

DON'T GIVE ME YOUR TIRED, YOUR POOR, YOUR HUDDLED MASSES: THE TRUMP  
ADMINISTRATION, PUBLIC CHARGE, AND RHETORICAL CONSTRUCTIONS OF  
CITIZENSHIP

By  
© 2021  
William T. Katz

Submitted to the graduate degree program in Communication Studies and the Graduate Faculty  
of the University of Kansas in partial fulfillment of the requirements  
for the degree of Master of Arts.

---

Co-Chair: Beth Innocenti, PhD

---

Co-Chair: Brett Bricker, PhD

---

Meggie Mapes, PhD

Date Defended: May 4, 2021

The thesis committee for William T. Katz certifies that this is the approved version of the following thesis:

DON'T GIVE ME YOUR TIRED, YOUR POOR, YOUR HUDDLED MASSES: THE TRUMP ADMINISTRATION, PUBLIC CHARGE, AND RHETORICAL CONSTRUCTIONS OF CITIZENSHIP

---

Co-Chair: Beth Innocenti, PhD

---

Co-Chair: Brett Bricker, PhD

Date Approved: May 4, 2021

## Abstract

In August 2019, President Donald Trump and his administration announced a rule that restricted immigrants' access to visas if they used a variety of social programs, including: Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and Supplemental Security Income, among numerous others. Expanding the definition of *public charge* from the Immigration and Nationality Act (INA), the Trump administration's change risked the lives and livelihoods of hundreds of thousands, if not millions, of immigrants in the United States. This thesis examines the way that Trump administration publicly defended the public charge rule, paying particular attention to the values that were embedded in the Trump administration's justifications. Using a variety of rhetorical methods, including cluster analysis, God terms and constitutive rhetoric, I argue that the Trump administration's defenses of the public charge rule reflected, and simultaneously constituted, a market fundamentalist conception of citizenship that necessitated an erosion of inclusive immigration policy and discourse. Furthermore, I argue that in response to objections about the negative consequences of the public charge rule, the Trump administration relied on arguments about administrative and congressional intent to strategically maneuver from difficult rhetorical challenges. This analysis highlights potential rhetorical methods for decoding value-laden discourse and reveals the ways that market fundamentalism and citizenship operate as powerful social and discursive forces.

## **Acknowledgements**

This thesis could not have been written alone. I am extremely grateful for the support that I have received from those close to me. I owe a debt of gratitude to the University of Kansas Department of Communication Studies for supporting and challenging me academically. This thesis is the culmination of ideas and practices that I learned in each of my classes, and I am lucky to have been given the opportunity to explore such concepts with academic rigor and a bevy of support. Several people deserve individual recognition.

First, thank you to Brett Bricker for your valuable insights, in-depth feedback, and moral support during the entire thesis-writing (and graduate school) process. You have taught me so much about the process of writing, how to make clear and concise arguments, and verb tenses (despite my reluctance to learn). Any of my successes in graduate school are directly attributable to his guidance and support.

Second, I would like to thank Beth Innocenti for teaching me how to write complete and cohesive works and simplify complex concepts. COMS 851 transformed my writing immensely and taught me how to fully develop textual analyses.

Third, thank you to Meggie Mapes for challenging me to consider the power of rhetoric. Our conversations about the constitutive nature of discourse and argument, the relationship between structures of power and language, and the necessity of academic work to consider real-world challenges were foundational for me exploring this topic.

Finally, I would like to thank my family for supporting me throughout graduate school and fostering intellectual curiosity. I could not have done any of this without you.

## Table of Contents

Abstract .....	iii
Acknowledgements .....	iv
Table of Contents .....	v
Chapter 1- Introduction.....	1
Justification for study .....	6
Methodology .....	8
Conclusion.....	13
Chapter 2- Citizenship and Immigration Policy .....	15
Conceptualizing citizenship .....	15
Historical basis for exclusion in immigration policy .....	21
Conclusion.....	35
Chapter 3- Self-sufficiency, Public Charge, and Market Fundamentalism .....	37
Market fundamentalism as an ideational regime.....	39
Self-sufficiency and the public charge .....	46
Conclusion.....	56
Chapter 4- The Public Charge Rule and Arguments about Intent .....	58
Political argument .....	58
Context- Objections to the public charge rule.....	60
The Trump administration, public charge, and intent versus impact .....	65
Conclusion.....	75
Chapter 5- Conclusion .....	76
Implications for scholars of rhetoric and argument .....	77
Implications for scholars of immigration policy .....	83
References .....	89

## Chapter 1- Introduction

Immigration is one of the most contentious and politically charged policy issues in the United States. As a “touchstone” issue in U.S. politics for decades, debates over immigration policy have commonly focused on arguments about economics, race, social welfare, and humanitarian relief (Felter et al., 2020, para. 1). President Donald Trump, after emphasizing limitations on immigration in his presidential campaign, followed through on immigration restrictionism as his administration’s top priority. As his “centerpiece” issue, Trump pushed strict restrictions on legal and undocumented immigration (Pierce & Selee, 2017, p. 1). These restrictive policies targeted racial minorities and poor people (Shear et al., 2019). In particular, the Trump administration’s public charge rule, which allowed immigration officials to deny green cards to people who receive public assistance like food stamps, Medicare, or housing vouchers, marked a dramatic shift in immigration policy. Stephen Miller, a senior policy advisor to Trump and prominent figure in the administration’s immigration policy, maintained “a ‘singular obsession’ with the public charge rule, which he argued would bring about a transformative change to U.S. immigration” (Hesson, 2019a, para. 4). By targeting immigrants who used social services, the Trump Administration’s public charge rule weaponized market forces to restrict citizenship rights of those who were most vulnerable.

The Trump administration’s public charge rule originated in the Immigration and Nationality Act (INA), the primary legislation governing immigration to the United States. The INA allocates visas to immigrants based on criteria-driven categorizations: five family-based admissions categories, five employment-based categories, a diversity visa lottery that gives visas to people from underrepresented countries, and channels for refugees and asylees to immigrate to the United States (Chishti et al., 2015, para. 5). Although each category of visa has its own

eligibility requirements, there are additional standards of admissibility that apply across all visas that determine if individuals are “qualified” to be admitted into the United States (Wasem, 2010, p. 3). These inadmissibility criteria, which are codified in section 212(a) of the INA, provide a legal basis for both rejecting visa applications and deporting immigrants who violate the standards. One of these standards of inadmissibility is the public charge rule, which gives the government the ability to deny admission to immigrants who are likely to become “primarily dependent on the government for support” (“Public Charge Rule Changes...”, 2019, para. 5).

What counts as a public charge has historically been applied very narrowly. In 1948, the Board of Immigration Appeals defined the criteria to render an immigrant’s application inadmissible (“Public Charge Provisions...” 2019, para. 17). Under that criteria, the government was required to prove three things: 1. That the State or other governing agency imposed a charge for the services rendered to the immigrant, 2. That the authorities demanded payment of the charges, and 3. That the immigrant failed to pay the charges (“Public Charge Provisions...” 2019, para. 17). In 1999, those guidelines were narrowed further, to only being enforced in cases of immigrants who “receive a cash benefit for income maintenance within five years of entering the country or who are institutionalized for long-term care funded by the government” (Batalova et al., 2018, p. 6). Before the Trump administration’s public charge rule, public charge was defined so narrowly that “the government almost never [rejected] applications on those grounds” (Lind, 2018b, para. 7).

The Trump administration forwarded an interpretation of the INA through the Department of Homeland Security that expansively defined what constitutes a public charge, applying it to nearly any immigrant who would use any social service. In addition to the traditional standard of cash-payments to maintain income, this rule expanded the definition of

public charge to include “SNAP, most forms of Medicaid, Section 8 Housing Assistance under the Housing Choice Voucher (HCV) Program, Section 8 Project-Based Rental Assistance, and certain other forms of subsidized housing” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41296). As a result of its finalization in October of 2019, 380,000 visa applications were “immediately subject to review under the new guidance” (Tatum et al., 2019, para. 2).

Several legal challenges, arguing that the Trump administration’s narrow definition of public charge is unconstitutionally discriminatory, were mounted against the public charge rule (Hauslohner, 2019). In October 2019, “multiple federal judges blocked the rules before they were slated to take effect” (Luthi, 2020, para. 5). However, these injunctions were quickly overturned by the Supreme Court (Luthi, 2020, para. 5). Despite the failed legal challenges, political opposition mounted against the expanded interpretation of the public charge rule. Critics of the rule referred to it as a “wealth test” for citizenship, arguing that it required an income of over \$62,000 a year to get a strongly positive rating from immigration officials (Lind, 2018b, para. 35). The 266,000 public comments on the bill were “much more than any regulatory proposal typically gets” (Lind, 2018b, para. 35).

The public charge rule imposed a large, negative impact on many immigrants, especially those that were most marginalized. The Trump administration’s devastating pivot to expand the applicability of the public charge rule was rooted in economic, social, and nationalist fears. These fears portrayed drastic cuts to immigration and social services as a feature, rather than a bug, of a good immigration policy. The controversy surrounding this decision was more than a disagreement about policy, it stemmed from a fundamental disagreement about the purpose of citizenship. Policy decisions like the public charge rule not only reflect a set of values, but also work to rhetorically constitute them; thus, it is a rhetorical concern.



The Trump administration's arguments grounded in economic and nationalist fears manifested themselves in three ways. First, the Trump administration justified the public charge rule by claiming that immigrants steal jobs from hardworking Americans. President Trump rhetorically linked his immigration policy to these fears, suggesting in a campaign speech that immigrants are "taking our jobs. They're taking our manufacturing jobs. They're taking our money. They're killing us" (Hoban, 2017, para. 2). The fear of economic damage caused by immigrants is culturally pervasive, because of the widespread belief in the "Lump of Labor fallacy:" the idea that "there is only so much work to be done and that no one can get a job without taking one from someone else" (Davidson, 2015, para. 5). Such fears make people skeptical of legal immigration and legal immigrants. If, as the fallacy claims, there are a limited number of jobs, then allowing people admission to the United States, regardless of whether or not it is done through legal channels, represents an economic threat to Americans and the American economy. Accordingly, restrictions on legal immigration, such as the public charge rule, are considered a vital economic protection for American citizens.

