

2016

Contentious Citizenship: Undocumented Activism in the Not1More Deportation Campaign

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Kathryn Abrams, *Contentious Citizenship: Undocumented Activism in the Not1More Deportation Campaign*, 26 LA RAZA L.J. 46 (2016).
Available at: <http://scholarship.law.berkeley.edu/blrlj/vol26/iss1/2>

Link to publisher version (DOI)

<http://dx.doi.org/https://doi.org/10.15779/Z38Z562>

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CONTENTIOUS CITIZENSHIP: UNDOCUMENTED ACTIVISM IN THE NOT1MORE DEPORTATION CAMPAIGN

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Kathryn Abrams*

On August 21, 2013, the Arizona DREAM Act¹ Coalition (ADAC), a group best known for voter registration, community education, and legislative lobbying on

DOI: <http://dx.doi.org/10.15779/Z38Z562>

* Herma Hill Kay Distinguished Professor of Law, UC-Berkeley School of Law. This article was first presented as the William O. Douglas Lecture at Whitman College, in Walla Walla, Washington. I would like to think that Justice Douglas, with his capacious view of the First Amendment and his abiding suspicion of law enforcement, would have taken great interest in this movement. I am grateful to Jack Jackson and the wonderful audience at Whitman for their suggestions and comments, and to the editors of *Berkeley La Raza Law Journal* for their guidance in transforming the lecture into an article.

The Article draws on empirical research I have conducted over the past several years with undocumented activists in the state of Arizona. The confidentiality protocol for this research enables me to give interviewees a choice of how they will be identified in the research. Those who wish to have their names used in the research, are identified by name; those who prefer not to be identified by name are identified by initials or by pseudonym.

1. The Development, Relief, and Education for Alien Minors (DREAM) Act was a piece of legislation introduced multiple times beginning in the early 2000s, which sought to legalize and establish a path to citizenship for those undocumented youth who were brought to the United States as children. The 2010 version of the DREAM Act, which passed in the House of Representatives, and came within five votes of passage in the Senate, authorized “the Secretary of Homeland Security (DHS) to cancel the removal of, and adjust to conditional nonimmigrant status, an alien who: (1) entered the United States before his or her 16th birthday and has been present in the United States for at least five years immediately preceding this Act’s enactment; (2) is a person of good moral character; (3) is not inadmissible or deportable under specified grounds of the Immigration and Nationality Act; (4) has not participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; (5) has not been convicted of certain offenses under federal or state law; (6) has been admitted to an institution of higher education (IHE) or has earned a high school diploma or general education development certificate in the United States; (7) has never been under a final order of exclusion, deportation, or removal unless the alien has remained in the United States under color of law after such order’s issuance, or received the order before attaining the age of 16; and (8) was under age 30 on the date of this Act’s enactment.” *See* S. 3992, 111th Cong. (2010). The term DREAMers emerged in the context of mobilization for the DREAM Act, to describe those youth who would be eligible for relief under it. The term DREAMer has also been used more broadly to refer to undocumented youth who engage politically to achieve reform on issues of immigration law and enforcement.

behalf of undocumented youth, ventured into new tactical territory. Arriving at the Immigration and Customs Enforcement (ICE)'s Removal and Detention Facility in Phoenix, four activists chained themselves to its gates. They remained in place, purposefully impeding the traffic in and out of the building, until officials freed them with bolt cutters and placed them under arrest. Later that evening, as activists staged a prayer vigil, one of them spotted a deportation bus beginning to move. ADAC members raced across the parking lot, and knelt in front of the bus, forcing it to halt its progress. The standoff, which began at close to midnight, lasted for more than two hours, with activists chanting and praying, while those on board the bus raised their shackled hands in solidarity. Two more undocumented activists were ultimately arrested. "I am doing this because I am so fed up with people playing games with our lives," Ray Jose, one of those arrested, explained. "My mom and my dad are getting tired. My dad cannot do physical labor any more. It is for the sake of my family, who sacrificed so much for me, that I am ready to do this."²

The ICE protest exemplifies a new phase of undocumented activism spurred by a national campaign known as Not1More Deportation.³ This campaign, which began in mid-2013,⁴ emerged at a daunting moment in the immigrant-rights struggle. The Comprehensive Immigration Reform bill, which embodied the hopes and efforts of the immigrant rights movement, had been freighted with border security provisions in the Senate and stymied by leadership in the House. The Obama administration, which had escalated immigration enforcement as a "down payment" on bipartisan collaboration on immigration reform, continued to deport approximately four hundred thousand undocumented immigrants per month. The Not1More Deportation campaign sought to end deportations and, in the face of legislative stalemate,⁵ to secure executive relief in the form of deferred action for undocumented adults.⁵

In institutional terms, this campaign achieved mixed results. Although President Obama in November 2014 announced a program of expanded deferred action, it covered only the parents of citizens and legal residents, not the parents of DREAMers who had been so integral in bringing it about. Moreover, even this partial relief was challenged by a coalition of states and enjoined by a federal district

2. Ray Jose, the activist quoted, was in fact a member of United We DREAM, a national organization of undocumented immigrants with which ADAC is allied, who came to the ICE actions to show solidarity. Stephen Dinan, *Illegal Immigrants Arrested in Phoenix Deportation Protest*, WASHINGTON TIMES (Aug. 22, 2013), <http://www.washingtontimes.com/news/2013/aug/22/illegal-immigrants-arrested-in-phoenix-deportation/>.

3. This campaign is referred to in a number of ways, both with and without the hashtag that has permitted its efforts to circulate widely on social media. In this article I will use two terms: Not1More Deportation, and a prevalent abbreviated form, Not1More.

4. The campaign initially began as a project of the National Day Laborers Organizing Network (NDLON), implemented in conjunction with a range of local organizations. After the President's announcement extending relief from deportation in 2014, November 2014, the campaign re-organized as an independent effort and continues to the present time.

5. The deferred action sought by activists was modeled on the Deferred Action for Childhood Arrivals (DACA) announced by President Obama in June 2012, and implemented beginning that fall. DACA granted temporary, renewable deferral of deportation and work permits to youth who had been brought to the United States as children. See CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS, UNITED STATES CUSTOMS AND IMMIGRATIONS SERVICES, <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca> (Aug. 3, 2015).

court; it is now awaiting review by the Supreme Court.⁶ Yet if we focus not on the immediate institutional outcomes, but instead on the efforts that set them in motion, we may see a brighter prospect for this emerging movement. The Not1More campaign introduced an ambitious range of tactics and offered a critical and encompassing vision of justice for immigrants, both of which provide undocumented activists with important resources for future struggles.

In Part I, I argue that the Not1More campaign reflects three important changes in immigrant activism:⁷ (1) a shift in the dominant narrative being offered by immigrant activist groups; (2) a shift in the affective or emotional stance of activists; and (3) a shift in the tactics being used to influence the government. In Part II, I ask how this transition toward more contentious politics has emerged within a group that lacks formal legal status and has faced an ambivalent, often hostile response from lawmakers and members of the public. In Part III, I explain why this transition holds promise for the movement, despite the risks reflected in a more confrontational political stance. I argue first that, despite its immediate focus on executive relief, the campaign introduces a broader vision of justice for migrants. I argue second that its contentious politics, while potentially off-putting to some audiences, focuses public attention, compellingly communicates the stakes of immigration enforcement, and demonstrates the deep commitment and sophisticated engagement that have become characteristic of undocumented participants, despite their lack of formal status.

I. NOT1MORE DEPORTATION: TRANSITIONS IN UNDOCUMENTED ACTIVISM

In this Part, I examine three pivotal elements of undocumented activism: (1) narrative, the thematic stories that activist tell about themselves and the change they seek; (2) emotional stance, the tone or mood of a campaign, as well as the specific emotions manifested by movement actors toward governmental policy or actors; and (3) tactics, the specific acts or encounters through which movement actors seek to influence their intended audiences. The Not1More Deportation campaign has been marked by shifts from the subtle to the dramatic in each of these dimensions of activism.

A. Narrative

The change in narrative has been the first crucial development of this campaign. I use the term “narrative” partly to mean theme, but also to signal that the

6. *United States v. Texas*, 86 F. Supp. 3d 591, 677 (S.D. Tex. 2015), *aff’d* 809 F.3d 134 (No. 15-40238, 5th Cir., Nov. 9, 2015), *cert. granted*, No. 15-674, 2016 U.S. LEXIS 841 (Jan. 19, 2016).

