).

³⁸ This is not to discount the many ways in which noncitizens in the United States have actively and successfully pressed for policy changes.

³⁹ De Genova, *supra* note 30, at 47.

What is missing in the story of deportability recounted thus far, but readily evident in the history of the slaughterhouse and poultry processing industry, is the role of race in the production of deportability and the relationship between deportability and racism. Though the “illegalization” that generates deportability is a racialized practice, in many discussions of deportability, issues of race and racism are sidelined. Generally, race is treated as an epiphenomenon, notable to the extent that social constructions of race facilitate the targeting of the mechanisms of illegalization. But race is central to, constituted by, and productive of this set of material arrangements. The dual economic and political marginalization of racialized immigrant workers flows out of and reinforces US racism.

Racism is ideological, but it is not simply ideology. It has structural manifestations. As Moon-Kie Jung explains, racism includes “the structures of racial inequality and domination, not only the ideological component. Like other structures, racism is the reiterative articulation of schemas and resources through practices.”⁴⁰ An analysis of immigration enforcement in the places where animals are killed to create meat and poultry reveals the racial project that undergirds and is fueled by the social construction of deportability.

As previously noted, the vulnerable immigration status of many line workers exists in a context of workforces that are now predominantly nonwhite. Jobs in meatpacking were shaped into less desirable positions as a result of deunionization, deregulation, and corporate restructuring at the very time that those jobs became a part of a whole new category of low-wage work stereotyped as “brown-collar” work in which Latinx workers dominate the industry.⁴¹ Immigrant workers lacking formal education have increasingly filled the least desirable jobs in these undesirable workplaces, jobs that do not require English language skills.⁴² English-speaking US workers typically work in other sectors, where English is required. Because English language ability is a key component of labor-market segregation, labor-market mobility is possible for some immigrant and Latinx workers who have work authorization and English proficiency.⁴³ Undocumented workers and non-English speakers, however, continue to fill the dirty and dangerous jobs that “are shunned by even the least educated U.S.-born workers.”⁴⁴ And ultimately, even those workers who are lawful permanent residents or citizens experience the vulnerability produced by racial

⁴⁰ MOON-KIE JUNG, *BENEATH THE SURFACE OF WHITE SUPREMACY: DENATURALIZING U.S. RACISMS PAST AND PRESENT* 31, 49 (2015). Jung borrows from and builds upon Eduardo Bonilla-Silva’s structural theory of racism and the theory of structure developed by William Sewell, Jr. *Id.* at 21–48.

⁴¹ Lisa Catanzarite, *Dynamics of Segregation and Earnings in Brown-Collar Occupations*, 29 *WORK AND OCCUPATIONS* 300 (2002).

⁴² Milkman, *supra* note 4, at 30 (citing DAVID S. MASSEY AND MAGALY SÁNCHEZ R., *BROKERED BOUNDARIES: CREATING IMMIGRANT IDENTITY IN ANTI-IMMIGRANT TIMES* [2010]).

⁴³ *Id.*

⁴⁴ *Id.* at 26 (citing Giovanni Peri & C. Sparber, *Task Specialization, Immigration, and Wages*, 1 *AM. ECON. J.: APPLIED ECON.* 135 (2009)).

exclusion and overcriminalization. This is true in the narrow sense that vulnerable workers can sometimes make unionization and other worker-protective moves more difficult within a given workplace.⁴⁵ But it is also true in a broader sense, insofar as the tools for surveilling and controlling unauthorized workers are often turned against citizens.⁴⁶

Slaughterhouses and poultry processing plants are far from the blue-state cities that are often the epicenter of analyses of deportability, illegalization, and securitization.⁴⁷ But as the historical account in the previous section makes clear, they operate in intimate and complex symbioses with those urban centers, and have histories deeply intertwined with them. At the same time, these sites are very different from the urban spaces where many recent studies of “deportable” workers are situated. One of the key features of the contemporary slaughterhouse or poultry processing plant is its relative social invisibility. As Tim Pachirat has argued, even when slaughterhouses are located within the bounds of relatively populous cities, they are designed to be low-visibility. “Facing outward, th[e] industrialized slaughterhouse blends seamlessly into the landscape of generic business parks ubiquitous in Everyplace, U.S.A., in the early twenty-first century.”⁴⁸

Patterns of immigration enforcement at these sites disrupt their near invisibility. Given the relatively high percentage of unauthorized workers in these spaces who lack official authorization to live and work in the United States, one might imagine that these workplaces would be prime targets for immigration enforcement. But that is not the case. Agribusinesses, slaughterhouses, and poultry plants are seldom sites of immigration enforcement. When enforcement actions do occur, they are usually low-visibility affairs, often initiated at the behest of managers and owners seeking to quell labor organizing efforts or complaints about working conditions.⁴⁹ But occasionally, the federal government leads highly-publicized immigration enforcement efforts at these sites. These efforts shine a bright, but selective, spotlight on spaces that are generally hiding in plain view. These spectacular immigration enforcement

⁴⁵ See Gordon & Lenhardt, *supra* note 35; see also Saucedo, *supra* note 35.