Second, the Trump administration justified the public charge rule by appealing to the concern that immigrants take advantage of government benefits to take out more than they put into the economy. Even though this narrative of immigrants was in tension with the fear that immigrants will steal jobs, both are commonplace, resonant, and often simultaneously held (Reston, 2015). Although there was an absence of compelling evidence to support the argument, advocates of non-restrictive immigration policies still had to grapple with the culturally resonant myth that immigrants disproportionately drain government welfare (Lowrey, 2018; Reston, 2015; Kohn, 2016; Santana, 2014). The tension between these two contradictory, yet pervasive, fears created a rhetorical terrain in which no matter what background a certain immigrant has,

the Trump administration rhetorically positioned them as a threat. If they were perceived as hardworking, then they were assumed to steal jobs. If they were not stealing jobs, then they were perceived to be draining government resources. These competing, yet dominant, narratives leave little room for nuance, as economic anxiety overtakes humanitarian considerations for immigration policy (Collins, 2018).

Economic fears of immigrants have placed constraints on political pro-immigration rhetoric. Pro-immigration advocates commonly rely on economics to make their case for a “legitimate” immigrant, whereas race-based or social arguments in favor of immigration are treated as “illegitimate” in broader political discourse (Champlin & Knoedler, 2020, p. 47). These limitations in the terrain of immigration discourse hinder pro-immigration arguments. Arguments for immigration policies that benefit society for social, not economic, reasons are less resonant. Additionally, it is more difficult to advance arguments in favor of immigration because economic fears of immigration are contradictory, unevicenced and appeal to subtle, unspoken racist and classist beliefs (p. 39).

Third, the Trump administration justified the public charge rule by appealing to cultural nationalism and nativism. Stoking the American people’s fears of “invasion” of immigrants from Latin American countries (Wong, 2019, para. 1; Fritze, 2019, para. 2; Perano, 2019, para. 1), Trump positioned immigration as an existential threat to the American lifestyle (Champlin & Knoedler, 2020, p. 40). These appeals to invasions are not unique to President Trump. In fact, reference to invasion is “one of the oldest and most persistent anti-immigration metaphors in the country’s history,” and has been used to stoke fears of cultural change against Irish, Asian, Latin American, and Jewish immigrants, among others (Flynn, 2018, para. 5). The rhetorical trope of invasion implies that regardless of the specific context, immigrants are an unwelcome attack on

the American lifestyle. Such “us vs. them” thinking drives divisive nationalism and keeps the nation, and, particularly, views on immigration policy, deeply factional (Edsall, 2019, para. 46). The result is that the presumption in American political discourse is stacked against liberal immigration policy (“Survey says Americans...”, 2018).

The public charge rule presented a real, urgent danger to immigrants. Recent studies estimate that “between 1 and 3.2 million fewer members of immigrant families would not receive Medicaid because of the rule’s chilling effect” (Ku, 2019, para. 4). These disadvantages were ignored by the Trump administration and other immigration restrictionists, who, instead, emphasized arguments rooted in nationalism and economic anxiety over arguments about justice, pragmatism, and sound public policy.

There was enduring support for the rule across the Republican party (Hesson, 2019b). Although it was generally unpalatable to argue explicitly that immigrants ought not have food or access to medical care, the Trump administration justified the public charge rule with value-laden terms that masked its anti-immigrant ideology. As a rhetorical critic, it is important to understand how such values were embedded in pro-public charge rule arguments, and to challenge the conventional wisdom of those values in the face of such hurtful policies. This thesis investigates the arguments made by advocates of the public charge rule, with particular attention to the value systems that make these arguments salient. In doing so, I explain how such values necessitate an erosion of citizenship norms for the most vulnerable.

### **Justification for Study**

As demonstrated above, justifications for the Trump administration’s public charge rule relied on prioritizing a set of values that disavow the concerns of marginalized groups. This thesis draws from rich rhetorical traditions that theorize administrative justifications of public

policy, study the intersection of immigration, citizenship, and rhetoric, and examine salient public crises.

There is a robust history of rhetorical scholarship focused on the way that presidential administrations discuss and justify their policy positions. Rhetorical scholarship has examined major policy initiatives that relate to war (Reeves & May, 2013), the environment (Bricker, 2012), foreign policy (Edwards, 2018; Cram, 2017; Rowland & Jones, 2016), and immigration, among many others (Heuman & Gonzalez, 2018; Cisneros, 2015). These analyses focus on identifying rhetorical tactics and emphasize the function of presidents' defenses of their policy positions. Such scholarship provides valuable insight into the conditions that allow policy outcomes to occur.

Presidential rhetoric is not the only focus of rhetorical scholarship on politics. Rhetoricians study immigration and citizenship from a variety of different standpoints. Many scholars have demonstrated that citizenship is not just a legal designation, but, rather, has cultural, rhetorical, and social elements (Flores & Benmayor, 1997; Garner, 2012; Jones & Mukherjee, 2010). Others have examined the ways immigration is rhetorically constructed to emphasize economic and nativist tropes, such as the dichotomy between "good" and "bad" immigrants (Cisneros, 2015; Baker-Cristales, 2009; Hiemstra, 2010; Smith, 2019). Further, scholarship has challenged several other narratives surrounding immigration and citizenship, the nativist's "immigrant problem" (Sohoni, 2006), discursive construction of borders via otherization of immigrants, (Cisneros, 2011), and the threat of immigration to white heteropatriarchy (Hill & Chavez, 2018). This thesis draws from the academic literature on rhetorical constructions of immigration and applies it to the under-explored area of the public charge standard. Blending these two fruitful areas of scholarship, presidential rhetoric and

immigration rhetoric, provides a strong justification for the argument that the public charge standard rhetorically constructs citizenship by imbuing market fundamentalist values into immigration policy.

Study of the Trump Administration’s public charge rule is of material necessity. Although immigrants have long been targeted by presidential rhetoric and policy, “Trump has attacked and scapegoated immigrants in ways that previous presidents never have — and in the process, he has spread more fear, resentment and hatred of immigrants than any American in history” (Anbinder, 2019, para. 2). In particular, the public charge rule created a chilling effect that drastically decreased the usage of SNAP and other services (Baumgaertner, 2018, paras. 2-4). Enforcement of the rule resulted in “lower rates of health insurance coverage not only for immigrants but also for their U.S.-born children and other dependents” (Perreira et al., 2018, p. 902). In California alone, the loss of Medicaid and SNAP benefits reduced economic output by “as much as \$2.8 billion, leading to a loss of 17,700 jobs” (Ku, 2019, para. 4). Although the Trump administration argued that only a small number of people were affected, that does not mean only a small number of immigrants *thought* they were being affected. For many people trying to obtain permanent residence, “the stakes for what could happen in the future [were] incredibly high, and people just aren’t willing to take that risk” (Baumgaertner, 2018, para. 3). The public charge rule produced immense disadvantages for thousands of people who were already the most vulnerable to dominant social forces.

## **Methodology**

To understand the ways that the Trump administration’s justifications of the public charge rule were undergirded by market fundamentalist value systems, I examine the Trump administration’s defenses of the public charge rule. In particular, I focus on texts that provide the

Trump administration's rationale for the rule, as well as the administration's responses to opposing arguments. Specifically, there are two sets of texts that examine in this thesis: the text of the public charge rule, including the responses to public comments, and official statements from the Trump administration about the public charge rule.

### *The Public Charge Rule*

The first place to look for the Trump administration's justifications for the public charge rule is the text of the rule itself, including public comments. The rule, formally adopted by the Department of Homeland Security (DHS) outlined how the public charge standard was historically applied, what changes the Trump administration made, and the DHS's rationale for expanding the rule. The executive summary had a section devoted to identifying the "purpose of regulatory action" ("Inadmissibility on Public Charge Grounds," 2019, p. 41294-41295). Throughout the document, the Trump administration provided direct explanation for why the rule went into effect.

Additionally, the rule received more than 266,000 public comments, many of which were specifically identified and responded to by the DHS in the text of the bill (Batalova et al., 2019). The responses to public comments provide a unique insight into not only the Trump administration's original justifications for implementing the public charge rule, but also how they responded to various criticisms. Although there are many comments, they often coalesce around similar themes.

### *Official Statements from the Trump Administration*

A second object of study is official statements from the Trump administration about the public charge rule. Outside of the text of the rule itself, the Trump administration made several statements in support of the public charge rule. For example, press briefings with Ken Cuccinelli,

former acting director of the United States Citizenship and Immigration Services (USCIS) provide insight into the Trump administration's rationale for implementing the public charge rule ("Press briefing by USCIS...", 2019). Similarly, the Trump administration released statements about their immigration platform with direct quotes from Trump ("President Donald J. Trump...", 2020). These public statements demonstrate how the Trump administration marketed the public charge rule to the public. The public charge rule itself is published for the public, but of the hundreds of pages of technical legal jargon make it difficult to access. Press briefings and public statements offer similar explanations in ways that are more palatable for the public. Accordingly, these public statements are an important consideration in analysis of the Trump administration's rhetoric surrounding the public charge rule.

### *Cluster Analyses*

I approach the texts with two methodological backdrops. Drawing from the works of Kenneth Burke, I look for terms and clusters that commonly appear in primary texts and subsequent circulations. First, I analyze the texts to determine what key terms and phrases appear the most often in arguments in favor the public charge rule. In doing so, I pay particular attention not only to what the terms are, but also to what values those terms connote. Second, and related, I draw from a framework of God terms to demonstrate how economic and nationalistic values are constructed to transcend other competing value claims.