7. When I use the term “immigrant activists,” or “undocumented activists,” I refer to participants within organizations that are largely populated and led by undocumented immigrants themselves. The growing leadership of undocumented immigrants, and their struggle for autonomy in relation to national pro-immigrant non-profits run by citizens, has been a major theme in the movement for immigrant rights since 2010. It is thoughtfully analyzed, over the period 2008–2011, by Walter J. Nicholls. WALTER J. NICHOLLS, *THE DREAMERS* (2013). The Not1More campaign benefited from financial assistance and logistical coordination from NDLO (the National Day Laborers Organizing Network), a group that comprises both citizens and undocumented immigrants, but which has prioritized the autonomy of undocumented activists, organizations, and communities. It was implemented by local organizations of undocumented activists across the country.

themes of the movement are frequently conveyed by means of experiential stories, offered by undocumented activists. Experiential storytelling has long been a feature of this movement. It began in the early 2000s, when pro-immigrant advocates invited DREAMers to testify to Congress about the Development, Relief, and Education for Alien Minors Act (DREAM Act). Since that time, undocumented activists have embedded storytelling into almost all of their tactics. For many years, the dominant narrative offered by undocumented activists was the “perfect DREAMer”⁸ narrative: the story of a young person, brought to the United States as a child by her parents, who grew up in American schools, learned English (and American culture), excelled in American primary and secondary school, yet still confronted barriers to her educational or professional progress because of her lack of legal status. This narrative by Ola Kaso, an undocumented immigrant from Albania, illustrates these characteristics:

I was five years old, but I remember it like it was yesterday. Apprehensively, I teetered into the perplexing classroom . . . The teacher, too, spoke [in a language completely foreign to me] and pointed in a certain direction. What did she want me to do? Where did she want me to go? I stood there frozen, still and silent like a statue . . . I’ve come a long way since that day 13 years ago. I’ve become proficient in the English language and I’ve excelled in my studies. Since the third grade, I’ve been placed in advanced programs . . . I have taken every advanced placement course my high school has offered and I’ve earned a 4.4 GPA doing so . . . I juggle all my schoolwork, after-school activities and community service projects while also having a job. I have completely immersed myself within the American culture of which I so strongly desire to become a citizen. I am currently enrolled in the University of Michigan . . . I ultimately aspire to become a surgical oncologist . . . Despite all my hard work and contributions, I face removal from the only country I’ve ever considered home . . . I am a DREAM Act student. I was brought to this country when I was five years old. I grew up here. I am an American at heart. There are thousands of other dreamers just like me . . . All we are asking for is a chance to contribute to the country that we love.⁹

As sociologist Walter Nicholls has argued, stories such as Kaso’s highlight three key attributes: achievement, assimilation, and innocence.¹⁰ Achievement refers primarily to academic achievement. For example, the high school valedictorians who served as the face of the early DREAM Act movement demonstrate the work ethic

8. In much of the literature on this movement, this is simply referred to as the “DREAMer narrative.” The “perfect DREAMer” term is one I have heard from DREAMers with whom I have worked in Arizona, who have begun to view that narrative more critically. By adding the term “perfect,” they aim to call attention to the potential of this narrative to exclude, from its persuasion and its potential protections, all of those who do not conform to the prototype it reflects. See, e.g., NICHOLLS, *supra* note 7.

9. Ola Kaso, *DREAM Act Student Delivers Testimony* (before Senate), www.youtube.com/watch?v=1Pa029Yi1eA (uploaded June 28, 2011). The fact that a narrative in this form was offered in 2011 documents a point I make above: that the earlier emotional stances in this movement do not disappear, they are simply joined by new forms of affective communication, which may (or may not) predominate.

10. NICHOLLS, *supra* note 7, at 50–59.

and drive for upward mobility that connect them to America's immigrant story.¹¹ Their talent and education also equip them to contribute high-skilled labor to the American economy. Assimilation means knowledge of English language and American culture: narrators often describe watching American television shows, or cheering for American sports teams. It also reflects an aspiration to merge into the "melting pot" of American society as opposed to remaining ethnically identifiable or distinct.¹² The final element, innocence, refers to the decision to migrate: to cross borders without authorization or overstay a legal visa. DREAMers characteristically claim innocence of such immigration violations because they were brought to this country as small children and did not participate in their families' migration decisions. No less an authority than Justice Brennan emphasized the innocence and boundless potential of such unofficial Americans in the landmark decision *Plyler v. Doe*,¹³ which required states to provide a K–12 education for all undocumented children. "[T]he children who are plaintiffs in these cases 'can affect neither their parents' conduct nor their own status,'" Brennan observed, "it is thus difficult to conceive of a rational justification for penalizing these children for their presence within the United States."¹⁴ All of these factors make DREAMers attractive petitioners for membership.¹⁵ The public—and many Republican politicians—warms to them more readily than to undocumented immigrants as a larger group. In the summer of 2014, at the height of anti-immigrant sentiment aroused by the migration of Central American refugees, 68 percent of Americans surveyed said that they supported a path to citizenship for DREAMers.¹⁶

Yet, for the past several years, DREAMers have begun to distance themselves from central elements of this narrative.¹⁷ They began to question the "innocence" element, in large part because it implicated their parents in the decisions leading to their unauthorized presence. They also recognized "innocence or culpability" as a misleading frame, because many families feel compelled to migrate for physical or economic security. DREAMers also de-emphasized academic accomplishment, recognizing that immigrants make many different kinds of

11. See, e.g., Walter J. Nicholls, *Making Undocumented Immigrants into a Legitimate Political Subject: Theoretical Observations from the US and France*, 30 THEORY, CULTURE, & SOC'Y 82, 92–98 (2013) (arguing that DREAMer stories conform to conventional, nationalizing accounts of immigrant belonging).

12. NICHOLLS, *supra* note 7, at 50–59.

13. 457 U.S. 202 (1982).

14. *Id.* at 219–21.

15. The term "membership," as I use it in this Article, has two overlapping meanings. First, it means formal membership in the American polity: citizenship, or a legal status which is a capable of leading to citizenship. But second, it means, somewhat less formally, *eligibility for formal membership, according to the view of the "good immigrant" held by legal decision makers and many members of the public*. This vision includes being academically successful or otherwise upwardly mobile; linguistically and culturally assimilated, or on the path to such assimilation. Thus when I refer to DREAMers as demonstrating "uncritical membership aspirations," I mean that they not only sought formal membership, but sought to earn it by manifesting these culturally-valued attributes.

16. See Megan Thee-Brennan, *Immigration: What Americans Think*, N. Y. TIMES (June 11, 2014), http://www.nytimes.com/2014/06/12/upshot/immigration-what-americans-think.html?_r=0 (citing poll by Public Religion Research Institute finding that 68 percent of Americans surveyed support path to citizenship for undocumented youth brought to US as children, if they join military or go to college).

17. For an illuminating account of this shift, from an activist-scholar who has been part of the movement in Chicago, see Tania Unzueta Carrasco & Hinda Seif, *Disrupting the DREAM: Undocumented Youth Reframe Citizenship and Deportability Through Anti-Deportation Activism*, 12 LATINO STUDS. 279 (2014).

contributions to their communities, all of which should be supported by the movement. In the 2013 campaign for the Comprehensive Immigration Reform bill (CIR), for example, DREAMer groups supported a path to citizenship for all eleven million undocumented immigrants. Their narratives presented undocumented adults in a new and legitimating light: not only as contributors to their communities and to the economy, but as actors whose decision to migrate reflected resourcefulness, hard work, and creativity—the same qualities valued in DREAMers themselves.¹⁸

Perhaps the most significant shift in the narrative, however, was the shift from uncritical membership aspirations to a criticism of the government for its treatment of immigrants. Activists began to voice a more critical view of the government when DREAMers first came out as “undocumented and unafraid” in their 2010 campaign for the DREAM Act. In the following narrative, Georgina Perez, a DREAMer from Georgia, emphasizes her desire for education and economic opportunity, but strikes a different, more critical tone in her stance toward the state:

I am undocumented and I am unafraid . . . I will no longer stand and wait for someone to come and save me . . . while I am being denied the access to higher education. I am tired of politicians always using us as scapegoats, always criminalizing us in order for them to win a seat . . . I am not going to apologize for speaking my native language. I am a proud Georgian. I am a proud Mexicana.¹⁹

This narrative reflects the rejection of central elements described above. This DREAMer’s claim to a college education does not rely on her achievements as an honors high-school student. There is no mention of her innocence in the decision to migrate, or even her age at which she arrived. She also rejects the demand for assimilation, affirming her native language and culture and proclaiming her ability to be a proud Georgian (and presumably a proud American) as well as a proud Mexicana. But the most conspicuous element in this narrative is its critical stance: Perez challenges the government for denying her access to education and for criminalizing immigrants for political gain. She rejects the deference to Congress (and pro-immigrant organizations) that characterized early DREAMers and pledges to take her future into her own hands.

This transition in the narratives—and indeed the consciousness—of DREAMers, articulated at the national level, has also been shaped by community-based activism, which has had distinct goals and has engaged a broader group of undocumented activists. In cities like Phoenix and Chicago, undocumented immigrants began to organize no so much *for* legal status as *against* oppressive immigration enforcement, a struggle that often involved families and older adults and that advanced a different kind of narrative. In Phoenix, undocumented

18. Monica Noa, *Celebrating Parents: The Original DREAMers*, DEFINE AMERICAN BLOG (Mar. 14, 2013), <http://www.defineamerican.com/blog/post/celebrating-parents-the-original-dreamers>. This narrative transformed unauthorized migration from an illegal act into an act of courage, imagination, and family commitment. DREAMers also attributed their own drive, resourcefulness, and tenacity to their parents. “Por Ella,” a photo campaign by artist and Arizona DREAMer Carla Chavarria made this point by pairing DREAMers with their mothers. See Melissa Maria Tarango, *Twenty-First Century Woman: Carla Chavarria, Q&A*, WORDPRESS.COM, (Jan. 16, 2014), <http://twentyfirstcenturywoman.wordpress.com/2014/01/16/carla-chavarria-q-a/>.