⁴⁶ See, e.g., Jennifer M. Chacón et al., *Citizenship Matters: Conceptualizing Belonging in an Era of Fragile Inclusions*, 52 U.C. DAVIS L. REV. 1 (2018) (describing how the policing of immigration status has an adverse effect on Latinos regardless of citizenship status). Indeed, the very existence and framing of trope of the “illegal migrant” functions to control citizens. Nicholas de Genova & Ananya Roy, *Practices of Illegalization*, 52 ANTIPODE: A RADICAL J. OF GEOGRAPHY 352 (2020) (exploring how “the denigration and castigation of the figure of the ‘illegal migrant’ has increasingly come to be pressed into service for the subjugation of citizens.”).

⁴⁷ Susan Bibler Coutin, *Confined Within: National Territories as Zones of Confinement*, 29 POL. GEOGRAPHY 200–208 (2010). Coutin has argued that the securitization of immigration “entails both extraterritoriality, that is the extension of U.S. legal regimes into foreign territories, and intraterritoriality, or the operation of different legal regimes within national territories.” *Id.*

⁴⁸ PACHIRAT, *supra* note 7, at 23.

⁴⁹ Michael J. Wishnie, *Prohibiting the Employment of Unauthorized Immigrants: The Experiment Fails*, 2007 U. CHI. LEGAL F. 193 (2007).

efforts are not only designed to serve as a reminder to immigrant workers of the threat of deportation, but also to validate and reinforce broader racial messages of belonging and exclusion. These enforcement efforts tap into and reproduce existing racial narratives of belonging and worth, and they directly contribute to material arrangements that reinscribe racial hierarchy.

6.4 SPECTACULAR IMMIGRATION ENFORCEMENT AT SITES OF INDUSTRIALIZED SLAUGHTER

Spectacular immigration enforcement is distinct from the immigration enforcement that occurs when government agents execute a few warrants, sometimes taking in a few, additional, “collateral” arrestees. Spectacular immigration enforcement involves planned, coordinated, high-visibility, high-publicity enforcement efforts. In the workplace, these efforts involve large numbers of heavily armed federal, state and local law-enforcement officials. They result in the arrest, sometimes the prosecution, and always the removal, of hundreds of people at affected sites. In instances of spectacular enforcement, the federal government generally has a small number of warrants targeting a handful of managers, or even owners, of a plant, usually for violations of tax laws or of the 1986 Immigration Reform and Control Act’s requirement of employer verification of worker authorization. But these enforcement efforts unfold through the large-scale, on-site arrests of hundreds of employees – for whom no warrants exist – on the grounds that those workers are unable to demonstrate at the time of the raid that they are legally authorized to live and work in the United States. Though punishment may ultimately be imposed on the midlevel managers or relatively small-time business owners that are the purported target of the precipitating warrants, the mass removal of immigrant workers from subordinated racial groups is the most significant and visible fruit of these raids.⁵⁰

The enforcement is “spectacular” in that government officials seek to create a spectacle through their efforts. With heavy armaments brought to bear against hundreds of unarmed civilians, these enforcement efforts prop up a narrative that immigrant workers are “dangerous” to the public. As litigation documents at the site of these efforts make clear, officials target only those workers who fit the preexisting

⁵⁰ An ICE report in 2013 revealed, for example, that even at the height of the Obama Administration’s efforts to shift the focus of enforcement efforts from workers to employers, of the 452 worksite *criminal* arrests they made in fiscal year 2013, only 179 of those arrests were of managers or employers. U.S. Immigration and Customs Enforcement, *Worksite Enforcement*, DEP’T OF HOMELAND SEC. (Apr. 1, 2013), <https://www.ice.gov/factsheets/worksite>. The pattern in high-profile raids would suggest that most of those arrests are for low- and mid-level managers. The majority of criminal arrests are of immigrant workers. And the arrest numbers do not even take into account the number of immigrant workers removed on civil immigration grounds. See, e.g., *Complaint, Zelaya v. Hammer*, No. 19-cv-00062, 2019 WL 5883130 (E.D. Tenn. Feb. 21, 2019) (alleging that only 11 of 100 arrested workers were charged with a crime in a mass roundup of immigrant workers at a Bean, Tennessee, meatpacking plant).

racial script of criminalized immigration enforcement – those who are deemed to be “foreign.”⁵¹ This often means that they single out Latinx workers, notwithstanding the fact that many of those workers are, in fact, legally authorized to work. By sorting workers into the presumptively “legal” and the presumptively “illegal,” using race as a sorting device, officials participating in these enforcement efforts not only draw from, but also reinforce, narratives of belonging and exclusion.

The racial spectacle of enforcement is enhanced through the extraordinary efforts undertaken to secure the rapid, mass prosecution and removal of as many workers as possible. Judges and prosecutors, who are largely white, preside over improvised spaces where nonwhite workers are brought before them in streamlined fashion – and sometimes only via videoconference – so that they can plead guilty to criminal charges or engage in largely futile efforts to challenge their deportation. Government officials deliberately make examples of these workers, citing their violations of civil immigration law and their use of borrowed social security numbers as moral wrongs that justify the separation of their families and upending of whole communities.