To identify value-laden terms, I use a Burkean cluster analysis. Burke (1959) describes clusters in *Attitudes Toward History* as what words clump together around other words (p. 232). By charting and analyzing these clusters, rhetorical critics gain insight into "the important ingredients" in symbolic inducements. In *Philosophy of Literary Form*, Burke (1973) further explains clusters by categorizing them as what goes with what, i.e., associational clusters, and

clusters of what goes against what, i.e., oppositional clusters (p. 20). More than just identifying what words appear next to each other, cluster analyses are designed to examine “what kinds of acts and images and personalities and situations go with [the rhetor’s] notions of heroism, villainy, consolation, despair,” and other such values (Burke, 1973, p. 20). It is imperative for rhetorical critics to analyze how frequently appearing terms correspond to a set of values that the rhetor is trying to promote. In the immigration context, policies such as the public charge rule often attempt to promote self-sufficiency, economic growth, or a smaller welfare state, all of which are embedded within a market fundamentalist worldview.

Despite creating the concept of cluster analysis, Burke did not develop an exact method for performing cluster analyses (Lynch, 2006). Several scholars subsequently developed a multi-step process for conducting cluster analyses (Berthold, 1976; Rueckert, 1963; Foss, 1984). Although the exact steps differ, they generally start with the rhetorical critic identifying the most important terms via “an organic reading of the text” (Lynch, 2006, para. 15). Then, the rhetorician finds terms that appear with key terms and organize them based on frequency and rhetorical intensity of the term in the text (Rueckert, 1963). Although frequency is easy to quantify, charting the intensity requires a theoretical framework for evaluating staying power. Finally, after identifying those associational clusters, the rhetorical critic should develop “the attribution of cause-effect relationships between terms” and associated values and imagery (Lynch, 2006, para. 15). In attributing the relationships between sets of terms, or terms and values, cluster analyses provide valuable insight into the mechanisms by which rhetors convey specific meanings through language.

### *God Terms*



Burke's analysis of "God terms" helps explain how rhetors construct value-laden arguments. Burke (1945) defines God terms as terms that designate "the ultimate motivation, or substance" of rhetoric (p. 355). God terms are more than terms that reflect or construct values. These terms have a transcendental property in that they are an "expression of order and value beyond question, from which all else is to be judged and organized" (Hawley, 2018, p. 39). Accordingly, God terms are important rhetorical devices that signal the highest order values that the rhetor holds.

Analyzing God terms provides valuable insight into what world the rhetor is trying to constitute. God terms are not merely descriptive of what is, but also "present an image of what we value and who we want to be, and so we work to remake the world in its image" (Hawley, 2018, p. 46). It is important for rhetorical critics to analyze God terms because they "hold the power to unify a manifold audience" (Kurlinkus, 2014, p. 52). This is particularly important with regards to political rhetoric. Even if policy details are contentious or vague, God terms can be used to "validate almost anything" (Bliese, 1999, para. 3). Understanding how certain terms unite people with potentially divergent interests around a common value is imperative for analyzing issues like immigration.

In the context of the public charge rule, "self-sufficiency" functions as a God term. Referenced over 400 times in the text of the rule, self-sufficiency is the stated "ultimate aim" of the public charge rule ("Inadmissibility on Public Charge Grounds," 2019, p. 41313). This thesis finds textual cues that demonstrate how self-sufficiency is portrayed to be a value "beyond question" (Hawley, 2018, p. 39). Furthermore, I place textual references to self-sufficiency in a broader rhetorical and ideological context. In doing so, connections, or clusters, can be identified between self-sufficiency as an ordering value in immigration and the broader ideational regimes

in the United States. Such connections are an important component of understanding the salience of neoliberal rhetoric on the public charge.

### *Constitutive Rhetoric*

Another rhetorical method that I employ in this thesis is constitutive rhetoric. It is important for rhetoric scholars to view discourse not only as a *reflection* of reality, but also as a *creator* of it. Charland (1987) argues that “persuasive discourse requires a subject-as audience who is already constituted with an identity and an ideology” (p. 142). This is particularly true in discourse about immigration policy. On a policy level, immigration restrictions are an attempt to define a national identity. The discourses that promote those restrictions also serve to define national identity on discursive and social levels. Stein (2002), drawing on Charland’s theory of constitutive rhetoric, argues that rhetoric creates a “collective subject through narratives that foster an identification superseding divisive individual or class interests” (p. 174). In immigration discourse, the American national identity supersedes divisions that exist because of nationality, ethnicity, or race. When conceptualizing citizenship, policymakers and rhetors describe certain values such as resilience, self-reliance, or patriotism that are intended as ideals for immigrants to strive for. In doing so, so-called good immigrants are grouped together and placed in opposition to so-called bad immigrants based on that set of values that narratively constitutes a national identity. In this thesis, I read the Trump administration’s defenses of the public charge rule through the lens of constitutive rhetoric to interpret and evaluate the way citizenship is discursively constructed.

### **Conclusion**

The Trump administration’s public charge rule weaponized citizenship against marginalized immigrants. By denying visas to immigrants who use social services, the Trump

administration put the lives and livelihoods of hundreds of thousands of immigrants at risk. To justify this drastic measure, the administration did not openly admit that the intent was to endanger immigrants; rather, the stated justifications were that the public charge rule attempted to foster and appeal to a set of neoliberal values that uphold the U.S. immigration system.

This thesis seeks to understand those values, consider what makes them salient, and demonstrate the implications of the embedding of those values into immigration policy and citizenship discourse. To best illuminate relevant scholarly findings, this thesis proceeds in four subsequent chapters. Chapter two provides an historical discussion of American immigration policies and the values associated with those policies, to situate the public charge rule within the broader context of citizenship discourse in the United States. Chapter three analyzes the ways in which the Trump administration relies on self-sufficiency as a market fundamentalist justification for the public charge rule. Chapter four evaluates the strategies that the Trump administration used to respond to objections to the public charge rule, paying particular attention to the role of arguments about intent. The thesis concludes with a discussion of my research's implications for the study of rhetoric, argument, and immigration policy.

## **Chapter 2- Citizenship and Immigration Policy**

Throughout history, the details of American immigration policy have changed, but each policy has sought to foster a national identity. By creating standards through which potential immigrants are deemed unworthy, American immigration policy defines its ideal populace (Selod, 2015). Criteria for determining legal status, though differing in specifics, rely on categorizations that identify people according to the desired national identity. Citizenship is more than just a legal designation, it is social (Flores & Benmayor, 1997). Thus, to explain the ways in which the Trump administration's justification of the public charge rule erodes citizenship rights, it is necessary to situate it in a broader theoretical framework of citizenship as well as in the context of prior immigration policies.

To position the public charge rule in the proper context, this chapter proceeds in two main parts. First, I offer a theoretical framework for considering citizenship as both a legal and social concept. Using that framework, I explore the relationship between the rights that citizenship affords and the obligations that citizenship requires. Then, I offer a brief history of U.S. immigration policy, focusing on the legal criteria for denying people entry into the United States. I conclude with a summary of various Trump Administration immigration policies that marked a meaningful shift from policies pursued by prior administrations.

### **Conceptualizing Citizenship**

There is not one universally agreed upon definition of citizenship; rather, it is a "complex term with various meanings" (Janowitz, 1980, p. 2). Across distinct academic fields, citizenship is defined "from a variety of perspectives" that vary based on the cultural context and unit of analysis (Delanty, 1997, p. 288). Many sociology and political science scholars have demonstrated that formal, legal citizenship guarantees full citizenship rights within society

(Delanty, 1997; Roche, 1992; Stewart, 1995; Turner, 1990; Somers, 2008). Critical theorists emphasize a different set of fundamental rights and obligations, usually aligning with their “dominant organizing theory” (Somers, 2008, p. 27). For example, theorists who subscribe to republicanism highly value notions of citizenship that emphasize public participation as a condition of citizenship, whereas communitarian theorists emphasize moral self-regulation as a duty of citizenship (p. 27). Because citizenship is a contested term with many definitions, it is important to clearly define it to contextualize the relationship between the public charge rule and citizenship.

### *Defining Citizenship*

I adopt Somers’s (2008) definition of citizenship as “the right to have rights” (p. 5). This definition allows for citizenship to be conceived of “as a variable, along a continuum from lesser to greater degrees of democratic and rights-based social inclusiveness” rather than a binary (yes/no) indicated by legal status (Somers, 2008, p. 6). This definition of citizenship accounts for partial and inconsistent denials of rights. For example, some groups, such as poor white people, are afforded social inclusion in some instances but social exclusion in others. Somers outlines two necessary axes of rights that must be met fully to possess citizenship: de jure rights, or civil, political, and social rights, and de facto rights to social inclusion in society that afford “recognition by others as a moral equal treated by the same standards and values” as other members (p. 6). Because culture is “a primary determinant of belonging,” citizenship is an extra-legal construct that relies on more than just de jure rights (Cisneros, 2015, p. 368). Thus, individuals can be legally designated as citizens without possessing full citizenship rights because of insufficient social recognition. Likewise, people without full legal citizenship can also possess rights because they are recognized within society. For example, “exceptional”

immigrants and minorities are often afforded rights because they fit into success narratives of the American dream (p. 369).

Such a definition of citizenship is useful because it bypasses a “central theme” in citizenship debates concerning whether citizenship has an active or substantive dimension (Delanty, 1997, p. 285). This definition incorporates factors beyond legal membership; however, it does not require any specific right to be granted to qualify. In this regard, Somers’s (2008) definition of citizenship can be understood without adherence to a specific dominant organizing theory, such as liberalism, communitarianism, or republicanism (p. 28). Rather, Somers’s definition “combines the necessary elements from each theory while abandoning their less appealing auxiliary assumptions” (p. 28). Instead of focusing on any particular right, the right to have rights emphasizes the “institutionalized relationships of both support and resistance,” between individuals, the public sphere, and the state that create the conditions for de jure and de facto recognition.