19. GEORGINA PEREZ, *Georgia DREAMers*, YOUTUBE (Apr. 5, 2011), <https://www.youtube.com/watch?v=mTeh1m0qiEU>.

community members mobilized against SB 1070, the landmark law that used the criminalization of immigrants and the increased surveillance of law enforcement to produce “attrition by enforcement,”²⁰ or against the workplace raids and neighborhood saturation patrols of Sheriff Joe Arpaio.²¹ As Carlos Garcia, the director of Puente-AZ, a community based organization in Phoenix explained:

[O]ur people were just openly being called . . . illegal and somehow this was worse than anything, and this then . . . made it okay for our people to be extracted from their community and separated from families and taken to other places. For us it was how do we take the momentum . . . shift it and make it simple and really challenge the fact [that] someone being deported is not okay.²²

Undocumented adults fought their criminalization by standing up, revealing who they were, and explaining how the threat of deportation affected their lives. For example, Mari Cruz Ramirez, an activist with Puente, offered the following statement:

My name is Mari Cruz Ramirez Jimenez. I am a mother. I do not work. I depend on my husband. I am an active person at the moment because I work with different groups to help out. I have been supporting the DREAMers, supporting my youth, and supporting my community. My life here in Arizona has been hard due to these laws that oppress us and do not allow us to achieve our goals as human beings. Our community suffers because we do not have legal status; suffers because we cannot support our children in school. We suffer because we cannot find the end to all these anti-immigrant laws . . . I want to fight for our rights, and to fight for dignity for my children, my family, and myself.²³

In Chicago, a progressive city with a history of labor mobilization, a mixed-status community organized in the 2000s around a series of high-visibility deportation cases. Elvira Arellano and Flor Crisostomo, two undocumented mothers, took sanctuary in a Chicago church in order to prevent their deportations and spoke out about the effects that would be produced by their deportations.²⁴ Arellano declared:

I came thinking of the American dream, and you welcomed my labor. Although I had to struggle very hard, I am a worker and you offered me work. I am a consumer, and you accepted my hard

20. See *Arizona's Immigration Enforcement Laws*, NATIONAL CONFERENCE OF STATE LEGISLATURES, <http://www.ncsl.org/research/immigration/analysis-of-arizonas-immigration-law.aspx> (summarizing provisions of SB 1070). See also Kris Kobach, *Reinforcing the Rule of Law: What States Can and Should Do to Reduce Illegal Immigration*, 22 *Geo. Immig. L. J.* 459 (2008) (description of statutory strategy of “attrition by enforcement” by its legal architect)

21. See e.g., Joe Hagan, *The Long, Lawless Ride of Sheriff Joe Arpaio*, ROLLING STONE, Aug. 2, 2012, <http://www.rollingstone.com/culture/news/the-long-lawless-ride-of-sheriff-joe-arpaio-20120802>.

22. Skype Interview with Carlos Garcia (Mar. 17, 2015).

23. NDLOVideos, *Maricruz Ramirez: Dejarles como herencia que tienen que defender su dignidad*, YOUTUBE, <https://www.youtube.com/watch?v=Zeel-sV0j0Y> (describing her life and decision to participate in the Undocubus Action).

24. For an excellent discussion of these two cases, see AMALIA PALLARES, *FAMILY ACTIVISM: IMMIGRANT STRUGGLES AND THE POLITICS OF NONCITIZENSHIP*, 39–61 (2015).

earned money. I paid my taxes as does every citizen of this country.

My hard work is for my son, whom I love dearly. My son is a citizen of these United States of America. He knows no other country but his country. I promised God that I would protect and raise him in God's ways and that I would teach him that he had dignity and rights under the Constitution and that he was a child of God not a piece of garbage to be used and thrown away.

He has all these wonderful things, but my son does not have the assurance of the presence of his mother's face, my embrace, guidance and loving care – these things that we all realize are essential for the growth and the development of every child.²⁵

In addition, the highly publicized case of Rigo Padilla, a DREAMer who was threatened with deportation following a misdemeanor charge involving drinking, mobilized undocumented youth in a posture of resistance rather than aspiration. Although the actions of the nascent Immigrant Youth Justice League (IYJL) on Padilla's behalf emphasized those traditional qualities that made him an appealing candidate for membership, its members also recognized "that he no longer fit all of the characteristics necessary to be deemed "a good citizen" or "a good immigrant."²⁶ And fighting his case persuaded members of the IYJL of "how vulnerable we all were, as undocumented youth of color living in working class communities, to stepping out of the "good immigrant" paradigm and into deportation proceedings"²⁷—a vulnerability they realized that they shared with their parents and other community members. These community-based campaigns, like the national move to come out as "undocumented and unafraid," highlighted lives that evinced commitment and struggle rather than unusual accomplishment; they critiqued the government for imposing barriers to the full realization of human relationships and human goals. Some of those barriers, activists increasingly acknowledged, thwarted not only future-oriented aspirations, but also the ability of family members to live in peace with those they loved.

This critical stance ultimately sharpened to a posture of frank accusation in 2013, as CIR failed, and the movement turned its focus to the Obama administration's record-level deportations.²⁸ The narratives of those fighting

25. Elvira Arellano, *Statement of Elvira Arellano on August 15, 2007*, LOS ANGELES INDYMEDIA: ACTIVIST NEWS (Aug. 21, 2007), <http://la.indymedia.org/news/2007/08/205070.php>.

26. Unzueta Carrasco and Seif, *supra* note 17, at 287–88.

27. *Id.* at 288.

28. There remains some statistical controversy about whether Obama or George W. Bush has deported more immigrants. *See, e.g.*, Nora Kaplan-Bricker, *Who's The Real Deporter-in-Chief? Bush or Obama*, NEW REPUBLIC (Apr. 17, 2014), <https://newrepublic.com/article/117412/deportations-under-obama-vs-bush-who-deported-more-immigrants> (discussing competing claims, and noting that conclusion may depend on which removals are counted in totals); Louisa Jacobson, *Has Barack Obama Deported More People Than Any Other President?*, POLITIFACT.COM (Aug. 10, 2012, 3:07 PM), www.politifact.com/truth-o-meter/statements/2012/aug/10/american-principles-action/has-barack-obama-deported-more-people-any-other-pr (finding that at the end of his first term, Obama had not deported more people than Bush did in two terms, but that his monthly deportation numbers were higher). However, Obama's exceptionally high numbers are frequently cited by undocumented activists, who note that he nonetheless presents himself as a friend of immigrants.

deportations in this campaign invoke neither the hopeful petition of the distinctive aspirant to membership, nor the determined objection of people unable to pursue educational and professional goals. They are instead the outraged witnesses to, and victims of, a government that violates the humanity of residents who seek to live their lives without fear, in the company of those they love. A speaker at a 2014 direct action aimed at shutting down the Boston ICE facility captured this element:

[M]y mother crossed the border to this country some thirty years ago. She existed twenty-seven years as an undocumented person, and I should say—as this government would like to label her . . . an illegal human being, something that is incomprehensible, something that is inhumane—that was the woman that birthed me, that was the woman that raised me to be the person that I am today, to stand . . . here demanding justice, to stand here and say to this country: *you* are the one that is inhumane, *you* are the one that is breaking rules, *you* are the one that is breaking laws, *you* are breaking laws of humanity, *you* are breaking laws of dignity, *you* are breaking laws of respect²⁹

At the end of the video, the speaker points a finger toward the President of the United States and says:

I direct [this] message directly to the President of the United States of America, Barack Obama. That is for you, as the son of an immigrant, as the son of someone else who comes from a different land, you should know better than any that we deserve rights, that we deserve dignity, and you should be recognizing our families, you should be recognizing our communities. This message is for you, Mr. President.³⁰

B. *Emotions*

As the passionate speech above makes clear, the emotions manifested by movement actors constitute a second compelling dimension of their action and their persuasion. These emotions too have undergone a marked transition, as undocumented activists moved from early campaigns for the DREAM Act, Deferred Action for Childhood Arrivals (DACA), or Comprehensive Immigrant Reform (CIR), into the Not1More Deportation campaign.

In the earliest phase of DREAM activism, the dominant emotional tone was one of hope, determination, and aspiration. Although speakers recounted challenging or difficult experiences, they did not communicate the fear or frustration that might predictably be evoked by these experiences. Instead, they portrayed their experiences as occasions for manifesting DREAMers' distinctive brand of determination. The

29. NDLOVideos, *The Most Passionate Speech You Have Ever Heard*, YOUTUBE (April 17, 2014), www.youtube.com/watch?v=ISStVYqxcno [hereinafter NDLOVideos, *The Most Passionate Speech*]. The speaker in this video identifies himself as a citizen, an unusual status for a speaker in a campaign that was led by and sought to express the voices of undocumented activists. However, the more specific perspective from which he speaks is as the son of an undocumented mother who has constantly feared for her deportation. This is a perspective that he shares with the many undocumented activists who participated in this campaign.

30. NDLOVideos, *The Most Passionate Speech*, *supra* note 29.

emotions they displayed were, significantly, universalizing: although their circumstances were different, their aspiration and determination were emotional stances that they presumably shared with their prospective audiences, particularly those in the legislature. They aimed to convey the message that immigrants, for all the differences in their experiences, are very much like their neighbors who enjoy the status of citizens. Other components of this hopeful stance included emotions directed *toward* institutions and legal actors, including patience with and trust in the government to respond appropriately to DREAMers' appeals.