Spectacular immigration enforcement is nothing new. The efforts of US states and the federal government to exclude Chinese immigrants – and to banish long-term Chinese residents – at the end of the nineteenth century included clear, early examples of such efforts. The Palmer raids of the 1920s, the so-called Mexican repatriation of the 1930s, and “Operation Wetback” and accompanying enforcement efforts in the 1950s all epitomize spectacular immigration enforcement. The racial motivations and effects of these earlier examples are clear, and official efforts were often accompanied by massive private violence against the targets of enforcement.⁵²

In the post-Civil Rights era, express targeting of individuals on account of their race ended. There was no more “Chinese Exclusion” or “Mexican repatriation.” But immigration status facilitated the targeting of workers in ways that reproduced expressly racist immigration policies. In the 1970s and 1980s, enforcement patterns settled into regular, disruptive factory raids, like the one that the Supreme Court endorsed in the 1984 case of *INS v. Delgado*, where racial profiling served as the key to both site selection and the selection of workers to target within sites.⁵³ The passage

⁵¹ See, e.g., Complaint, *Zelaya v. Hammer*, No. 19-cv-00062, 2019 WL 5883130 (E.D. Tenn. Feb. 21, 2019) (alleging that only Latino workers were arrested in a plant raid where 100 workers were subjected to warrantless arrests on-site).

⁵² See, e.g., FRANCISCO BALDARRAMA & RAYMOND RODRÍGUEZ, *DECADE OF BETRAYAL: MEXICAN REPATRIATION IN THE 1930S* (2006); KELLY LYTLE HERNÁNDEZ, *CITY OF INMATES: CONQUEST, REBELLION, AND THE RISE OF HUMAN CAGING IN LOS ANGELES, 1771–1965* 73–91 (2017) (describing the horrific violence targeting Chinese immigrants in California as officials worked to enforce the Chinese Exclusion Act); see also K-Sue Park, *Self-Deportation Nation*, 132 HARV. L. REV. 1878 (discussing the role of private violence in effectuating deportation).

⁵³ 466 U.S. 210 (1984).

of the Immigration Reform and Control Act of 1986,⁵⁴ which for the first time penalized (and, in some instances, criminalized) the hiring of unauthorized workers, did little to change prevailing patterns of enforcement. Wealthy farmers, ranchers, and business owners continued to use their political power to oppose unwanted enforcement actions in their jurisdictions. Enforcement functioned selectively and sporadically, much more as a tool for labor control than a means of regulating migration.⁵⁵ Mexican workers were the primary target of these efforts. These enforcement efforts took advantage of the Supreme Court's prior legitimation of extraordinary policing practices targeting of people perceived as "Mexican" in immigration enforcement and related criminal legal investigations.⁵⁶

When the September 11, 2001, attacks on the United States prompted a reorganization and massive expansion of the immigration enforcement bureaucracy, new purposes had to be found for new resources. In addition to substantial border militarization, the expansion of detention capacity, and the further externalization of US border-control efforts, this also meant new forms of interior enforcement.⁵⁷ The resulting, invigorated interior enforcement included the creation and national implementation of the Secure Communities program. Under Secure Communities, every state and local arrest is now checked against a federal immigration enforcement database, allowing federal officials to request that targets of interest be held by state or local officials pending transfer to federal custody.⁵⁸ The Secure Communities program is the point of origin for the majority of deportations from within the United States today.⁵⁹

Interior enforcement also expanded in the form of increased direct enforcement efforts by federal immigration officials, largely in the workplace. Though direct

⁵⁴ Act of Nov. 6, 1986, Pub. L. 99-603, 100 Stat. 3359 (codified as amended at 18 U.S.C. §§ 1101 *et seq.*).

⁵⁵ Wishnie, *supra* note 49.

⁵⁶ See, e.g., *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975) (finding that "the public interest demands effective measures to prevent the illegal entry of aliens at the Mexican border," and that this justified stopping vehicles on the basis of the occupants "apparent Mexican ancestry" taken together with factors like "proximity to the border" or "haircut"); *United States v. Martinez-Fuerte*, 428 U.S. 543, 551, 556, 564 & n.17, n.18 (1976) (noting "the substantiality of the public interest in the practice of routine stops for inquiry at permanent checkpoints" to prevent the entry of immigrants seeking work in the United States, sufficient to justify random vehicle stops at checkpoints on the basis of "apparent Mexican ancestry"); *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1046, 1049 (1984) (noting the "staggering dimensions" of the problem of unauthorized migrant workers, and analogizing the harm of the continuing presence of unauthorized immigrants to a "leaking hazardous waste dump" in rejecting the application of the exclusionary rule to workplace raid search and seizure practices that violate the Fourth Amendment).

⁵⁷ DORIS MEISSNER ET AL., *MIGRATION POLICY INST., IMMIGRATION ENFORCEMENT IN THE UNITED STATES: THE RISE OF A FORMIDABLE MACHINERY* (2013).