It is particularly useful to define citizenship as the right to have rights in analysis of immigration policy. Immigration policy regulates de jure recognition by dictating who is eligible for visas, naturalization, or full citizenship. With such legal recognition, people are afforded civil-juridical rights, such as constitutional protections (Somers, 2008). Although formal, legal recognitions of belonging, like legal citizenship status and visa status, are necessary for membership within American society, they are “not sufficient to secure the rights of the abandoned” (Somers, 2008, p. 26). Analyzing social, cultural, and moral recognition provides additional insight into the lived experiences of immigrants; because most of the interactions that immigrants have are not with officials of the state, but rather other members of the general population. Accordingly, fitting a particular social narrative is often a larger factor in

determining social inclusion than legal status (Cisneros, 2015). For example, immigrants who start a successful business are more likely to be socially included than those who perform manual labor, even if they have the same legal status (Cisneros, 2015, p. 366-367).

### *Citizenship Rights and Obligations*

To understand the right to have rights in an immigration context, it is important to consider both the rights and the obligations required of citizenship. Being recognized as a citizen affords tremendous benefits. Social and legal inclusion allow for a flourishing civil society (Somers, 2008). Whether it is the right to vote, the right to free speech, the right to education, or the right to be seen as fully human, citizenship provides the ability to access rights as a fundamental public good that is sustained via public power and political membership (Somers, 2008, p. 5). Conversely, unequal distribution and denial of citizenship rights results in “human rights abuses, global poverty, inequality, and social exclusion” (Somers, 2008, p. 8). Furthermore, a consistent denial of rights, based on group characteristics like race, class, gender, and nationality, creates feedback loops that result in systematic oppression (Selod, 2015). For example, voter suppression in places with a large population of Black people skews who wins elections to represent the majority populated area (Levinson-King, 2020; Solomon et al., 2019; Newkirk II, 2018). In return, the people who craft the laws that govern future election districting are the people who won because of voter suppression (Klein, 2020). That same voter suppression also decreases the chances that people are willing to put energy into voting in the future (Klein, 2020). Such weaponization of citizenship produces profoundly negative consequences for society (Somers, 2008, p. 32).

Citizenship does not come free of cost. Most conceptions of citizenship indicate that the rights of citizens are derived from their obligation to participate in “ruling and being ruled”

(Somers, 2008, p. 34). In most societies, there are compulsory actions, such as obeying laws, that are required to maintain full citizenship (Janowitz, 1980, p. 5). In addition to these compulsory activities, many societies obligate citizens to engage in “civic duties” like serving in the military or economically supporting one’s community to earn protections granted by inclusion (Janowitz, 1980, p. 5). Asen (2004) argues that these civic duties are the defining characteristic of citizenship. Under his discursive conception of citizenship, citizenship is performed when someone engages in public and civic duties (Asen, 2004, p. 203). Citizenship, defined this way, is more than protections and rights, but an act of contributing to society.

In the United States, the relationship between rights and obligations of citizenship is commonly considered contractual (Somers, 2008). Under this conception, public engagement and fulfilling civic duties are preconditions for receiving full recognition and social inclusion. This contractual understanding of citizenship is founded on a series of quid-pro-quo exchanges in which people perform labor to try to buy their rights, and people who do not perform labor are denied rights (Somers, 2008, p. 44). Immigration policy provides a clear example of this phenomenon. People who are coded as economically productive are likely to receive protection, praise, and inclusion, whereas people who are coded as unproductive are denied access to rights (Cisneros, 2015). For example, entrepreneurs who run successful businesses are deemed valued members of society, whereas migrant farm laborers are not (Cisneros, 2015). An important element of this exchange is that it does not occur solely between two actors in a bilateral relationship. The determination for who is considered economically productive is made by stereotypes that are given power through societal and legal forces. Markers such as race, class, gender, ability, and many others are negatively viewed, and contribute to malicious judgments about an individual’s character or fortitude. As a result, societal tropes and stereotypes are used



to justify a narrative that someone has not met their social obligations. Societal judgements and immigration laws reinforce each other. Impacting more than legal citizenship, immigration policies influence cultural citizenship because they “play[] an important role in determining which cultural attributes can exist within a national identity” (Selod, 2015, p. 81). Once those determinations are granted authority by the state, private citizens act as “gatekeepers” that maintain the rigid borders of social citizenship (p. 81). For example, in post-9/11 America, Muslim men and women are “continuously being questioned and challenged about their nationality, allegiance and standing in American society” by other members of the public (p. 78). As a result, social tropes and stereotypes serve as a cultural and legal basis to deny rights to people, because those people are not fulfilling their obligations to assimilate and engage in society productively.

Defining citizenship as the right to have rights is beneficial because it does not require “earning” citizenship via productive citizenry (Somers, 2008, p. 47). This definition of citizenship is distinct from contractual models of citizenship, because “the right to have rights does not depend on individual capabilities or on the capacity for participation; nor does it require passing any other kind of litmus test of moral worthiness” (p. 34). Rather than requiring citizens to fulfil obligations to prove their worthiness, this view of citizenship finds the obligations rooted in “social insurance” (p. 34). With the right to have rights, the obligations inherent in citizenship are not in place for the purpose of earning rights, but rather as an orientation around a “shared fate” that recognizes that living in a society brings with it a sense of interconnectedness (p. 34). This provides a useful conceptual framework for understanding the denial of rights, because it demonstrates how the denial of social and legal protections can occur even for individuals who uphold their end of social contracts. For example, law abiding minorities who contribute to their

communities are still the targets of systemic and interpersonal racism. If citizenship understood as is the right to have rights, and a particular race, class, gender, or other group of people are consistently denied rights, it demonstrates that the current social and legal arrangement does not grant them full citizenship.

Defining citizenship as the right to have rights is particularly useful for understanding the social and political implications of immigration policy. Since its origin, immigration policy's primary purpose has been to deny citizenship to groups of people. Exclusion has built, and been built upon, a societal narrative that justified alienation on the grounds that those excluded do not fit the ideal standard for citizenship. Those immigration policies, in turn, serve as a model for future laws. As a result, subsequent immigration policies are built based on those pre-existing narratives of exclusion. Evaluating who has the right to have rights helps explain social exclusion based on citizenship.

### **Historical Basis for Exclusion In Immigration Policy**

American immigration policy has, since its inception, set explicit legal standards for who is worthy of entry, citizenship, and residency. The legal standards have changed over time, guided by, and guiding, changing societal expectations of what constitutes an ideal American citizen. Although each policy is intricate and nuanced, there are commonalities that can be traced through different immigration policies over time. The same groups of people are consistently denied full citizenship rights. In order to place the public charge rule in context, it is helpful to examine the historical bases for exclusion in American immigration policy.

#### *Explicit Racial Exclusions*

Throughout history, U.S. immigration policy has “opened the door to migrants from one part of the world while shutting the door for migrants from somewhere else” (Zolberg, 2006,

para. 8). For more than the first hundred years of the United States, race was an explicit eligibility criterion for citizenship. During this period, there was a “*laissez-faire*” attitude for white immigrants, while immigration of non-white people was strictly regulated (para. 1).

The first immigration law in the United States was the Naturalization Act of 1790 (Glass, 2012). The law specified that “any alien, being a free white person” could apply for citizenship after having lived in the United States for two years (Glass, 2012, para. 2). Additionally, the legislation embedded social judgements as criteria for citizenship. Immigrants had to prove they were of “good moral character” to be granted citizenship (Cohn, 2015, section “1790”). These legal and social judgments created a feedback loop whereby freed white men, by virtue of being the only people with full citizenship, got to determine what characteristics were good and moral. In return, white, protestant values were emphasized in immigration policy, which served to justify further exclusion of non-white immigrants, denying them “all the basic protections and entitlements that white citizens take for granted” (“Go Deeper”, 2003, section “1790”).

The United States federal government further expanded its immigration powers with the passage of the Alien Friends Act of 1798. Adding to existing authority to deny citizenship, the Alien Friends Act authorized the deportation and imprisonment of “any alien who was deemed dangerous to the U.S.” (Cohn, 2015, section “1798”). A result of nativist pressure, the Alien Friends Act of 1798 sought to target immigrants of “discontented characters” (Smith, 1954, p. 89). The Alien Friends Act “wove together the anxieties of a threatened nation” and the “distrust of the ‘foreign element’” that permeated American culture (Pani, 2008, p. 222). These anxieties magnified the racial exclusions of the Naturalization Act of 1790, creating deep cultural and legal distinctions between the “good guys” and “bad guys,” the former being granted citizenship, the latter denied those same rights and protections (Chiesa, 2008, p. 286-287). By legislating

character-based judgements alongside racial exclusions for citizenship, immigration policy of the 18<sup>th</sup> century built an association between non-white people and danger. As a result, images of dangerous foreign “others” became more pervasive, which created an environment of nativist distrust of immigration (Pani, 2008, p. 233).

The immigration framework designed in the Naturalization Act maintained primacy throughout the 19<sup>th</sup> century, with limited exceptions made to allow for certain non-white races to be allowed citizenship, albeit in very rare cases. One such instance was the Naturalization Act of 1870, which extended eligibility for citizenship to some people of African descent (Cohn, 2015). Racial exclusion was still, however, the dominant guiding principle of American immigration policy. This racial exclusion was exemplified in the 1882 Chinese Exclusion Act, which prevented Chinese immigrants from obtaining citizenship and banned any immigration of Chinese laborers into the United States (Cohn, 2015). The passage of the Chinese Exclusion Act was a “watershed event in the context of race, nation, and the law” that scarred American immigration policy for over 80 years (Kil, 2012, p. 663). Passed in a nativist political climate, the Chinese Exclusion Act was a response to an influx of cheap labor from Chinese immigrants working on railroads and other industries (Kil, 2012). The result of the legislation, however, did not remain neatly confined to the realm of labor economics. Rather, the Chinese Exclusion Act “introduced a ‘gatekeeping’ ideology, politics, law, and culture that transformed the ways in which Americans viewed and thought about race, immigration, and the United States’ identity as a nation of immigration” (Lee, 2002, p. 37).