Some of these emotions underwent a change as activists begin to come out as "undocumented and unafraid." In narratives such as that of Georgina Perez, activists acknowledged and emphasized the distinctive barriers that they have confronted because of their status. As they focused on the injustices of their circumstances, they related experiences and manifested emotions that they did not necessarily share with the citizens they addressed. Determination was threaded with frustration with the hurdles they were obliged to confront, and with indignation or anger at the government that had thwarted residents who aimed simply to educate themselves and contribute to their adopted nation. This indignation was sometimes blended with impatience about the long periods of governmental inaction that they had been forced to endure. Perez reflects such impatience implicitly through the repeated use of the phrase, "I will no longer . . ." This sense of grievance and frustration also infuses some of the statements of adult activists in contexts such as Arizona. As participant Juan Jose Mangandi declared during a demonstration by riders on the Undocubus,³¹ "We love this country, we can share it with you. But we can't live with lying. We are undocumented. But we are human, not animals."³²

In some political actions, this frustration verged into anger. This stronger emotion is made explicit in the statement of Arizona DREAMer Daniel Rodriguez, as he explains why a group of DREAMers are staging their first act of civil disobedience, a sit-in in the offices of Senator John McCain:

I'd say that it's an act that's sort of the next step from everything that we've already done, but it's also an act of anger that we are not dealing with this issue . . . When we have been working for this issue for so long and we know that we have done it the "right" way, and not . . . ruffled anyone's feathers, and not done anything that's given us a bad image, six years, seven years, eight years, nine years, and we still don't see any change The[se activists] went down there because . . . they just can't deal with having another year when we don't have change They just think, I

31. The Undocubus was a six-week "freedom ride" in late-summer 2012, which took a mixed-age group of undocumented activists from Phoenix, Arizona through ten states that had enacted or considered "enforcement by attrition" laws, to the Democratic National Convention in Charlotte, North Carolina. *See generally*, Undocubus, FACEBOOK, <https://www.facebook.com/UndocuBus/>; Aura Bogado, *Undocubus: A Journey from Phoenix, AZ to the DNC*, COLORLINES.COM (Sept. 5, 2012), <http://www.colorlines.com/articles/undocubus-journey-arizona-dnc-video>. Carlos Garcia of Puente-AZ, one of the organizers of the Undocubus, described it as a precursor to the Not1More Deportation campaign. *See* Skype Interview with Carlos Garcia, *supra* note 22.

32. NDLOnVideos, *Si No Nos Invitan, Nos Invitamos Solos: No Papers No Fear Protest in Alabama*, YOUTUBE (Aug. 18, 2012), <https://www.youtube.com/watch?v=laj95A8ac8U> (statement of Juan Jose Mangandi).

need to put myself out there, I need to be the catalyst for this change, in order for me to motivate other students³³

Here, Rodriguez inflects the characteristic DREAMer optimism with anger about delays and broken promises. Moreover, as for Perez and the protesters on the Undocubus, the trust in public officials is transformed into a determination to act on one's own behalf.

The Not1More campaign has reflected two additional shifts in emotional communication. The first is a shift toward less carefully controlled or mediated expression of emotion.³⁴ The direct expression of painful or powerful emotions is particularly clear when activists describe the experience of family separation. Here, activists seek to convey an experience that is unfamiliar to and incompletely understood by many citizens: the anguish of being suddenly separated from family members, or of experiencing an ongoing, corrosive fear of such separation.³⁵ In this context, carefully managing emotions so that they might be more resonant with citizen-audiences would be counterproductive: what is essential is to communicate the raw pain produced by apprehension, detention, and deportation. One example of this unmediated expression of pain may be found in a video that Erika Andiola, a nationally prominent DREAM activist from Arizona, circulated to fight the imminent deportation of her mother. Andiola is distraught and weeping as she tells viewers:

Hello, my name is Erika . . . my mother and my brother were just taken by Immigration. They just came to my house, they knocked on my door. My brother was outside with the neighbor. They just came to ask for my mom. They said they were not going to do

33. Gabriel Cruz, *Daniel Rodriguez speaks about "Dream Act 5" outside McCain's Phoenix Office*, YOUTUBE (May 18, 2010), <http://www.youtube.com/watch?v=fviT-u7DMSQ> (explaining that the DREAM 5 are five DREAMers who staged the first sit-in by undocumented activists at the Arizona office of Senator John McCain).

34. By using the term "mediated," I mean to suggest that such emotions are closer to what one might experience or express in private: there is less effort to direct or channel emotions to render them more acceptable to prospective audiences. The expression of this kind of emotion may nonetheless be demanding or require particular forms of effort on the part of activists. Some DREAMers to whom I have spoken voice discomfort about manifesting vulnerability, about crying in public, or about sharing the most painful details of one's life with strangers. They may have to overcome these instinctive forms of inhibition in order to engage in this kind of activism, an effort in which organizations may provide support because they feel the wellbeing of their community requires it. *See* Interview with Dulce Vazquez, in Phoenix, AZ (Apr. 10, 2013); Interview with BV, in Phoenix, AZ (May 2, 2013); Interview with G, in Phoenix, AZ, (Dec. 6, 2012); Interview with Reyna Montoya, in Phoenix, AZ (May 8, 2014).

Some undocumented activists have also gained experience with the more direct communication of uncomfortable emotions by participating in online forums for undocumented youth. One example is an online "artists" collective called DREAMers Adrift, which invites undocumented youth to relate and reflect on their experience through narrative, poetry or spoken word, video, or graphic arts. DREAMers Adrift, which emerged after the failure of the DREAM Act, became known for communicating the experience of DREAMers with humor, irony, pain, confusion, and ambivalence. For a thoughtful discussion of the work of this online collective, see Cristina Beltran, *Undocumented, Unafraid, and Unapologetic: DREAM Activists, Immigrant Politics, and the Queering of Democracy* in FROM VOICE TO INFLUENCE: UNDERSTANDING CITIZENSHIP IN A DIGITAL AGE (Danielle Allen & Jennifer S. Light eds., 2015).

35. As Carlos Garcia of Puente-AZ explains, organizers realized that it made no sense to keep "swallowing" the pain expressed by families as they faced detention and deportation, and resorting to abstract policy arguments: "We needed to put that [pain] out there. And we also put it back on the people that this is going to help your loved ones get out. People need to see what you're going through. That's how we're going to get the people engaged and involved in fighting for this." Skype Interview with Carlos Garcia, *supra* note 22.

anything to her. My mom came outside and they took her, for no reason. And then they asked me if my brother was related to me. I said yes, he's my brother and they just took him, they just took him—they didn't want to tell me why. They just said that they needed to go because they were here illegally, and that they shouldn't be here. This needs to stop. We need to do something, we need to stop. We need to stop separating families. This is real, this is so real. This is not just happening to me, this is happening to families everywhere. We cannot let this happen anymore. I need everybody to stop pretending like nothing is wrong, to stop pretending that we're just living normal lives, because we're not. This could happen to any of us at any time.³⁶

This video is striking in two respects. First, it reworks the self-presentation of the DREAMer. Like many undocumented narrators in the NotIMore campaign, Andiola has ceased—in this context—to present herself as an aspirant to formal membership. In fact, she challenges the optimism of the DREAMer narrative when she says, “I need everybody to stop pretending like . . . we're just living normal lives, because we're not. This could happen to us at any time.” Instead she emphasizes her identity as the grieving daughter of a suddenly detained mother, someone whose precarious status renders even the most resourceful or integrated vulnerable to family separation through immigration enforcement. Second, Andiola films herself at the moment of greatest impact, before she has had the opportunity to assimilate her fear, anger, and grief. In so doing she vividly illustrates the anguish unleashed by policies of family separation. Many videos aimed at fighting deportations took this same tack of making a very private form of suffering public to convey the costs of the administration's policies.³⁷

Activists in the NotIMore campaign also make a transition from the frustration or anger of the “undocumented and unafraid” to frank outrage, a form of anger with sharp overtones of moral grievance. Protesters characterize family separation as a violation of the humanity of immigrants; they convey not only the anguish of the immediately afflicted, but the outrage of those who bear witness to the immiseration of their communities. The tone of fury and accusation that marks the speech at the Boston ICE protest³⁸ reflects this kind of outrage. But activists also convey outrage and demand for accountability on the part of the government by using contentious, disruptive tactics, through which they seek to engage the Obama Administration.

C. Tactics

The tactical shift was perhaps the starkest transition of the NotIMore Deportation campaign. In the early 2000s, when undocumented youth first organized around the DREAM Act, the goal was citizenship, and the addressee was Congress.

36. Carla Chavarria, *Erika Andiola's Family Separated*, YOUTUBE (Jan. 11, 2013), <https://www.youtube.com/watch?v=FVZKfoXsMxk>.

37. These videos, like Andiola's, circulated on the Internet, accompanied by petitions to legislators or Department of Homeland Security administrators asking for the release of the detained individual. For a fuller discussion of these videos, see *infra*, note 44.

38. See NDLONVideos, *The Most Passionate Speech*, *supra* note 29.

The primary tactic was sharing experiential statements with members of Congress, such as that of Ola Kaso, that aimed at humanizing undocumented youth and demonstrating the attributes that made them promising prospective citizens. As undocumented activists developed their own networks within Congress, undocumented storytelling broadened to encompass the persuasion and education more typical of lobbying. Not all early tactics were legislative, however. DREAMers also organized within their own communities, empowering allies and performing the kinds of community service that signaled their civic commitment. They registered Latino voters,³⁹ often using their own experience to illustrate the stakes of participation;³⁹ they helped undocumented youth to identify sources of college funding, and when DACA was announced in 2012, they helped them apply for deferred action.

The period of 2010–12 saw a moderate uptick in confrontational tactics, as DREAMers came out as “undocumented and unafraid” and staged sit-ins at Congressional offices and Obama campaign headquarters. Mixed-age undocumented riders on the Undocubus came out publicly in anti-immigrant states across the country, intervened in a hearing of the U.S. Civil Rights Commission about immigration, and staged a sit-down strike on a street in front of the Democratic National Convention.⁴⁰ Yet many of these tactical innovations were sidelined after the 2012 election. When DREAMers received DACA and Obama won a second term, many immigrant activists returned to a posture of hopeful petition, and resumed their work within institutional settings, often at the urging of more mainstream immigrant rights organizations led by citizens. The narrative shifted slightly to encompass the lives and claims of undocumented adults, but activists relied on tactics of conventional institutional engagement (community education, voter mobilization, and various forms of lobbying) as they pressed for CIR.