⁵⁸ *Id.*

⁵⁹ See Randy Capps et al., *Reving up the Deportation Machinery: Enforcement under Trump and the Pushback*, *MIGRATION POLICY INST.* (2018), – <https://www.migrationpolicy.org/research/revving-deportation-machinery-under-trump-and-pushback>.

enforcement results in far fewer removals than the less visible Secure Communities program, these direct enforcement efforts are significant precisely because of their visibility. In contrast to Secure Communities, which works in quiet, technocratic fashion in the jail spaces that already operate on the edges of public consciousness, direct enforcement efforts aim to bring less-visible social spaces into the light. Here again, race operates to sort the targets of enforcement.

One of the most significant example of spectacular immigration enforcement during the presidential administration of George W. Bush took place on May 12, 2008. On that day, government officials orchestrated a massive raid on a meatpacking plant in Postville, Iowa. The raid resulted in the arrest, criminal prosecution, and removal of hundreds of immigrant workers and drew significant media and scholarly attention.⁶⁰

The raid was described vividly by Erik Camayd-Freixas, who went to Postville to serve as a translator in administrative proceedings. He writes:

On May 12, 2008, this tiny Heartland farm town, secluded amid the rolling hills and cornfields of northern Iowa, became the site of the largest immigration raid in U.S. history. Of the 389 people arrested, three-quarters were Kaq'chikel ethnic Mayans from the hills of Chimaltenango, Guatemala. Only five (1.2%) had minor criminal records. Yet they were all arraigned on felony charges of identity theft, making this an unprecedented criminalization of migrant workers. Despite begging to be deported, these Agriprocessors employees were jailed for 5 to 12 months while their families suffered severe hardship. A decision made in Washington, D.C. destroyed the livelihoods and hopes of hundreds of working families and sank well over a thousand children, from Iowa to Guatemala, deeper into poverty and malnutrition, while serving to perpetuate the generational cycle of labor migration.

The direct cost of this raid to taxpayers, including prosecution and detention, is close to \$10 million. But government expense was dwarfed in comparison to the economic impact on the tri-state region. Unable to replace its workforce and facing mounting civil and criminal penalties, the employer, Agriprocessors kosher slaughterhouse, was forced into bankruptcy. This yielded a projected \$300 million a year in regional loss of business for family farms and ordinary Americans, as well as an additional estimated annual loss of \$7 million in remittances to some of the poorest families in Mexico and Guatemala. The raid will have lasting economic, social and political impacts at local, regional, national and international levels. It is a landmark case.⁶¹

⁶⁰ For media reports and analysis, see, e.g., Editorial, *The Shame of Postville*, N.Y. TIMES (July 13, 2008); Nigel Duara, Grant Schulte & William Petroski, *ID Fraud Claims Bring State's Largest Raid*, DES MOINES REG. (May 13, 2008), at 1A; Editorial, *Raid a Reminder of Need for Reform*, DES MOINES REG. (May 14, 2008), at 12A; for scholarly commentary, see, e.g., Sioban Albiol, R. Linus Chan & Sarah J. Diaz, *Re-interpreting Postville: A Legal Perspective*, 2 DEPAUL J. FOR SOC. JUST. 31 (2008); see also notes 61-62, *infra*.

⁶¹ Erik Camayd-Freixas, *Raids, Rights and Reform: The Postville Case and the Immigration Crisis*, 2 DEPAUL J. FOR SOC. JUST. 1, 1-2 (2008).

Bill Ong Hing situates this raid in the broader context of agricultural workplace raids undertaken by the George W. Bush administration in the period leading up to and including the Postville raid. ICE conducted several major raids at meatpacking plants in the period from 2004 to 2008, perpetuating “racial profiling,... trauma to children and families, [and] damage to communities.”⁶² At the meatpacking and poultry processing raids he describes, the workers targeted were exclusively Latino. For example, Hing describes the Swift raids of 2006, in which numerous ICE agents executing warrants for fewer than 1 percent of the company’s employees rounded up and detained some 13,000 workers in Swift plants across Iowa.

The sheer number of ICE agents on the scene and the manner in which the operation was conducted made clear that the execution of those warrants was not the government’s real purpose. Rather, the raids seemed designed to ramp up the number of arrests and capture the headlines on the evening news.⁶³

Hing also documents an evening raid on a community of Latino workers at a poultry processing plant in Stillman, Georgia, in 2006, in which 125 workers were arrested, and a 2007 raid in New Bedford, Massachusetts, where 500 ICE agents descended on a leather goods factory and detained hundreds of workers, primarily from Central America.⁶⁴ Although significant immigration enforcement efforts occurred elsewhere,⁶⁵ sites of animal slaughter and processing were the staging grounds for many of the largest and most spectacular immigration raids orchestrated by the new Department of Homeland Security under President George W. Bush.

President Obama’s administration largely backed away from this kind of large-scale, spectacular raid. The workplace enforcement efforts of Postville and New Bedford made way for “silent raids” – in which government inspectors examined workplace documentation at many different kinds of businesses for paperwork irregularities around employee work authorization. Indeed, rather than engaging in spectacular raids of agrobusinesses, meatpacking plants, and poultry processing facilities, the Obama Administration sometimes opted for strategies that strengthened the protections of workers in those workplaces, including by allowing the Department of Labor to provide law enforcement certifications to enable workers alleging wage, hour, and conditions violations by their employer to access U visas.⁶⁶ Immigration enforcement shifted, for a time, from a tool of pure labor

⁶² Bill Ong Hing, *Institutional Racism, ICE Raids, and Immigration Reform*, 44 U.S.F. L. REV. 307, 308 (2009).