The Chinese Exclusion Act is a prime example of the co-constitutive nature of the relationship between social identity and immigration law. Economic anxieties in the western United States prompted a regional political block to advocate for Chinese exclusion (Lee, 2002,

p. 38). The anxieties of the west racialized Chinese immigrants as “permanently alien, threatening, and inferior on the basis of their race, culture, labor, and aberrant gender relations,” resulted in legislation that legitimated and perpetuated the exclusion of Chinese immigrants on such grounds (p. 38). Furthermore, the Chinese Exclusion Act provided a political and legal basis to further racialize “threatening, excludable, and undesirable aliens” from other backgrounds (p. 42). The Chinese Exclusion Act was impactful because it was the first immigration policy that excluded just one group on the basis of race (Calavita, 2000, p. 2). The Chinese Exclusion Act’s precedent of identifying particular races that are explicitly disallowed was “quickly refashioned to apply to succeeding groups of immigrants” (Lee, 2002, p. 43). Social anxieties about labor transformed into a national immigration policy that defined Americanness in opposition to Chinese heritage. Such exclusions created lasting social and legal implications for the ways Chinese people were treated in the United States.

### *Quotas on National Origin*

In the early 20<sup>th</sup> century, there was a subtle shift in immigration policy from focusing on racial and ancestral categories to governing based on national origin (Cohn, 2015). Rather than seeking to exclude people of a specific heritage, American immigration policy focused on restricting the flow of immigrants from particular countries. The result remained the exclusion of a group of people with shared common traits, but those judgements were based on nation of origin rather than race to control the flows of immigration more easily. Since immigration required documentation between two different nations, it was easier to place quotas on immigrants from a particular country than it was to determine each potential immigrant’s race or ethnicity.

Building upon the legacy of the Chinese Exclusion Act, the Asiatic Barred Zone Act of 1917 restricted immigration from nearly every Asian country (Alvarez, 2017). The bill had no provisions for dealing with race per se, but, rather, barred people who were born in a particular geographic area. The Asiatic Barred Zone Act prohibited immigration from everyone in the Asiatic barred zone except for the Philippines, a U.S. Colony, and Japan, who had already voluntarily limited immigration to the United States (Cohn, 2015). The Asiatic Barred Zone Act acted as a stepping-stone for one of the most restrictive immigration policies in history, setting a precedent for the Johnson-Reed Act (Alvarez, 2017).

In 1924, there was a fundamental shift in the structure of the American immigration system. The 1924 Johnson-Reed Act, which created a new set of country-by-country quotas to govern immigration, was passed “overwhelmingly” by Congress and “drastically cut the total number of immigrants” allowed in the United States (Diamond, 2020, para. 2). The law started to strictly regulate immigration from all nations by implementing per country quotas that favored immigrants from northern and western Europe to “preserve homogeneity of the nation” (para. 2). Although the mechanics of *how* immigration was governed had changed, the underlying paradigm for *why* immigration was regulated remained intact. These quotas, which were capped at two percent of people from each nation recorded in the 1890 census, were chosen to limit the number of immigrants coming from particular geographic areas, specifically southern and eastern Europe (Stubblefield, 2007, p. 165). These caps marked another “watershed moment” in America’s immigration history (Diamond, 2020, para. 8). The creation of the visa process shifted immigration restrictions from targeted geographic bans to a different regime which symbolized that “you can’t just show up” in the United States anymore (para. 8).

The pivot towards a more restrictive immigration policy was shaped by cultural forces of the time. The Johnson-Reed Act was steeped in a form of white ethno-nationalism that sought societal homogeneity (Diamond, 2020). The justifications for restricting citizenship to primarily white, western European countries also featured prominently in debates about eugenics (Diamond, 2020). In fact, popular support of eugenics among leading economists, scientists, and intellectuals in the 1920's was instrumental for pushing the Johnson-Reed Act through Congress (Diamond, 2020). By providing a "scientific" justification for eugenics, these public intellectuals provided a guise of legitimacy for the nativism inherent in the Johnson-Reed Act's view of citizenship (Diamond, 2020, para. 11).

Country quotas remained the norm for several decades. However, there were gradual changes throughout the mid-twentieth century. In 1943, the Chinese Exclusion Act was repealed and a quota of 105 Chinese immigrants per year was formed in its place (Cohn, 2015). In 1953, with the passage of the McCarran-Walter Act, race was formally removed as an exclusion for citizenship, and Asian countries were granted a minimum quota of 100 visas per year (Cohn, 2015). However, in the early 20<sup>th</sup> century, overall levels of immigration plummeted. In 1910, 14.7% of the U.S. population were foreign born, compared with just 5.4% in 1950.

### *Category Based Visas*

In 1965, U.S. immigration policy underwent an "abrupt change" (Chin, 1995-1996, p. 111). The passage of the Immigration and Nationality Act (INA) of 1965 "ushered in far-reaching changes" to the visa system (Chishti et al., 2015). The change in policy represented a shift to caring more about *why* someone wanted to live in the United States than *where* they are coming from. The INA altered the criteria for admissions away from race and ethnicity, and "gave rise to large-scale immigration" into the United States (Chishti et al., 2015, para. 2). In the

place of national quotas, the INA instituted visa categories that regulated immigration based on the purpose of immigrating to the United States (Cohn, 2015).

The category visa system, designed in the INA, prioritized immigration for the family of U.S. citizens and for immigrants who had skills that were deemed necessary for the U.S. economy (Chishti et al., 2015). Family-based immigration under the INA was uncapped. Originally, the intent was to increase the number of Western Europeans immigrating to the United States, although the long-term effect was more immigration from countries in Asia and Latin America (Chishti et al., 2015). The INA also developed several categories of employment-based visas, which had different eligibility requirements based on different skills and levels of work experience (“How the United States...”, 2019). This shift in the immigration system corresponded with, and guided, a corresponding change from viewing immigration as an inherent dampener on economic growth, towards a belief that highly skilled immigrants could be a boon for the economy (Chin, 1995-1996).

With a new system of visas, U.S. immigration policy updated their requirements for entry. To ensure immigration was well regulated within the new system, a series of eligibility and inadmissibility criteria were formed.<sup>1</sup> For each type of visa, there was a list of who is eligible to apply for it (“Chapter 2...”, 2020). For example, to be eligible for a family-based relative visa, one must be an immediate relative or spouse of a U.S. citizen, or a spouse or unmarried child of a legal permanent resident (“Chapter 2...”, 2020). Inadmissibility standards, on the other hand, were grounds to deny a visa application and applied across the visa spectrum (Weissbrodt & Danielson, 2004). These standards covered an array of potential grounds for inadmissibility,

---

<sup>1</sup> As of 2021, these inadmissibility and eligibility standards still govern immigration.



including mental and physical health, diseases, crime, national security, and *public charge* (Weissbrodt & Danielson, 2004). Although each of these standards could be used to deny an application, most of these criteria left significant latitude for the degree to which they were enforced (Weissbrodt & Danielson, 2004). That degree of enforcement has largely depended on broader societal pressures concerning what should constitute legitimate immigration.

In the same way that the prior systems of explicit racial and national exclusions were created by, and helped shape, broader societal sentiment towards immigration, the INA did as well. In a post-war environment that was focused on expanding US economic primacy, there was a higher demand for highly skilled workers in the economy (Chishti et al., 2015). The flip side, however, was that “low-wage” laborers, who were disproportionately racial minorities, were excluded, while economic opportunities expanded for a select few (Gomberg-Muñoz, 2012, p. 346). By defining the ideal citizen as economically productive, U.S. immigration policy served to criminalize people, both citizens and immigrants alike, who deviated from that ideal (Gomberg-Muñoz, 2012). Thus, despite its supposed race-neutrality, the INA has defined citizenship in such a way that undercut the right of racial minorities who did not fit a certain “exceptional” mold that would be accompanied by access to full rights (Cisneros, 2015, p. 369).

#### *A focus on Undocumented Immigration*

In the 1980’s, the issue that moved to the “political front burner” of immigration debates was undocumented immigration (Goo, 2015, para. 1). This importance was in full display with the 1986 passage of the Immigration Reform and Control Act (IRCA), which contained the “most far-reaching changes in immigration law since the passage of the 1965 Immigration and Nationality Act” (Chishti et al., 2011, para. 2). The ICRA, authorized by President Reagan, was composed of three components to address undocumented immigration. The first component was

stricter border enforcement, including new criminal penalties for “fraudulent use of identity documents” and an increase in the number of border patrol agents by fifty percent (para. 13). The second component heightened penalties for employers who knowingly employed unauthorized immigrants. The third component, which was designed to be a compromise, established a path to residency that would “wipe the slate clean” for any undocumented immigrant who was in the United States for five years without legal infraction (para. 16).

Ten years after the passage of the IRCA, President Clinton signed into law the Illegal<sup>2</sup> Immigration Reform and Immigrant Responsibility Act (IIRIRA). Building on nativist pressure, the IIRIRA essentially “invented immigration enforcement as we know it today” by elevating preventing undocumented immigration to the forefront of immigration policy (Lind, 2016, para. 7). The “single goal” of this legislation was to increase penalties on immigrants who were in violation of the law (para. 8). In doing so, it “severely punished US citizens and noncitizens of all statuses,” not just undocumented immigrants (Kerwin, 2018, 192). The IIRIRA mandated expansion of federal, state, and local immigration enforcement, particularly for border patrol and deportations (Kerwin, 2018). Perhaps most impactful, the IIRIRA increased the barriers to undocumented immigrants becoming legal permanent residents. After its passage, “an unauthorized immigrant couldn't directly apply for legal status — even if he [sic] had married a US citizen, or qualified for a green card through a relative” (Lind, 2016, para. 21).