When CIR failed in 2013–14, tactics shifted more dramatically.⁴¹ This shift reflected a change in priorities, framed publicly by approximately two dozen prominent DREAMers in an Open Letter to the Immigrant Rights Movement, in January 2014. They argued that Obama’s continuing deportations, as well as the ongoing vulnerability of their families to separation, required that activists turn their attention from a quest for citizenship to a demand for deferred action for undocumented adults. The Letter stated:

Despite all the hard work that we did last year, we cannot ignore that we did not win a legislative policy change. In the same year we lived through close to 370,000 undocumented immigrants being deported by the Obama administration. We saw toddlers

39. Monica Alonzo, *SB 1070 Fuels a Movement of New Voters*, PHOENIX NEW TIMES (July 5, 2012), <http://www.phoenixnewtimes.com/2012-07-05/news/sb-1070-fuels-a-movement-of-new-voters/full/>.

40. *See generally*, Undocubus, FACEBOOK, <https://www.facebook.com/UndocuBus/>.

41. Even before legislative action on CIR ground to a halt in the House, activists had begun to utilize some more innovative direct action tactics to demonstrate urgency to conflicted legislators. Operation Mariposa brought together families separated by deportation at sites along the US/Mexico border to dramatize the hardships created by family separation. *See DREAMers Reunite with Deported Parents ad US-Mexico Border!*, UNITEDWEDREAM, <http://unitedwedream.org/operationbutterfly/>. An action called AZ2DC brought a group of activists from the “ground zero” of anti-immigrant legislation in Arizona to Washington DC, to testify to the hardships created by escalated apprehensions, detentions and deportations. *See* Interview with Reyna Montoya, in Phoenix, AZ (Jan. 14, 2014).

carry signs asking for their parents to be released from detention; we saw families taken in the middle of the night after a simple knock at the door; we saw ICE taking parents while working, and then labeling them as felons. Their only crime was to work to provide food for their family We don't know what's going to happen in 2014, but we know that the status quo is unbearable We do want citizenship rights We do want to be able to vote and voice our opinions . . . [but w]e can't ask our communities to wait for "citizenship" while we see our mothers, our fathers and our children being taken from our homes by immigration Fight with us for immediate relief for our families. Let's together hold President Obama accountable for every deported parent.⁴²

Yet even before the formal change in priorities the letter urged and publicized, activists had begun to make a tactical transition that shifted the focus of action from Congress to the President and introduced more innovative and confrontational tactics. Efforts to fight individual deportations, which dated back to the late 2000s, intensified as organizations worked to identify the junctures in DHS's discretion over immigration enforcement where they could apply pressure through phone calls, Internet petitions, and interventions by political officials, including members of Congress.⁴³ To trigger this pressure, they created and circulated through social media pain-filled videos, such as Andiola's, that demonstrated the palpable human cost of detentions and deportations.⁴⁴ A second tactical innovation of the NotIMore campaign was the introduction of dramatic, direct-action events in which participants signaled their willingness to place their bodies on the line to secure relief for family members. The bodily dimension of these protests—waging hunger strikes or forming human chains to block access to detention facilities—signaled urgency. As one adult activist stated, "[I have] nothing left but to sacrifice [myself] . . . to end all the suffering in our communities."⁴⁵ Bodily intervention also created the specter

42. *Open Letter to the Immigrant Rights Movement: Our Families Can't Wait*, LATINO REBELS, (Jan. 15, 2014), <http://www.latinorebels.com/2014/01/18/open-letter-to-the-immigrant-rights-movement-our-families-cant-wait/>.

43. See Skype Interview with Carlos Garcia, *supra* note 22.

44. See *id.* The videos aimed to introduce the person being held, and to capture the impact of a detention and impending deportation on the life of a family. Narrators may have described the loved one's role in the family or community, the circumstances under which they were taken, and the length of the time they had been away. They may relate difficulties their loved ones suffered in detention, or times that the family grieved their absence most sharply, whether at birthdays or holidays, or playing ball or doing homework with children. See, e.g., Puente Arizona, *Twice Victimized by Arpaio, Keep This Family Together!*, YOUTUBE (Jul. 28, 2014), <https://www.youtube.com/watch?v=NGboicZCZvQ>; Puente Arizona, *Norma, cuando vas a volver?*, YOUTUBE (Apr. 20, 2014), <https://www.youtube.com/watch?v=Ep9eeQTJqcc>. Affectively, these narratives follow the lead of Erika Andiola, in materializing the pain of family separation for viewers. Family members may weep openly for their relatives; children as young as seven or eight struggle to speak about the father or mother who has been detained as the camera focuses on favorite objects, photos, or other signs of a shared life that has been interrupted. These videos may not speak explicitly to the choices facing the Obama administration: their focus is on the release of a family member. Yet even beyond their particularized focus, they enact a potent critique of the administration's immigration enforcement policies by making visible the rupture created by detention or deportation, even as families try to continue their daily lives, and the anguish suffered by family members at the loss of their loved ones.

45. *Our Hunger Strike Makes Public the Heartache We Endure in Private Every Single Day*, #NOTIMORE (Feb. 23, 2014), <http://www.notonemoredeportation.com/2014/02/23/our-hunger-strike-makes-public-the-heartache-we-endure-in-private-every-single-day>. Some of these actions served a dual

of disruption—of ongoing processes of immigration enforcement through physical interference, and of the policies of the Obama administration through visibility and the creation of moral dilemmas.

One strand of this effort, particularly prevalent among undocumented adults, was the use of hunger strikes and extended vigils or marches. A group of undocumented adults in Phoenix, Arizona, for example, undertook a fourteen-day hunger strike to protest their separation from their children who were being held in immigration detention.⁴⁶ A month later, members of the same group marched sixty miles into the Arizona desert to hold a vigil at the immigrant detention center at Eloy.⁴⁷ These feats of bodily endurance—sometimes answered by solidarity protests among those in immigration detention—demonstrated the determination of undocumented activists to make the pain of their community visible to decision makers, and to members of the public.

A second tactical innovation advanced by undocumented youth was to intervene physically in the machinery of immigration enforcement. Stating that “if the government won’t protect our communities, we will,” activists tied themselves to deportation buses, formed human chains around detention centers, and blocked the entrances to ICE facilities.⁴⁸ These passionate performances, which claimed media attention and often resulted in arrests, occurred with escalating frequency across the country in late 2013 and 2014.⁴⁹ They not only publicized the President’s deportation policies, they also demanded that the administration consider how to handle protesters—whose bodily intervention complicated processes of immigration enforcement—and how to respond to their demands for relief. These acts of risk-taking and self-sacrifice created moral authority and demonstrated tangible impact, permitting activists to claim that those directly affected by the administration’s policies of immigration enforcement should have a seat at the table in any revision of those policies.⁵⁰

purpose: they raised consciousness about the Obama Administrations ongoing deportations, and they fought the deportation, or fought for the releases, of individual family members who were being detained.

46. Lourdes Medrano, *Why Pro-Immigrant Activists are Turning to Hunger Strikes*, THE CHRISTIAN SCI. MONITOR (Mar. 8, 2014), <http://www.csmonitor.com/USA/2014/0308/Why-pro-immigrant-activists-are-turning-to-hunger-strikes-video>.

47. *The Trail to End Deportations*, FACEBOOK (Apr. 2, 2014), <https://www.facebook.com/events/263208353855548/>.

48. Aura Bogado, *A Group of Immigration Activists Disrupt ICE*, COLORLINES (Oct. 16, 2013), http://colorlines.com/archives/2013/10/shutting_down_ice.html.

49. See, e.g., Yolanda Alaniz, *From LA to DC, Young Activists Take Up Civil Disobedience for Immigrant Rights*, SOCIALISM.COM (Feb. 2014), <http://www.socialism.com/drupal-6.8/articles/la-dc-young-activists-take-civil-disobedience-immigrant-rights>; *DREAMers Switch to Civil Disobedience to Help Cause*, UPL.COM, (Aug. 26, 2013, 3:09 PM), http://www.upi.com/Top_News/US/2013/08/26/Dreamers-switch-to-civil-disobedience-to-help-cause/UPI-95551377544151 (describing shift in strategy suggested by direct action protests at ICE building and immigration facility).

50. One act through which undocumented activists claimed such a role was the formation of a Blue Ribbon Commission of undocumented and formerly undocumented people to advise President Obama in the reconsideration of deportation policy that he undertook in March 2014. The Commission announced its recommendations in April 2014. See *Blue Ribbon Commission Report on Deportation Review*, #NOT1MORE (Apr. 10, 2014), <http://www.notonemoredeportation.com/2014/04/10/NOT1MOREBRC/>.

D. *Interrogating the Transitions*

Several questions arise as we contemplate these shifts in narrative, tactics, and emotional tone. One question is analytical: what has made the surprising political self-assertion of this campaign possible? These anguished, outraged interventions have been implemented by a group that not only lacks formal legal status, but also remains vulnerable to detention and deportation. What factors have converged to make such bold, resistant political agency possible? A second kind of question is predictive: what does this innovative campaign portend for the future of the movement? NotIMore Deportation introduces contentious politics whose forms and intensity are new even to this creative and resourceful movement. It also offers a vision of justice for migrants in America that is ambitious in ways that casual observers may not discern. How the public may receive these innovations, and how these innovations might impede or assist the movement, are critical questions, which I take up in conclusion.