⁶³ *Id.* at 311.

⁶⁴ *Id.* at 315–17.

⁶⁵ Shortly after the Postville raids, for example, the government staged a massive raid of the Howard Industries factory in Mississippi that exceeded even the Postville raid in its scale. Associated Press, *Feds Detain Nearly 600 in Miss. Plant Raid*, NBC NEWS (Aug. 26, 2008), <https://www.nbcnews.com/id/wbn26410407>.

⁶⁶ See Stephen Lee, *Monitoring Immigration Enforcement*, 53 ARIZ. L. REV. 1089, 1126 & n.144 (noting the Department of Labor’s decision under President Obama to certify U visa

subjugation to a tool that, at the margins, could occasionally empower a small number of workers in the workplace.

The broader enforcement strategy of the Obama Administration, however, increasingly *criminalized* immigrant workers, particularly through heavy reliance on state and federal criminal law as an immigration enforcement sorting mechanism after the widespread implementation of the inaptly named Secure Communities program.⁶⁷ Consequently, the administration's ameliorative shifts in workplace enforcement strategies were eclipsed by the effects of an immigration enforcement strategy that parroted and amplified racialized tropes of migrant criminality specifically, and the criminality of Black and Latinx individuals more generally. Obama-era policies may have disfavored the racial theater of spectacular enforcement, but the administration's more technocratic and automated enforcement efforts, coupled with its strategy of detaining families to deter Central American asylum seekers at the southern border, relied upon and continued fueling the underlying racial narrative of immigration enforcement. Immigrants from south of the US-Mexico border were treated as dangerous risks to be managed, and the task of risk management was delegated largely to the criminal justice infrastructure that the administration, ironically, was simultaneously critiquing on the grounds of its racial disproportionality.

When the Trump Administration came into office, the federal government abandoned any pretense of seeking to protect unauthorized immigrant workers.⁶⁸ The administration's enforcement strategies shifted back into full alignment with corporate interests and away from any form of workplace protection. The Trump Administration brought back the spectacular raids of the George W. Bush era, and combined these efforts with an overtly racist rhetoric that made no effort to hide the objective of these raids: to degrade, demean, and criminalize immigrant workers, particular Black and Latinx immigrant workers, around the country.⁶⁹ At the same time, most companies and company executives that employed unauthorized workers continued to thrive. Indeed, President Trump even pardoned Sholom Rubashkin, the highest-ranking official to be prosecuted in connection with the Postville raids, whose twenty-seven-year prison sentence had, in fact, been an extraordinary deviation in a world where executives generally receive no criminal penalties for their

applicants); see also Leticia Saucedo, *A New "U": Organizing Victims and Protecting Immigrant Workers*, 42 U. RICH. L. REV. 891 (2008) (advocating for government use of U visas to advance workplace protections).

⁶⁷ There is no evidence that Secure Communities actually increased the security of any communities. See Thomas J. Miles & Adam Cox, *Does Immigration Enforcement Reduce Crime? Evidence from Secure Communities*, 57 J. L. & ECON. 937 (concluding that the Secure Communities program has had no observable effect on the overall crime rate).

⁶⁸ *Immigration and the Bully Pulpit*, 130 HARV. L. REV. F. 243 (2017).

⁶⁹ See, e.g., Daniel Alvord, Cecilia Menjívar & Andrea Gómez Cervantes, *The Legal Violence in the 2017 Executive Orders: The Expansion of Immigrant Criminalization in Kansas*, 5 SOC. CURRENTS 411 (2018).

employment of unauthorized workers.⁷⁰ Unsurprisingly, none of the hundreds of immigrant workers convicted of charges like identity theft received pardons.

Three examples of immigration raids that took place under President Donald J. Trump – an April 2018 raid of a meatpacking plant in Bean Station, Tennessee; a June 2018 raid at a meatpacking plant in Salem, Ohio; and a massive, seven-site raid of poultry processing plants in Mississippi in August 2019 – illustrate the Trump Administration’s elevation of spectacular enforcement to new prominence.