With the passage of these bills targeting undocumented immigrants, the category of “illegal immigrant” replaced explicit racial tropes that were commonplace before the passage of

---

<sup>2</sup> I want to acknowledge the problematic nature of the term “illegal” in the context of immigration while simultaneously acknowledging the rhetorical power that such a term has had in the popular discourse. Wherever possible, this thesis will use “undocumented” in place of “illegal.” See Rubio (2011) for a more detailed criticism of the term “illegal” in an immigration context.

the INA (Gomberg-Muñoz, 2012, p. 342). This designation, however, was far from race neutral. Multiple studies have demonstrated that “popular imaginaries of the prototypical ‘illegal immigrant’ map onto a Latino phenotype, converting Latinos throughout the United States into racialized targets of immigration enforcement measures” (Gomberg-Muñoz, 2012, p. 344). Public discomfort with explicit racial discrimination paved the way for exclusion across different axes. Fears of undocumented immigration had far-reaching implications. Instead of merely focusing on what constituted an ideal citizen, the focus of immigration policy became protecting the United States from unwanted invaders that threatened national security (Mittelstadt et al., 2011).

The national security threat of undocumented immigration was substantially amplified post-9/11. To better protect America from potential threats, the federal government created the Department of Homeland Security (DHS). Notably, Immigration and Naturalization Services (INS) was moved out of the Department of Justice into the DHS (Mittelstadt et al., 2011, p. 2). The DHS’s “overarching immigration objectives” included strengthening border security, further enforcing immigration laws, and denying immigration benefits to “dangerous individuals” (p. 2). The budget for Immigration and Customs Enforcement (ICE), the largest investigative agency within the DHS, more than doubled from 2002 to 2010 as more emphasis was placed on border security (p. 3). The tactics used to police undocumented immigration also changed drastically after 9/11. Drones patrolled the US-Mexico border, ground sensors were placed to detect movement, and billions of dollars were invested to prevent a “porous border” from becoming a “national security vulnerability” (p.8).

National security fears dominated immigration debates for years following 9/11. Despite the bipartisan desire to comprehensively reform the immigration system, attempts at reform were

stymied because policymakers were “strongly biased in favor of enforcement rather than legalization or visa reform” (Rosenblum, 2011, p. 10). Immigration enforcement was a tangible action that was able to assign blame to a particular law-breaking immigrant, and, thus, was favored by politicians (p. 11). Similarly, non-enforcement of immigration law was extremely unpopular because it tacitly accepted that there were no consequences for breaking the law (p. 11). The result of this political dynamic was comprehensive immigration reform that lessened border restrictions was a political impossibility. Furthermore, attempts to address immigration that did not include enhanced border enforcement were inevitably bogged down in debates over border security (Rosenblum, 2011). Ultimately, the status quo continued mostly unchanged, with a focus on border security and undocumented immigration coming at the expense of visa reform.

The antipathy towards undocumented immigrants was not confined to one political party. In every administration from Reagan into the Obama administration, border security and enforcement were stalwarts of U.S. immigration policy. Dubbed the “Deporter in Chief,” President Obama deported over 5 million immigrants during his 8-year tenure as president (Wolf, 2019, para. 3). President Obama maintained emphasis on curbing undocumented immigration, and focused policy goals on stopping the supposedly most “dangerous” individuals (Chishti et al., 2017, para. 25). Although prior administrations had focused on “ordinary status violators apprehended in the U.S.,” Obama focused efforts on removing “recent border crossers and criminals” (para. 16). The Obama administration released agencywide guidance documents that categorized the differing levels of priority for immigration law enforcement (Chishti et al., 2017). The administration’s top priorities for removal were “national security threats, noncitizens apprehended immediately at the border, gang members, and noncitizens convicted of felonies or aggravated felonies” (para. 19). In this regard, the Obama administration’s conception of

citizenship was similar to prior administrations who tried to cultivate an ideal citizenry by denying citizenship to those who did not fit the mold. The Obama administration did, however, provide more pathways to permanent residency and citizenship than some prior administrations. Through programs like Deferred Action for Childhood Arrivals, the Obama administration extended leniency to undocumented immigrants in certain positions, such as people who immigrated to the U.S. before they turned 16 years old (“Deferred Action...”, 2020). Despite President Obama’s prioritization of interior enforcement and border security, a significant segment of the American public remained unsatisfied, and sought a president who would be stronger on immigration.

### *The Trump Era*

In the 2016 electoral campaign, Donald Trump was the champion candidate of immigration restrictionists. In 2016, “immigration may have been the issue most responsible for [Trump] winning the Republican nomination” and ultimately the presidency (Enten & Bacon Jr., 2017, para. 8). Trump made limiting immigration “central to his political strategy” and campaigned on several different immigration restrictions (Klinkner, 2017, para. 1). One of the main reasons that Trump won in 2016 was because he was able to tune into nationalist sentiments among the American public (Gaughan, 2016). Although Trump promised to make “big sweeping changes” to immigration, Trump ran on policies that shared similarities with several different periods in America’s history (Martin & Stuart, 2020, para. 7). Through a wide variety of policy tools, the Trump administration championed restricting immigration based on nationality, legal status, and productivity.

Within the first month of his presidential term, President Trump signed an executive order that “banned foreign nationals from seven predominantly Muslim countries from visiting

the country” and prohibited refugees based on nationality (“Timeline of the Muslim Ban”, 2020, section “Friday, January 27, 2017”). The administration tied the travel ban to fears of terrorist activity stemming from predominantly Muslim countries like Iran, Libya, Somalia, Syria, and Yemen (Narea, 2020b). There was, however, no evidence to suggest there was any serious threat of terrorism from any of these countries (Lithwick, 2017). Rather, Trump’s travel ban was a product of ethno-nationalism propagated by key advisors like Stephen Miller, who explicitly argued that immigration undermined the Judeo-Christian social fabric of the United States (Bouie, 2017). The travel ban “[channeled] the impulse” of the Johnson-Reed Act by attempting to “cast the United States as a white nation, off-limits to those who don’t fit [Trump’s] preferred racial type” (Bouie, 2020, para. 11). By assuming that immigrants from Muslim countries are likely to be terrorists, Trump did more than just stop immigration. Rather, he sent “a larger signal about who matters in this society” (para. 12).

In addition to exclusions based on nationality, the Trump administration emphasized immigration policies based on legal status like border security and limiting undocumented immigration. Trump’s “signature policy since the earliest days” of his campaign was the construction of a wall along the US-Mexican border (van Wagtendonk, 2019, para. 13). Advocates of the border wall adopted a similar view of citizenship to advocates of other policies of the late 20th and early 21st century such as the IIRIRA and post-9/11 border enforcement. On the surface, proponents of this view take no issue with who immigrates to the U.S., but rather are concerned with *how* that immigration occurs. But the border wall was deeply racialized (Brownstein, 2019). A rallying cry for white nationalism, the border wall served more of a symbolic feature than a pragmatic one. The border wall “[reinforced] the fundamental fault line” separating two political sides in the United States (Brownstein, 2019, para. 1). Immigration

restrictionists viewed the wall as a powerful symbol of protection against the immigrant other. To immigrants and non-white people who live along the US-Mexican border, the border wall served as a “monument to a national identity that not only excludes but marginalizes them” (García, 2019, para. 5). The border wall may have nominally been about securing the border from national security threats, but undergirding that purpose was a focus on “re-establishing the dominance of white Americans” in the face of growing racial and ethnic diversity (Sattler, 2019, para. 8). The border did not just separate the United States from Mexico; rather, it separated who counted as fully human, because it served as a barrier to keep out the dangerous, foreign other. Beyond the border wall, the Trump administration’s policy of family separation for asylum seekers at the border demonstrated a complete disregard for the humanity of those seeking to immigrate to the United States. Immigrants who were detained at the border were taken from their families and blatantly lied to about why they were being separated and for how long they would be apart (Lind, 2018a). Family separation was “dehumanizing” for immigrants and can “negatively affect children’s longer-term development and emotional well-being” (“The Trump administration’s systematic...”, 2019, para. 1, para. 5). The disregard for lives and livelihoods is no coincidence, it is intrinsic to a conception of citizenship that necessitates exclusion of otherized individuals.

The Trump administration proposed several different policies that sought to limit legal residency to protect American economic productivity. These policies, such as denying visas for highly skilled foreign nationals at a higher rate and nearly halving the number of approved visas for immediate relatives of U.S. citizens, fit within the Trump administrations narrow, nationalist conception of citizenship (Anderson, 2020). However, they were distinct policy tools because they were focused on economics rather than physical threats. Rather, these limits to legal

immigration primarily sought to reduce the number of legal immigrants in search of better opportunities because they were a threat to national identity. The president touted that he was putting “American workers first” (“President Donald J. Trump...”, 2020, para. 1). It should be noted that these restrictions on immigrant visas were unlikely to improve the American economy; rather, these policies provided stronger incentives for companies to move jobs out of the U.S., for entrepreneurial immigrants to start businesses outside of the U.S., and for investors to seek investment opportunities in other countries (Glennon, 2020). These policies cohered more around prioritizing a “national identity [that was] centered in white identity” more than securing national interest (Srikantiah & Sinnar, 2019, section I, subsection B, para. 6). Similarly, the public charge rule advanced a narrow interpretation of American identity.

Although the specific ways in which nationalist ideologies emerged in Trump’s immigration policies were different, the travel ban, border wall, and restrictions of legal immigration revolved around a consistent theme. The public charge rule fits within this nationalist understanding of Trump’s immigration policy: although it was touted in primarily economic, race-neutral terms, the enforcement of the policy and policy discourse had deep-seated exclusionary undertones. When viewed within this lens, the public charge rule was not just an unprecedented restriction of legal immigration. It was also a significant piece of a broader attack on immigration and citizenship rights as a whole.