II. ANALYZING THE POLITICAL AGENCY OF UNDOCUMENTED ACTIVISTS

The political self-assertion of undocumented immigrants is a compelling phenomenon, not least because it departs from some conventional explanations of political mobilization. Mobilization occurs, according to one influential theory, when institutional openings or changes in social or economic conditions signal or generate receptivity to the claims of a particular group.⁵¹ Sociologist Doug McAdam has famously offered one version of this explanation in the context of the civil rights movement.⁵² McAdam argues that, in the first half of the twentieth century, specific changes—from the collapse of the cotton economy, to the diminution in the number of lynchings, to *Brown v. Board of Education*'s embrace of a norm of constitutional equality and invalidation of segregation—created “political opportunities,” that is, social and institutional environments receptive to the rise of the civil rights movement.⁵³ The DREAMer movement, on the other hand, emerged in a period of generally increasing antagonism toward immigrants, punctuated by brief moments of narrowly defined receptivity. Undocumented activists also confronted distinctive personal risks in participating:⁵⁴ those who courted arrest, or even came out publicly

51. See e.g., David Meyer, *Protest and Political Opportunities*, 30 ANN. REV. SOC. 125 (2004) (synopsizing and assessing trajectory of “political opportunities” theory). Walter Nicholls has argued that the DREAM Act mobilization was an effort to exploit a narrow “niche” of political opportunity—the receptivity of the public, and potentially the legislature, to the “good immigrant” narrative of young immigrants brought to the US as children. See NICHOLLS, supra note 7, at 21–46. This may be a reasonable interpretation of DREAM Act mobilization, particularly at a time when it was still being led by national pro-immigrant organizations, but it provides less purchase in explaining more resistant or community-based forms or organizing against various forms of immigration enforcement.

52. DOUG MCADAM, *POLITICAL PROCESS AND THE DEVELOPMENT OF BLACK INSURGENCY, 1930–1970* (2d Ed., 1999).

53. *Id.* at 25–50. Unlike some theorists of political opportunity, McAdam also describes the emergence of the movement as being conditioned on certain internal strengths or resources possessed by the movement, such as internal networks, or “cognitive liberation.”

54. In this sense, the immigrant rights movement is more similar to the civil rights movement where activists faced not deportation but private and state-supported violence. Because of the pervasive threat of violence, I have argued that civil rights activists—much like undocumented activists—asserted rights that were emergent or uncertain, despite the fact that these rights were formally protected by the

as undocumented, exposed themselves to the possibility of apprehension, detention, and deportation.⁵⁵

In the face of these barriers, the political agency demonstrated by undocumented activists may seem surprising, and its recent escalation even more unlikely. How might we explain these developments? One answer may lie in the activism of local communities, such as those in Phoenix and Chicago. Undocumented immigrants began to organize not because they glimpsed a political opening, but because adverse developments—be they specific impending deportations or campaigns of “enforcement by attrition”—made the costs of silence or inaction too high.⁵⁶ Once immigrants came out, impelled by threats to family members or to their communities, they began to see the potential efficacy of resistant postures, and to recognize that they felt safer, because they were connected to a network of activists who would know and would organize on their behalf if they were taken by immigration enforcement.⁵⁷

Another answer to this paradox may lie in the distinctive intersectional or hybrid identity of undocumented youth.⁵⁸ they experience themselves as both belonging to and balancing precariously on the margins of the American polity. Recent shifts in this intersectional identity may be responsible for the increasingly confrontational posture of the movement. One the one hand, raised in the United States, constitutionally entitled to a K–12 education, and bilingual and bicultural, undocumented youth often feel like “Americans in every way but the papers.”⁵⁹ This cultural sense of belonging has been reinforced by a growing political legitimacy, which may be attributed to greater public receptivity to DREAMers, in particular, and the formidable political acumen they have achieved through several campaigns

Constitution. See Kathryn Abrams, *Performative Citizenship in the Civil Rights and Immigrant Rights Movements*, in *A NATION OF WIDENING OPPORTUNITIES: THE CIVIL RIGHTS ACT AT 50* (Sam Bagenstos & Ellen Katz eds., 2016).

55. One naturalized citizen who was an early supporter of DREAM Activism recalled his anxiety during the first instances of civil disobedience. When the first undocumented youth were arrested, he thought, “Oh, my god, they’re going to get deported. And they’re not. They’re here; they’re happy right now. And some of them are undocumented; some of them have work permits. But it was the unknown. So I remember calling people and saying, What’s happening? Why didn’t they get deported? And the response, the answer, was, They’re willing to do it. They are willing to do it for the fight, for the struggle.” See Interview with LA, in Phoenix, AZ (Aug. 22, 2012).

56. This kind of “negative political opportunity” is actually hypothesized by some theorists of political opportunity, but it is a less central focus of attention and theorization than positive political opportunities. See e.g., Meyer, *supra* note 51, at 131 (citing work that demonstrates that “the state can invite action by facilitating access, but it can also provoke action by producing unwanted policies and political threats, thereby raising the costs of inaction”).

57. See Skype Interview with GT (Mar. 10, 2015).

58. The identity of undocumented youth can also be described as intersectional in that their immigration status intersects and interacts with other characteristics such as race (making the undocumented identity of those who have migrated from Mexico or Central America different from that of those who have migrated, say, from Poland or Korea), or sexuality. Scholars analyzing empirical data have called attention to the fact, for example, that a surprisingly large number of undocumented activists also identify as queer. See Veronica Terriquez, *Intersectional Mobilization, Social Movement Spillover and Queer Youth Leadership in the Immigrant Rights Movement*, 62 *SOC. PROBS.* 343 (2015). But in the sense that I use the term above, I mean that undocumented youth feel a sense of belonging that they share with those citizens with whom they have grown up and have been educated, and they feel a sense of being outsiders and living in a precarious status that they share with their parents or other undocumented relatives, or with members of their larger communities.

59. This phrase has often been used by youth whom I have observed or interviewed in my research. See Interview with Reyna Montoya, in Phoenix, AZ (Aug. 21, 2012); Interview with Ileana Salinas, in Phoenix, AZ (July 24, 2012).

for legal status. Yet on the other hand, these youth confront constant reminders that there are limits to their security and to their integration—the repeated failure of these campaigns, their inability to progress in employment or school,⁶⁰ and the ongoing risk of separation in their families. This complex sense of belonging and precariousness⁶¹ has fueled mobilization but has also, in many cases, inclined undocumented activists to participate within established channels for securing change. Between 2012 and 2013, several factors began to change that balance between institutional politics and more disruptive engagement.

One factor that shifted the balance was DACA. Although DACA provides only temporary legal presence and the ability to work, many youth have found it practically enabling and politically legitimating—they can secure education, progress in careers, begin adult lives, and live, at least temporarily, free of the fear of deportation.⁶² They have also seen DACA as affirming more contentious modes of political self-assertion: DACA was one of the earliest campaigns in which DREAMers had combined lobbying and other pro-system political tactics with moments of confrontation, such as sit-ins at Obama’s campaign headquarters.⁶³ Finally, DACA made clear to youth that they were now considerably more secure than their parents, whose enormous sacrifices made their lives in the US possible.⁶⁴ Their awareness of the ongoing precariousness of their parents’ lives was underscored by experiences of parental detention and deportation, which touched even leaders of the DREAMer movement.⁶⁵ The recurring anguish of examples like Andiola’s reminded them that DACA was a limited answer, and it emboldened them to demand a remedy that would stop all deportations.⁶⁶

A second factor that changed the balance of undocumented politics was the trajectory of the campaign for CIR. The feeling experienced by activists here was not

60. In his path breaking new work on undocumented youth, Roberto Gonzales finds that even those DREAMers who achieve a college education and experience personal development through activism often discover that they are unable to progress professionally and find themselves, by reason of their status, in jobs similar to those held by their parents. See ROBERTO GONZALES, *LIVES IN LIMBO: UNDOCUMENTED AND COMING OF AGE IN AMERICA* (2015).

61. See Unzueta Carrasco and Seif, *supra* note 17, at 287 (“When young people speak English at school, and learn about US citizenship and civil rights history alongside citizen classmates, we are recognized as members of our schools and our communities. Yet like other undocumented people, we cannot be employed lawfully (with the exception of those who qualify for DACA), are vulnerable to exploitation in the underground labor market, are unable to vote or run for most government offices, and have limited access to higher education. Even if some undocumented youth people have obtained two years of relief from deportation and work authorization through DACA, all live in a state of potential deportability. DACA recipients can fall out of status and once again become deportable.”).

62. See Interview with YG, in Phoenix, AZ (June 7, 2014); Interview with Reyna Montoya, in Phoenix, AZ (Jan. 14, 2014).

63. See e.g., Ted Hesson, *9 DREAMer Actions That Advanced Immigration Reform*, ABC NEWS (Aug. 10, 2013), http://abcnews.go.com/ABC_Univision/dreamer-protests-advanced-immigration-reform/story?id=19915997# (quoting Julieta Garibay of United We Dream: “[The announcement of DACA] of showed the power of Dreamers . . . ‘It showed that even when the president tells you ‘No, I can’t do it,’ even when advocates tell you, ‘Don’t push anymore because it’s not going to happen,’ we stuck to our guns and said, ‘No, we are going to push until we get this.’”).

64. See Interview with YG, *supra* note 62.

65. See *An Open Letter to the Immigrant Rights Community*, *supra* note 42 (citing parents of the authors who had been subject to detention or removal proceedings).