On April 5, 2018, federal immigration enforcement officials raided a meatpacking plant in Bean Station, Tennessee, in which they arrested and placed ninety-seven workers into removal proceedings. The pretext for the raid was the service of warrants on the owners of the facility for tax violations, yet workers were rounded up en masse by the agents at the facility. A lawsuit filed in federal court, *Zelaya v. Hammer*, offers detailed assertions that only the Latino workers at the meatpacking plant were detained, and that they were detained regardless of their immigration status.⁷¹ Some were allegedly assaulted by ICE officers.⁷²

When it occurred, the Bean Station raid was the immigration service’s largest raid since 2008,⁷³ but this record did not last long. On June 19, 2018, more than 146 workers were arrested by ICE agents at four northern Ohio locations of the Fresh Mark pork processing company. “ICE agents arrived at the meat plant with federal and state search warrants, but without providing any notice to the owners. The ICE agents descended upon Fresh Mark in helicopters with attack dogs and assault rifles, giving the impression that employees of the meat supplier were not free to leave.”⁷⁴ In addition to placing the workers in removal proceedings, the federal government filed criminal charges against thirteen people for making false claims of citizenship and using the identity documents of another person.⁷⁵

Both of these raids were subsequently dwarfed on August 7, 2019, when federal agents arrested 680 immigrant workers from seven chicken processing plants in Central Mississippi.⁷⁶ Although ICE purported to be executing warrants for a handful of middle managers, those individuals were not even arrested on the day

⁷⁰ Mitch Smith, *President Commutes Sentence of Iowa Meatpacking Executive*, N.Y. TIMES, (Dec. 20, 2017), at A21.

⁷¹ *Zelaya v. Hammer*, No. 19-cv-00062, 2019 WL 5883130, at *3 (E.D. Tenn. Feb. 21, 2019).

⁷² *Id.* at *32.

⁷³ Meredith Hoffman, *Inside ICE’s Biggest, Most Aggressive Raid under Trump*, VICE (Apr. 9, 2018), https://www.vice.com/en_us/article/d354mw/inside-ices-biggest-most-aggressive-raid-under-trump.

⁷⁴ G. Piantini, *Welcome to Trump’s Ice Age: Violations of Undocumented Immigrants’ Fourth Amendment Rights during Workplace Raids*, 32 ST. THOMAS L. REV. 77, 77–78 (2019).

⁷⁵ UNITED STATES ATTORNEY’S OFFICE, NORTHERN DISTRICT OF OHIO, PRESS RELEASE: THIRTEEN PEOPLE INDICTED FOR IMMIGRATION-RELATED OFFENSES FOLLOWING DETENTION NEAR SALEM (2018), <https://www.justice.gov/usao-ndoh/pr/thirteen-people-indicted-immigration-related-offenses-following-detention-near-salem>.

⁷⁶ Alissa Zhu, *ICE Raids: 4 Poultry Execs Indicted*, CLARION-LEDGER (Aug. 7, 2020).

of the raids.⁷⁷ And while four of these managers were eventually indicted for immigration related crimes, it was the workers who bore virtually all of the civil and immigration consequences of the raids.⁷⁸

Workers arrested in the Mississippi raids were bused to a local Mississippi National Guard hangar to be interviewed about their immigration status.⁷⁹ During the 2008 Postville raid, hundreds of people had been criminally tried and subjected to civil removal orders at the plant site.⁸⁰ The 2019 Mississippi raids replicated this use of improvised courts in unusual spaces to assure quick case processing. US Immigration and Customs Enforcement Deputy Director Matthew Albence reported that on the same day as the raid itself that the federal government had already issued 126 indictments and obtained 73 convictions.⁸¹

Thus, in the course of just over a year, the federal government deployed significant personal, weaponry, and fiscal resources to secure the arrest of more than a thousand, and the removal of hundreds of immigrant workers – mostly Mexican and Central American – in a highly visible series of workplace raids at meatpacking and poultry processing plants.

The violence that these raids inflicted on immigrant workers is undeniable. For example, after the initial, stunning arrest of 680 workers in Mississippi, about 300 were released over the course of the day that followed on “humanitarian grounds,” so that they could go home while awaiting their removal proceedings. But

the Clarion Ledger and USA Today found that in some instances, breastfeeding mothers and single parents were kept in detention. Care of the children sometimes fell to extended family, friends or a neighbor. After the raids, chicken plants laid workers off. Hundreds of families were left without a source of income and had to rely on donations collected by local religious organizations and nonprofits to pay their bills and put food on the table.⁸²

And, of course, hundreds of families were sundered and displaced as a result of the raid. Professor Camayd-Freixas’s assessment of the economic and social devastation wrought by the Postville raids has been replicated in the aftermath of these other raids as well: the increased impoverishment and immiseration of working families already living on the edge; lost remittances in countries suffering from the ongoing harms of neocolonial exploitation and climate change; and lost jobs due to declining productivity of the processing facilities.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Richard Gonzalez, *Mississippi Immigration Raids Lead to Arrests of Hundreds of Workers*, NPR (Aug. 7, 2019), <https://www.npr.org/2019/08/07/749243985/mississippi-immigration-raids-net-hundreds-of-workers>.

⁸⁰ Freixas, *supra* note 61, at 1–2.

⁸¹ Zhu, *supra* note 76.

⁸² *Id.*

6.5 RACIALIZED DEPORTABILITY

What justifies the imposition of such large-scale harm on communities of workers? Local reporting on these raids captures how government employees construct a narrative of harm and criminal wrongdoing to justify their own violent acts. A year after the coordinated Mississippi raids, on August 7, 2020, federal officials hosted a high-profile press conference in Jackson, Mississippi, to announce the resulting criminal prosecutions. These officials staged the press conference in a way that drew upon and reinforced the racial logics of the broader immigration enforcement narrative.