## **Conclusion**

There is a mutually reinforcing relationship between the policies that regulate immigration and the societal ideals of a national identity. Society constructs laws that reflect their values, ideals, and likeness. At the same time, the policies that govern immigration serve as strong normative signals of who ought to be considered an ideal citizen. This symbiotic



relationship ensures that citizenship functions as more than a legal designation. To account for the myriad of ways that citizenship can operate, scholars need a definition of citizenship that encompasses the legal, social, and discursive realms. Conceptualizing citizenship as the right to have rights, both in a de facto sense and a de jure sense, allows for an understanding of why some groups of people are routinely denied basic de jure rights by the law and de facto rights by the broader population via social exclusion. Understanding citizenship as the right to have rights helps explain the effect, beyond the direct legal consequences, that immigration policies have on immigrant populations.

Because conceptions of citizenship and immigration policies shift over time, analysis of particular immigration laws must be placed in a larger context. Although Trump's immigration policies seemed to be stark departures from the norm, they shared many attributes with immigration policies of the past. The travel ban used explicit national exclusions similar to the 1924 Johnson-Reed act. The border wall relied on tropes of the dangerous undocumented immigrant to that were similar to policies of Clinton, Bush, and Obama. Understood this way, Trump's nationalist policies were merely evolutions of prior American immigration policy, and consequently American societal conceptions of citizenship. The public charge rule is no exception.

### **Chapter 3- Self-sufficiency, Public Charge, and Market Fundamentalism**

With the enactment of the public charge rule, the Trump administration severely expanded the scope of the public charge by applying it to SNAP benefits, Medicaid, public housing, and other non-cash benefits (“DHS Implements Inadmissibility...”, 2020). The public charge rule forced in-need immigrants to choose between receiving necessary public services and the ability to legally immigrate to the United States. The Trump administration’s policy risked 26 million people losing access to “nutrition, health care, or housing programs” (Straut-Eppsteiner, 2020, para. 3). The impacts were not confined to immigrants: the public charge rule put “more babies who [were] U.S.-born citizens” with immigrant parents “at risk of low birth weight and other problems” by limiting access to food and healthcare (Evich, 2018, para. 5). In order to justify undermining immigrants’ access to social welfare, the Trump administration appealed to values that, for some, outweigh the physical and economic harm that they caused.

One such value, referred to by the Trump administration as the “ultimate aim” of the public charge rule, was self-sufficiency (“Inadmissibility on Public Charge Grounds,” 2019, p. 41313). Self-sufficiency has been commonly cited as a justification for social policy and was considered by the DHS to be a “long-standing principle of immigration law” (“DHS implements inadmissibility...”, 2020, para. 2). Appeals to self-sufficiency have historically extended beyond immigration into multiple facets of policy, such as: food stamps, medical assistance, job training and unemployment benefits. (Cummins & Blum, 2015; Daugherty & Barber, 2001; Morgen, 2001; Patterson, 2012; Glynos, 2014). For example, the 1996 Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA) legislated self-sufficiency as a “major goal of welfare reform,” which sent a message to the American public that “the moral and functional duty of all U.S. citizens is to work in order to support themselves and their families” (Daugherty

& Barber, 2001, p. 662). Self-sufficiency is a term that is “saturated with ideological meanings that condense key values associated with neoliberalism” such as individualism, productivity, and privatization (Morgen, 2001, p. 747-748). Self-sufficiency stands in stark contrast to negative traits, like dependency (Handler & Hasenfeld, 1997). As a result, self-sufficiency has served as a justification for restricting public services like TANF, food stamps, medical assistance, and cash benefits (Morgen, 2001). These limitations on access to public welfare are representative of a broader ideational regime of market fundamentalism (Somers, 2008).

In the context of the public charge rule, the consequences of mandating self-sufficiency were severe. The public charge rule created a “chilling effect” that caused a rapid decline in participation rates for TANF, SNAP, and Medicaid among noncitizens (Capps et al., 2020, para. 5). As a result, immigrant families were unable to access “nutritious food, affordable health insurance, and stable housing” that were essential to healthy development and material well-being (Jenco, 2020, para. 2). The negative health impacts were magnified by the “key role” immigrants played in the frontline response to COVID-19, serving as “essential workers in health care, food production, and transportation, leaving them at greater risk of exposure” (Whitener, 2020, para. 3). Thus, the rule risked the livelihood of thousands of immigrants throughout the United States.

The Trump administration’s appeal to self-sufficiency was not a neutral appeal to an objective value. Rather, I argue that self-sufficiency functioned as a god term that signaled market fundamentalist values like privatization of citizenship and erosion of civil checks on citizenship rights. In order to demonstrate this argument, I first examine market fundamentalism as an ideational regime and discuss how it interacts with constructions of citizenship. Second, I analyze instances that market fundamentalism appears in texts related to public charge and

consider what those references, and the surrounding discursive clusters, say about the transcendent nature of self-sufficiency for the Trump administration. Finally, I evaluate the consequences of adopting a market fundamentalist ideology in the context of immigration and citizenship.

### **Market fundamentalism as an ideational regime**

Free-market economics dominates the political, ethical, and cultural landscapes of the United States. Margaret Somers (2008) posits that market fundamentalism, the prevailing ideational regime, is premised on “the drive to subject all of social life and the public sphere to market mechanisms” (p. 2). Under market fundamentalism, laissez-faire economic principles take on a cult-like significance where governmental actions that intervene into market activities are met with backlash. In order to understand the ways in which the public charge fits within the regime of market fundamentalism, it is important to evaluate how market fundamentalist ideologies gain support and how market fundamentalist policies replace inclusive conceptions of citizenship with exclusive conceptions contingent on contractual obligations.

#### *The Power of Market Fundamentalism*

Somers (2008) explains that, as a dynamic ideational force, market fundamentalism operates in three overlapping jurisdictions: the market, the state, and civil society. The market acts as a force to facilitate contractual relations where goods and services are valued and exchanged. Under such a force, incentives to maximize profits by creating mismatched transactions are a driving force of the market. The state, on the other hand, is the governing body primarily responsible for regulating the individuals and organizations under its jurisdiction. Laws created by the state are not intrinsically anti-market because the state both take actions that regulate and promote market forces. Civil society often acts as a “counter-vailing force” to the

market and the state (Somers, 2008, p. 43). Whereas the powers of the market and state are derived primarily from profit and laws, respectively, civil society gains its power from social engagement. Civil society offers an avenue for important counter-movements like “unions, environmentalism, civil rights movements, feminism, gay rights, etc.” to influence society through public engagement and institution building (p. 48). Through the use of social tools to promote different causes, civil society functions as a place for the democratization of principles, including citizenship. All three jurisdictions are important for a thriving democratic and inclusive citizenship, but such citizenship regimes are threatened by “radical imbalances” of market power (p. 48).

Market fundamentalism requires that market forces not be constrained by governmental oversight or regulation. Corporations and the wealthiest people are given immense power to write their own oversight legislation, ignore the business best practices that they themselves construct and undo regulatory practices (Somers, 2008, p. 38). Given the immense power that industry holds, it is able to control the public narrative that the market should not just stay contained but should *invade* the state and civil society. There are several prominent discourses that accompany repeated market invasions. One oft-repeated underlying assumption of market fundamentalism is that “the market is the most efficient, just, and natural form of social interaction” (p. 38). Another such foundation is that all forms of interaction between individuals should resemble “contractual quid pro quo exchange” (p.38). Additionally, under market fundamentalism incentives are the “dominant instrument for organizing social programs” and social interactions (p. 38-39).

There are significant material and rhetorical consequences resulting from an invasive market force. With the market as the strongest organizing force, power, and influence “go to

those who accumulate great wealth, financial assets, and property” to the extent that market power “replaces civil society’s nonmarket criteria for recognition” (p. 39). Rhetorically, the market ethos monopolizes claims to “efficiency, moral goodness, justice, freedom, and prosperity” (p. 39). These narratives maintain market invasions as normal and important checks on an overbearing state.

Within a market fundamentalist social order, the state, rather than acting as a check on market expansions, works to aid the rise of economic power. Because economic power drastically impacts who has influence within the state, market fundamentalist logics infiltrate state decision making and regulatory policy. Therefore, policymakers often see their primary role as “starving the beast” that is big government (Somers, 2008, p. 40). Social services that are designed to protect America’s poor become targeted for cuts as the government internalizes the expense of social services (Carcasson, 2006, p. 657; Rappeport & Fadulu 2020).

This dynamic has forced governments to restrict access to services in a litany of ways. By restricting funding for social services and restricting access through means-testing or work-requirements, the state simultaneously maintains social control over its population while ceding power to the market (Golshan, 2018). Additionally, governments often target social services for budget cuts before other programs, adding volatility to the size of government support (Kogan et al., 2019). Contrary to market fundamentalist talking points about the need to reduce the power of the state, market-driven big government, which is justified by eliminating support for individuals, provides a safety net to corporations (Somers, 2008, p. 40). The effects are self-reinforcing: a larger government delivers more power to the market, which provides more power to the select few who already hold the most power.

The result of this market-state relationship is an erosion of civil society's checks on market expansion. When social organization is replaced with market organization, social services are slashed and opportunities for mobilization grow for the rich and vanish for the poor. As public education, healthcare, food-stamp programs, and other major social services are reduced, opportunities can only be through commercially viable alternatives (Carcasson, 2006). The result is that poor people "experience diminished economic opportunity and mobility in the face of rising inequality" (Horowitz et al. 2020, para. 10).

Market fundamentalism is not solely dictated by policy. Public narratives and culturally engrained assumptions also drive the ideational regime of market fundamentalism (Somers, 2008, p. 2). When powerful governmental, market, and civic forces amplify values such as self-sufficiency, resilience, and productivity as ideal, those values become further entrenched as guiding principles within the broader public. So-called success stories of people who overcome the odds to amass wealth are broadly disseminated and heralded as aspirational. Even though this market-driven upward mobility is statistically unlikely, it serves as an "illusion" that has nonetheless "conquered the current social imaginary" (p. 4). These social manifestations of self-sufficiency are problematic because they are used to justify exclusion and oppression.