66. Some undocumented adults began to join this call as well, often inspired by their children’s example, and suspecting that greater security might lie not in concealment but in greater visibility within an organized community. See Interview with Mari Cruz Ramirez., in Phoenix, AZ (Apr. 1, 2015); Interview with RMS, in Phoenix, AZ (Feb. 20, 2013); Skype Interview with GT (Mar. 10, 2015).

so much frustration—undocumented activists have persevered in the face of political disappointment many times before—as it was institutional betrayal. The political process they witnessed in the effort to pass CIR violated a central conviction of the movement: that those directly impacted by a particular policy have a kind of knowledge that should be at the center of decision-making. At the level of advocacy, they felt sidelined by national pro-immigrant non-profits, who viewed their experience as Washington insiders as critical to legislative success.⁶⁷ At the congressional level, they felt betrayed by Republicans, who refused to move the legislation, and also by Democrats, who seemed to care more about scoring points against Republicans than about creating opportunities for immigrants.⁶⁸ At the presidential level, they felt betrayed by Obama, for whom their initial expectations were high. As a person of color, the son of an immigrant, and a president who had won election and re-election on the strength of a Latino vote, activists expected more action from the President.⁶⁹ When Congress failed to deliver reform, and the Administration persisted in record-high levels of deportations (often violating the President’s own enforcement priorities), undocumented youth felt increasingly disillusioned with both parties and the political process. This disillusionment produced a greater impetus toward self-reliance,⁷⁰ and toward tactics that would challenge the Administration by shining a spotlight on its policies and presenting it with difficult moral choices. The future trajectory of this emerging movement will shed additional light on the hypotheses offered here, but they seem likely to be implicated in the increasingly contentious character of undocumented activism.

III. CONCLUSION: NOT1MORE DEPORTATION AND THE FUTURE OF UNDOCUMENTED ACTIVISM

What does the Not1More campaign mean for the future of immigration politics? It makes clear that institutional actors face a formidable contender in this increasingly defiant movement. It also suggests that activists will mobilize a vision of justice that is broader in scope than what immigrants have offered before. Observers who have focused on the most tangible “ask” of the campaign—that is,

67. See Skype Interview with Ileana S. (Feb. 17, 2015); Interview with Reyna Montoya, in Phoenix, AZ (Jan. 14, 2014).

68. See *An Open Letter to the Immigrant Rights Community*, *supra* note 42. (“Speaker Boehner refused to bring the Senate bill to the floor, and no Republican had the courage to introduce their own bills. . . . Democrat leadership, meanwhile, has established hard lines like ‘citizenship or nothing,’ making it politically impossible for both parties to come to the table on a real solution. Blaming Republicans for killing CIR became good propaganda for the Democratic Party, and alienated the few Republicans who were interested in moving legislation forward.”)

69. See, e.g., NDLOVideos, *The Most Passionate Speech*, *supra* note 29.

70. This impetus toward self-reliance was fostered in community-based actions against immigration enforcement, and in efforts by DREAMers to organize independently of national non-profits. Yet it took on a particular urgency and importance during the Not1More campaign. The tactical innovations of the Not1More campaign were the foremost examples of this self-reliance. But undocumented activists also sought to secure a direct voice—unmediated by national pro-immigrant non-profits—in the policy process through which President Obama was attempting to address the issue of deportations. See *Blue Ribbon Commission Report on Deportation Review*, *supra* note 50. The Commission specifically identified the position from which they wrote as that of “undocumented and formerly undocumented community members who have witnessed mass deportations, been subject to removal proceedings and worked directly with those fighting detention and deportation and whose own lives are impacted by upcoming policy decisions.” *Id.* The Commission held a press conference to introduce their proposals and requested a meeting with the President to discuss them.

temporary relief from deportation—have assumed that it marks a step back from the pathway to citizenship at stake in CIR. But if we focus not on the immediate vehicle for relief but instead on the claims that underlie it, we can see transformative challenges to the way we think about immigration policy and the rights of migrants.

These challenges start with the basic stance of the Not1More campaign: that activists do not have to resolve questions of formal status in order to make claims about the kind of humane treatment from the government that those present in the U.S. are entitled to receive. It has been an article of faith in much of immigration politics that questions of status precede other kinds of important questions, particularly when it comes to who is entitled to remain. But those in the movement have begun raising a series of claims about the treatment to which they are entitled *as human beings*—or in some cases *as workers*—that operate prior to or apart from their formal status. In the labor area, for example, immigrant activists have argued that they should be protected from wage theft, indentured servitude, and other forms of exploitative treatment, regardless of their status.⁷¹ The Not1More campaign presses a comparable vision with respect to family. The claim is that the government is obligated to respect the efforts to preserve and nurture their ties with family members made by human beings who have made their homes in the U.S., regardless of whether they have legal status.

Most tangibly, this means that families who for reasons of physical or economic security come to the U.S. to live and work should not be subject to separation, through extended detention and deportation, merely because some or all of family members lack documentation. This claim also points to a right to maintain ties with family members who may remain in, or who may previously have been deported to, countries of origin. The action of the DREAM 9 made this point at the start of the Not1More campaign.⁷² In this action, three DREAMers who were eligible for DACA returned to Mexico to join several other undocumented activists who had previously been deported. All nine marched to the border and presented themselves as candidates for admission on humanitarian grounds or asylum. They argued that they should not have to turn their backs on their relatives who lived in, or had been deported to, Mexico, simply because they had chosen to live their lives in the US.⁷³ They claimed that migrants to the US should be able to cross boundaries to support familial relationships.⁷⁴

A final, more ambitious claim is that respect for family integrity—which is

71. For example, Jennifer Gordon explains how at the Workplace Project, a workers' center she organized in New York state, undocumented workers learn to organize around rights against wage theft and exploitative work environments, notwithstanding their lack of status, through tactics including group protests, media exposure, and legal complaints. See Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, The Workplace Project, and the Struggle for Social Change*, 30 HARV. C.R.-C.L. L. REV. 407 (1995).

72. The DREAM 9's efforts were, formally, part of a parallel campaign called "Bring Them Home," but they were consistent with the family unity and human rights norms, as well as with the tactical innovation and nonviolent but confrontational spirit that characterized the Not1More Deportation campaign. See Elizabeth Llorente, *DREAM 9 Protesters Kick Immigration Activism Into High Gear*, FOXNEWSLATINO.COM (Aug. 8, 2013), <http://latino.foxnews.com/latino/politics/2013/08/08/dream-protesters-kick-immigration-activism-into-new-gear/> (describing views of DREAM 9, supporters, and critics).

73. See e.g., Lizbeth Mateo, *The Fight to Keep Families Together Does Not End at Deportation*, HUFFPOST LATINO VOICES, (Jul. 22, 2013), http://www.huffingtonpost.com/lizbeth-mateo/the-fight-to-keep-familie_b_3634915.html.

74. *Id.*

not forfeited by unauthorized migration—is also not forfeited when immigrants commit criminal violations while in the U.S. This position, implicit in several actions of the Not1More campaign, has emerged more forcefully after President Obama announced in November his relief for “families, not felons,” “children, not criminals.”⁷⁵ Activists have charged that the distinction between “families” and “felons” is both ambiguous and undesirable in a context in which the government is increasingly criminalizing acts associated with undocumented migration, with the consequence that recrossing the border to be with family, for example, has become a serious crime.⁷⁶ Moreover, at a time when the nation has confronted jarring evidence of the criminal justice system’s disparate treatment of people of color, proceeding as if “felon” was a neutral or naturally occurring category seems obtuse and damaging.⁷⁷ These arguments have not only led undocumented activists to challenge the Administration’s distinction; they have led some organizations to contest deportation proceedings brought against individuals who have been charged with nonviolent crimes.⁷⁸

We might also ask what the operational features of this campaign—the shift in narratives, tactics, and emotional expression—mean for the future of undocumented activism. They reflect a series of daring and potentially controversial moves by a group of activists who lack legal status and, in some cases, legal presence.⁷⁹ Just as direct-action tactics, including civil disobedience, expose undocumented protesters to the possibility of arrest, detention, and deportation, other choices—such as narratives that refuse to claim privileged characteristics such as academic excellence or “innocence,” or an emotional tone that reflects outrage over family separation—expose activists to other kinds of risks with the publics they aim to cultivate. The willingness to abandon the “perfect DREAMer” narrative and to highlight the varied contributions made by community members who may be less educationally accomplished or assimilated—or may even be accused of crimes—departs from the “politics of respectability”⁸⁰ that has earned undocumented youth a

75. *Remarks by the President in Address to the Nation on Immigration*, THE WHITEHOUSE (Nov. 20, 2014), <https://www.whitehouse.gov/the-press-office/2014/11/20/remarks-president-address-nation-immigration>.

76. Carlos Garcia, #Not1More Means Not One More, PUENTE MOVEMENT (Nov. 22, 2014), <http://puenteaz.org/blog/not1more-means-not-one-more/>.

77. *Id.*; Abraham Paulos, *People with Felonies, Criminal Records, and Gang Affiliations are Our Friends and Family*, HUFFINGTON POST (Nov. 30, 2014), http://www.huffingtonpost.com/abraham-paulos/people-with-felonies-crim_b_6228310.html.

78. For a thoughtful discussion of how this choice has been debated in the Immigrant Youth Justice League in Chicago, see Unzueta Carrasco & Seif, *supra* note 17. This has also emerged as a focus for Puente-Arizona, a community-based group of undocumented activists in Phoenix that was a leader in the Not1More Deportation campaign. See Skype Interview with Carlos Garcia, *supra* note 22.

79. All of those who are undocumented by definition lack a formal legal status; those who have DACA, however, enjoy legal presence during the period of coverage.