At the press conference, seven middle-aged white men flank a middle-aged white male prosecutor, Michael Hurst, who stands at a podium outside the federal courthouse announcing the indictment of four middle managers at the poultry plants, and more than one hundred immigrant workers charged with document-related criminal offenses, but no indictments for corporate executives. All of the men are masked for COVID protection, even as many of the targets of their enforcement efforts languish in COVID-ridden detention facilities.⁸³ Midway through a thirty-eight-minute press conference, Hurst swaps places with Matt Albence, another middle-aged white man and the Acting Director of ICE. The two men then exchange places at the podium while taking questions from the press.

The men at the podium stress the criminality of their targets and posit that “American citizens” were their victims. US Attorney Mike Hurst claims that he is “pro-legal immigration all day long” while citing the need to prosecute those who immigrate without legal authorization.⁸⁴ He criticizes the “sensational” new stories that focused on the disruption of the lives of hundreds of families and the surrounding communities, and suggests that the true harm was experienced by “American citizens victimized by identity fraud,” including “an 8-year-old boy, a teen who was trying to enter the U.S. Navy and a woman with mental health issues who lost her social security benefits and medicine because of the fraud.”⁸⁵ Albence, the Acting ICE director, emphasizes the fact that “illegal immigration. . . feeds criminality” by funneling money to human traffickers who smuggle people across the border.⁸⁶ Neither Hurst nor Albence acknowledge the fact that neither document fraud nor smuggling would be necessary but for arbitrary limits on immigration. Restrictive

⁸³ As of March 2021, the UCLA COVID Behind Bars project had documented 112 reported COVID cases in ICE detention facilities in Mississippi. See *COVID-19 Behind Bars Data Project*, UCLA LAW <https://uclacovidbehindbars.org/>. The actual numbers are probably much higher. See Dennis Kuo et al., *The Hidden Curve: Estimating the Spread of COVID-19 among People in ICE Detention*, VERA (June 2020), <https://www.vera.org/the-hidden-curve-covid-19-in-ice-detention> (concluding that “there is no scenario in which the data ICE has reported to the public reflects the true scope of the spread of COVID-19 in [immigration] detention.”).

⁸⁴ Zhu, *supra* note 76.

⁸⁵ *Id.*

⁸⁶ *Id.*

US immigration laws illegalize migrants. By criminalizing people for lacking access to documents that are not available to them, federal and (increasingly) state governments engage in what Amada Armenta describes as making lawbreakers.⁸⁷

Acting ICE Director Albence goes on to analogize the poultry plant workers' borrowing of other people's social security numbers – numbers used to secure difficult, dirty, and dangerous work – to stealing a high-end car. The *Clarion-Ledger* reported his words:

“I may want to go out and buy a Jaguar tomorrow,” Albence said. “I don't have the money to buy a Jaguar. Does that mean I can go out and steal money, because I don't feel like waiting until I earn enough money to go buy a Jaguar? You just can't commit crime because you don't have the ability. There's a legal way to do it.”

Albence's analogy is revealing. First, it equates the act of securing work to fulfill human needs for food, shelter, and physical security with the purchase of a luxury car. In this way, Albence positions basic human needs as undeserved luxuries for these workers. He simultaneously promotes what he, as ICE director, must know to be a falsehood when he suggests that these workers *could have* legally immigrated if they had so chosen. In fact, for most of these workers there was and still is no “legal way” to immigrate and obtain status to work. This rhetorical move is important because it presents the workers as line jumpers and usurpers,⁸⁸ and therefore entirely undeserving of these jobs, while masking another well-known fact: the industry deliberately recruits them to perform this work in spite of, or perhaps more properly because of, their immigration status.⁸⁹ Indeed, many of the workers initially arrested in the Mississippi raids actually were allowed by their employers to return to work with new sets of false documents when the COVID-19 pandemic resulted in worker shortages, illustrating the primacy of the labor management function of these raids over their immigration control function.⁹⁰ Albence never acknowledges this fact.

Albence also glosses over the reality that in the vast majority of these document offense cases, a worker's act of borrowing identity documents generates no actual harm or loss to the person whose identity is borrowed, and the worker intends no such harm or loss. While some people occasionally engage in acts of identity theft for monetary gain, that is not what is happening in the overwhelming majority of

⁸⁷ AMADA ARMENTA, PROTECT, SERVE AND DEPORT: THE RISE OF POLICING AS IMMIGRATION REGULATION 3 (2017) (describing how the Tennessee legislature made people into lawbreakers by prohibiting them from obtaining a driver's license).

⁸⁸ On the significance of the line metaphor in contemporary understandings of fairness, see ARLIE RUSSELL HOCHSCHILD, STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT 260 (2016). Though she never adequately grapples with the point, Hochschild's interviews reveal the extent to which white racial entitlement structures social understandings of the proper order of the line.

⁸⁹ See, e.g., MILKMAN, *supra* note 4, at 93.

⁹⁰ Maria Hinojosa & Reynaldo Leños, Jr., Mississippi Rising, Latino USA Podcast, October 15, 2021. <https://www.latinousa.org/2021/10/15/mississippirising/>.

these cases. In fact, Albence's analogy actually would be more apt if applied to the corporate executives who knowingly recruit and rely upon an unauthorized workforce in order to increase their profit margins. The analogy even works for the consumers of beef and poultry (presumably including Hurst and Albence) who can save money for their own new cars because the work of unauthorized immigrants makes their food cheaper. There is plenty of wrongdoing to go around. But with few exceptions, it is the Latino worker that bears the brunt of the punishment, with significant spillover effects upon the lives of their coworkers and community members.

The Jaguar theft analogy, in all of its flaws, brilliantly limns what is actually going on in cases of spectacular immigration enforcement. The racialized deportability that is reconstructed in every instance of spectacular immigration enforcement is an important element of broader racial schema. US Attorney Hurst speaks about how people who immigrate to work without authorization "deserve prosecution," and he clearly holds out the mass raids and the ensuing prosecutions as sending a signal designed to deter these types of legal violation. But the workers are not really the intended audience for this press conference, and the messages telegraphed by the press conference are different from those that Hurst explicitly conveys. At every level, the press conference seeks to legitimate the racial violence that unfolded on the day of the raids – in which a white power structure engages in a massive deployment of force, caging, and family separation aimed exclusively at nonwhite workers. The intended recipients of this message are not just the workers in meatpacking plants and processing facilities; this message is intended for white Americans anxious about their racial status.

Of Trump's enforcement policies, Adam Serwer once famously wrote that "the cruelty is the point."⁹¹ He observed the ways that white US citizens often have had the opportunity to bond around racialized spectacles of cruelty. Using the example of white mobs leering joyously at the sight of the lynching of Black people, he posits that Trump's policies operate as a continuation of such efforts – allowing racial in-groups to bond over the violent subjugation of racial outsiders.⁹² The mass mobilization of enforcement agents and the high-profile press conferences that accompany these spectacular immigration enforcement efforts benefit those members of the community who derive psychic benefit from the humiliation of members of other racial groups. Enforcement efforts at slaughterhouses tend to be quite costly for communities, and they do not lead to significant new jobs for authorized workers. But they do important work to shore up the same exclusionary narrative that is threaded through the fabric of life in the United States. Without undercutting the availability of a precarious workforce, these sporadic, spectacular, and performative

⁹¹ Adam Serwer, *The Cruelty Is the Point*, THE ATL. (Oct. 3, 2018), <https://www.theatlantic.com/ideas/archive/2018/10/the-cruelty-is-the-point/572104/>.

⁹² *Id.*

enforcement efforts operate as an important form of racial theater, and in so doing, reify foundational racial scripts.

The Jaguar story, as told by Albence on the steps of the Jackson courthouse, is perfectly crafted to reaffirm the power of the dominant racial group, and to justify that group's ongoing, racialized acts of violence. This is not simply about the generation of a deportable class of immigrant workers, but about reinscribing a broader social narrative about who is worthy, and who belongs. The whiteness of the press conference is an important background fact that cements the perfection of the racial spectacle. Jackson, Mississippi, is a city of 160,000 people, and 82 percent of the city's residents are Black. But not a single Black person stands in front of the federal courthouse at this press conference. The workers targeted for prosecution – invisible at the press conference – are all Latino, many of them indigenous. On land seized from the Choctow people two hundred years ago, racial removal remains a constitutive force of both state and nation.

6.6 CONCLUSION

Against the backdrop of an industry that works extraordinarily hard to stay out of sight, the splashy press conference in Jackson, Mississippi, makes plain that there is a broad audience for spectacular enforcement. These efforts communicate a story about who belongs and who does not. Belonging is coded, and not subtly, in racial terms. The logic of immigration and criminal law enforcement are offered up to justify the unequal distribution of material wealth toward white workers and away from the Latino workforce, and away from all workers in favor of a largely white economic elite. The actual labor of the workforce – and the centrality of their work to the sanitization of global consumption of nonhuman animals – is meticulously concealed, even as their purported transgressions against “Americans,” are highlighted and exaggerated.

The literature on deportability focuses (rightly) on the ways that the racialized practice of immigration policing sends a signal to vulnerable workers that they are the targets of ongoing surveillance and enforcement efforts. But a focus on spectacular enforcement reveals how the signaling function of immigration enforcement is aimed not only, and perhaps not even primarily, at workers and their employers. By targeting certain people for treatment that is demeaning by design, spectacular immigration enforcement efforts naturalize racial violence.

Spectacular immigration enforcement illustrates with extraordinary clarity the need for “a context-sensitive politics of sight.”⁹³ Read one way, these highly visible enforcement efforts “shine a light” on the labor practices in meatpacking and poultry processing plants, revealing these industries' deep reliance on unauthorized

⁹³ PACHIRAT, *supra* note 7, at 255.

immigrant labor. But these moments of illumination conceal as much as they reveal. Like the design of the meatpacking plants themselves, they allow for “sequestration...even under conditions of total visibility.”⁹⁴ Press conference consumers confront images of criminalized, foreign workers without seeing historical and contemporary forces that have set the stage for this particular show.

⁹⁴ *Id.*