80. The term “politics of respectability” has its origins in an early 20th century ideology of the US black middle class, through which elites policed the behavior and appearance of working-class or poor blacks, on the theory that such efforts at self-improvement would “uplift the race.” See Frederick C. Harris, *The Rise of Respectability Politics*, DISSENT, Winter 2014, <https://www.dissentmagazine.org/article/the-rise-of-respectability-politics>. In the context of immigration politics, the “politics of respectability” consists of personal or organizational efforts to structure the self-presentation and claims-making of undocumented immigrants around norms of “deservingness” (such as those captured in the early DREAMer narrative), without questioning the way that “deservingness” has been defined by mainstream (liberal, democratic) institutions, See *Complicating the Politics of Deservingness: A Critical Look at Latina/o Undocumented Youth* 9 ASS’N OF MEXICAN AM. EDUCATORS J. 1 (2015), <http://amaejournal.utsa.edu/index.php/amae/issue/view/27>.

positive reception in the past.⁸¹ The embrace of confrontational tactics and emotions risks alienating prospective supporters: conservatives who question the entitlement of those without status publicly to critique U.S. policy;⁸² or allies, such as President Obama, who believe they have supported undocumented immigrants under exceptionally adverse circumstances, and find the confrontational stance excessive or ungrateful.⁸³ How this tactical shift has been received by members of the public is a complex empirical question to which we presently do not have clear answers.⁸⁴ Acknowledging that there may be constituencies for whom this stance is alienating, I conclude by suggesting three reasons why it may ultimately prove productive for the movement.

First, considered solely from the standpoint of the movement's own resources, the contentious politics of Not1More Deportation have contributed value. The ability to challenge policies viewed as violative of their humanity has enhanced the sense of agency experienced by many activists. Sharply disappointed in the narrowness of President Obama's November 20, 2014, announcement, activists nonetheless displayed pride in the movement's ability to move the President to action and to voice its view of a disastrous policy. As one organizer stated, "If today is defining, it is in the breakthrough of directly-impacted communities and grassroots organizations to change the conversation, propose new strategies, and show we can win. We took risks, confronted fear and demanded that our leaders do the same."⁸⁵ Contentious politics provides activists with a broader repertoire as they advance their struggle for a fuller measure of belonging. Legislative campaigns that seek membership and require support from large, heterogeneous bodies may demand a more normatively- and tactically-conservative presentation. But campaigns that seek relief from enforcement, or that target a small group of decision makers—particularly leaders like President Obama who maintain perceived debts to or professed empathy with the movement—may operate differently. In this kind of context, power to generate negative publicity, and to exert pressure on public

81. See Nicholls, *supra* note 11. Although Nicholls speaks of the "nationalizing" or "traditional immigrant" narrative, rather than referencing the politics of respectability, there are important threads of commonality—i.e., the embrace of a narrative that seems most likely to elevate its subjects through conformity to dominant or mainstream norms.

82. For example, in the wake of Andiola's video, Columnist Ruben Navarrete castigated undocumented activists "who think of themselves as full-fledged Americans who can get away with the kind of in-your-face-agitation that has been prevalent since the 1960s." He concluded ominously that "their arrogance and radicalism alienates supporters and puts them in jeopardy." See Ruben Navarrete, *Ruben Navarrete: A DREAMers Nightmare*, SAN JOSE MERCURY NEWS (Jan. 15, 2013), http://www.mercurynews.com/ci_22379873/ruben-navarrete-dreamers-nightmare.

83. President Obama, for example, has publicly expressed frustration with more confrontational DREAMer protests, claiming that he is an ally and that activists should be protesting Republicans. See e.g., *Obama to DREAMer: You Need to Go Protest the Republicans*, LATINOREBELS.COM (Nov. 3, 2014), <http://www.latinorebels.com/2014/11/03/obama-to-dreamer-you-need-to-go-protest-the-republicans-video/>. ("I gave you relief administratively and we're going to work on the next one. . . . The Republicans are blocking immigration reform. That's one more reason we need a Democratic Senate. So I support you. I'm with you. And you need to go protest the Republicans, because I'm not the one blocking it").

84. As part of my larger research project on undocumented activism in the state of Arizona, I am analyzing media response to a series of actions in the Not1More Deportation campaign. This analysis is still in its early stages and cannot yet support any substantive conclusions.

85. See Statement of Marisa Franco, *Grassroots Groups React to President's Executive Action on Immigration*, NATIONAL DAY LABORER ORGANIZING NETWORK, <http://www.ndlon.org/en/pressroom/press-releases/item/1111-grassroots-groups-respond-to-executive-action-on-immigration> (Nov. 21, 2014).

officials created by a more contentious campaign, may have advantages.⁸⁶

Second, contentious activism may prove to be resonant with audiences outside the movement. For a group whose identity is as complex and fluid as the DREAMers, choices of tactics or stance are likely to be subject to multiple interpretations. The abandonment of the privileged identity of the perfect DREAMer may be viewed not as a heedless rejection of a political asset, but rather as an act of responsibility for one's community, or of solidarity with parents who sacrificed to create a better life for their children.⁸⁷ The risk taking that Ruben Navarette regards as entitlement, others might understand as political commitment, even political courage. The risk taking of the Not1More campaign, while confrontational, was also deliberate and purposeful.⁸⁸ Moreover, those who engaged in civil disobedience were willing to take full responsibility for their actions, spending hours, and sometimes days, in jails and in immigration detention, before their release. These choices reflect a willingness to challenge unjust laws with seriousness of purpose, a quality many associate with earlier protesters, such as students who sat at segregated lunch counters, participated in Freedom Rides, or faced fire hoses—as well as with the fully invested, “first class” citizenship⁸⁹ for which undocumented activists are contending. While undocumented activists do not yet enjoy that formal citizenship, they may bring themselves closer to it by demonstrably taking on its burdens through these public campaigns.

This observation leads to a final point: undocumented politics has always had a strong performative dimension.⁹⁰ Undocumented activists show that they are

86. In two recent campaigns in Arizona, activists combined conventional negotiations with decision makers with more visible and contentious public challenges. In the case of the Arizona DREAM Act Coalition's effort to persuade the Maricopa County Community College District to offer in-state tuition to DACA recipients this strategy was a success. The District adopted a new tuition policy and sustained a legal challenge by Attorney General Tom Horne. Following that decision, the Arizona Board of Regents voted to offer in-state tuition at the state's public universities. See Nigel Duara, *Arizona DREAMers Win Lower In-State Tuition Rates at Public Universities*, LOS ANGELES TIMES (May 7, 2015), <http://www.latimes.com/nation/la-na-ff-arizona-dreamers-20150507-story.html>. A similar mixed strategy, used by Puente-AZ to challenge charging practices of Maricopa County Attorney William Montgomery that were resulting in deportations of undocumented immigrants apprehended at workplace raids, raised public awareness but did not initially persuade Montgomery to change his practices. However, Puente then challenged the raids and charging practices in federal court and won a preliminary injunction. *Puente v. Arpaio*, No. CV-14-01356-PHX -DGC (D. Ariz. Jan. 5, 2015) (order granting plaintiff's motion for preliminary injunction).

87. Tania Unzueta Carrasco, who generally supports a more plural narrative, notes, however, that some DREAMers have felt that adherence to the DREAMer narrative has been the best way to serve the interests of their larger communities. See Unzueta Carrasco & Seif, *supra* note 17.

88. Organizations counseled individual activists on their relative risks and encouraged them to think carefully about whether to engage in civil disobedience. For example, at a conference sponsored by NDLON and Puente-AZ that helped to initiate the Not1More campaign, a session on civil disobedience discussed the relative risks faced by different (status) categories of activists and urged prospective civil disobedients to secure legal advice on the risks they faced, should they be arrested. See Notes from trip to Phoenix, AZ (Oct. 12, 2013) (on file with author).

89. This term is taken from the language of participants in the Mississippi Project of the Student Non-Violent Coordinating Committee (SNCC). See Francesca Polletta, *The Structural Context of Novel Rights Claims: Southern Civil Rights Organizing, 1961-1966*, 34 LAW & SOC'Y REV. 367, 384 (2000). As Polletta recounts, at the mass meetings of the early civil rights movement, participants told each other stories of the acts of courage, risk taking, and self sacrifice that made them “first-class citizens,” in their own eyes and in the eyes of their fellow participants. These acts of self-assertion would ultimately shape the view of the public, and of the white officials whose administrative manipulation, condonation of and participation in violence burdened black participants with “second-class citizenship.”

90. See Abrams, *supra* note 54.

deserving of citizenship not simply by petitioning for it but by publicly taking on its responsibilities.⁹¹ As undocumented immigrants demonstrate their value to the economy by taking on roles that many of them are not yet formally authorized to take, undocumented activists demonstrate their potential as citizens by teaching their communities their rights, by registering voters, and by learning to understand American institutions better than many formal citizens understand them themselves.⁹² Even members of the public who may be ambivalent about activists' formal arguments may become accustomed to, and admiring of, their ability to claim and execute these attributes of the citizen's role. This evolving appreciation of the civic participation of undocumented immigrants may support their quest for more formal rights. Yet the ability and willingness to dissent—in ways that are contentious, full-throated, even disruptive—are also features of American citizenship. They reflect another way of taking on the responsibilities—and the risks—that come with full investment in the polity and its future. Occupying the role of the dissenter passionately, contentiously, and responsibly, may give undocumented immigrants one more opportunity to present themselves as *de facto* citizens whose *de jure* recognition would enrich the nation in which they live.

91. Cristina Beltran has made a similar argument about undocumented participation in the Big 2006 Marches, drawing on the political theory of Hannah Arendt. See Cristina Beltran, *Going Public: Hannah Arendt, Immigrant Action, and the Space of Appearance*, 37 POL. THEORY 595 (2009).

92. See Interview with Alan Salinas, in Phoenix, AZ (Mar. 13, 2013) (“we aim to be what they say we are not.”).