The negative impacts of a market fundamentalist ideational regime can be observed through analysis of citizenship norms. Appeals to market-fundamentalist values are used to "convert the ethos of a socially inclusionary citizenship to one of contractual morality" (p. 37), allocating more power to the market than to the state and civil society. Such an erosion of citizenship rights poses both problems for inclusive citizenship regimes.

*Market Fundamentalism: An Attack on Citizenship*

Market fundamentalist policies constitute a government's ideal citizen as somebody who fits dominant cultural narratives of individualism and financial success. As a result of market fundamentalism, Somers argues, the most prominent force in the erosion of rights is "contractualization of citizenship" (Somers, 2008, p. 2). Social organization of rights between the state and its citizenry have been replaced by quid pro quo market exchanges that eliminate boundaries that once protected "the public sphere and civil society from market penetration" (p. 2-3). Under these quid pro quo regimes, one's ability to have full rights is determined by their contribution to society. Rather than establish forms of genuine community, contractualized citizenship prioritizes social arrangements based on the utility that they produce. Under this worldview, people are best served by doing as much for themselves as possible, so they do not need to endure the costs of quid pro quo exchanges. For example, struggling people might not accept temporary community support if there was an expectation that they would pay for it later with interest. Such social arrangements establish an ideal citizenry as one that obeys free-market principles of self-reliance and espouses beliefs that "unregulated markets and unfettered capital accumulation are key to and sufficient for social provision" (Jones and Mukherjee, 2010, p. 406). Because of the market's economization of non-economic spheres, "market fundamentalism is constitutionally unable to tolerate alternative noncontractual social phenomena" (Somers, 2008, p. 78). Thus, immigration policy created under the market fundamentalist paradigm requires constituting an ideal citizen that can uphold their end of the contract. In contrast to inclusive citizenship regimes, market fundamentalist regimes prioritize extracting labor and resources from their citizens to maximize national economic output.

Inclusive and durable citizenship regimes require a thriving civil society that can withstand incursions from the market and the state. Absent strong checks on such interventions,



public discourse and engagement become monetized, commodified, and regulated by those with disproportionate power within the state and the market. When civil society functions as a branch of the market, “free and self-regulating markets are considered the only requisites for individual rights and social justice” (Somers, 2008, p. 30). The market’s erosion of non-contractual social relationships undermines efforts at social inclusion. Without a strong civil society, individuals must “exploit their own social capital” to navigate society (p. 42). As a result, people with more financial capital also have more social capital, because they are considered self-sufficient and capable. Contractual social relations undermine community networks, which leaves “few opportunities for meaningful democratic participation, popular resistance, associational oppositional networks, or even incipient social movements” (p. 42). When social relationships are predicated on extracting value, the people with the most social influence are the ones who have resources. This makes political opposition to the rich and powerful exceedingly difficult to mobilize, because it requires competing with larger budgets, more connections, and more power within existing rule-making institutions. For example, when large corporations want to open facilities in a city, they pay for large advertisement campaigns to get public approval while simultaneously lobbying for tax breaks that undermine the economic well-being of surrounding businesses and citizens (Garofalo, 2020).

Under market fundamentalist citizenship regimes, there is no social obligation to better one’s community; instead, there is a perverse incentive to hoard as much as one can in the name of self-sufficiency. Additionally, pro-market narratives emphasize property rights as integral to citizenship. Within this view, people with the most property also have the most rights. Although property rights are one part of the citizenship equation, membership and inclusion are tied “not just to the fruits of paid labor but to the inclusion attached to actual employment” (Somers, 2008,

p. 36). Inclusive citizenship requires recognition, which is mutually exclusive with a contractual understanding of citizenship. Under inclusive citizenship regimes, “there is no presumption of market or quantitative equivalence between the rights/benefits/protections on the one side, and the duties/responsibilities/obligations on the other” (p. 88). Simply put, in an inclusive citizenship regime, one’s ability to have full rights is not determined by their contribution to society. This runs fundamentally in opposition to the idea that a citizen must contribute to society to receive from society, which is at the core of market fundamentalism.

In the context of immigration, there are significant implications of viewing citizenship as contractual. Under a contractual citizenship regime, “failing to provide a good or service of equivalent market value in exchange for what is now the privilege of citizenship results in a reduction of the moral worth of a citizen” (Somers, 2008, p. 89). This expectation of *earning* citizenship facilitates a dichotomy between “responsible/good immigrants” and “irresponsible/criminal/bad immigrants” (Cisneros, 2015, p. 366). Cisneros (2015) links the dichotomization of immigrants to their economic output to “neoliberal forms of whiteness” (p. 366). Because immigrants are denied some formal rights, they are structurally denied the ability to be *good* immigrants. Ultimately, this dichotomy demonstrates that “the social value of one marginalized group is often constructed through the ‘social death’” of another marginalized group (p. 367).

The strengthening of the public charge rule by the Trump administration was one such attempt to contractualize citizenship. The public charge rule made it more difficult for people to attain legal status in the United States by rendering people inadmissible based on wealth and circumstance. The values that the public charge rule appealed to, and propagated, situated the ideal immigrant as someone who was independently financially well off, able bodied, and

willing to sacrifice their own well-being in order to assimilate into American culture. Analyzing the ways that the Trump administration justified the public charge rule provides insight into the contractualization of citizenship on rhetorical and ideational levels.

### **Self-sufficiency and the public charge**

The Trump administration's most frequently cited justification for the public charge rule was an appeal to immigrant self-sufficiency. Referenced in every section of the document, self-sufficiency was noted over 400 times in the rule ("Inadmissibility on Public Charge Grounds," 2019). In the executive summary of the rule, the DHS stated that they were "revising its interpretation of "public charge" to incorporate consideration of such benefits, and to better ensure that aliens subject to the public charge inadmissibility ground are self-sufficient" (p. 41295). The Trump administration noted that the "primary benefit" of the rule would be to "better ensure that aliens who are admitted to the United States, seek extension of stay or change of status, or apply for adjustment of status will be self-sufficient" (p. 41301). In the public charge rule, the Trump administration further elaborated that "the regulation minimizes the incentive of aliens to immigrate to the United States because of the availability of public benefits and promotes the self-sufficiency of aliens within the United States" (p. 41323).

Several public commenters who supported the rule argued that "migrants should not be able to obtain welfare unless they have a minimum working record in the United States," that "immigrants should be productive members of society to gain admission to the United States and should not be a burden on the state," and that "the rule will encourage immigrants to work hard and become self-sufficient" ("Inadmissibility on Public Charge Grounds," 2019, p. 41305). In concurrence with these comments, the DHS agreed that "applicants for admission and adjustment of status who are subject to the public charge ground of inadmissibility should be

self-sufficient and should not depend on the government to meet their needs, and this rule seeks to better ensure self-sufficiency” (p. 41305). The Trump administration further clarified this goal, arguing that the “DHS seeks to ensure that those coming to the United States are self-sufficient and not dependent on the government for subsistence now or in the future, even if they are currently contributing to the tax base” (p. 41354).

These appeals to self-sufficiency were not just attempts to explain the policy; rather, they were used to transcend other moral codes and depict an ideal citizen. In response to objections about the impacts of disenrollment, the Trump administration countered that such concerns were irrelevant because they did not fall within the administration’s “overriding consideration” outlined in the PRWORA (“Inadmissibility on Public Charge Grounds,” 2019, p. 41312). The existence of congressional *intent* to promote self-sufficiency, according to the Trump administration, constituted “a sufficient basis to move forward” with the rule, even if it meant endangering the livelihoods of thousands of immigrants (p. 41312). Thus, negative consequences of the public charge rule could be side-stepped by the Trump administration in the name of self-sufficiency.

In order to position self-sufficiency as a transcendent god term, the Trump administration’s appeals to self-sufficiency appeared in two different clusters that appealed to market fundamentalist values. First, self-sufficiency was invoked in opposition to dependence on direct governmental financial support. Second, self-sufficiency was appealed to as an unquestionable congressional directive that shifted any blame for negative consequences away from the Trump administration.

*Self-Sufficiency in Opposition to Government Assistance*

The Trump administration defined self-sufficiency by placing it in opposition to receiving government-funded services. In the executive summary of the public charge rule, immigrants were considered self-sufficient if they “do not depend on public resources to meet their needs, but rather rely on their own capabilities, as well as the resources of family members, sponsors, and private organizations” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41295). Self-sufficiency was defined in numerous other places throughout the rule as being independent from dependence and reliance on government resources, explicitly categorizing government support as different from familial and community support (“Inadmissibility on Public Charge Grounds,” 2019).

By tying notions of self-sufficiency to independence from reliance on government benefits, the Trump administration rhetorically positioned self-sufficiency in two ways that reflect the prioritization of the market over social welfare. First, the definition given in the public charge rule conflated being self-sufficient with being independent of the government. The fact that the definition of self-sufficiency allowed for individuals to be dependent on “the resources of their families, sponsors, and private organizations” to be considered self-sufficient under public charge rule demonstrated that “self” can be defined broadly if it does not include the government (“Inadmissibility on Public Charge Grounds,” 2019, p. 41320). Such a definition made clear that the focus of the rule was not to foster a citizenry that created a prosperous society. In fact, the Trump administration advised against factoring in metrics like an immigrant’s tax contributions, arguing that such a measure would be an “incomplete” understanding of self-sufficiency (p. 41347). Instead, the Trump administration forwarded a much narrower metric that was hyper-focused on reliance on public benefits.

The Trump administration, by positioning self-sufficiency as independence from the government, shifted the onus of social responsibility away from the government towards individuals. The public charge rule's insistence on self-sufficiency meant that struggling immigrants were expected to turn to individuals and private organizations for food, healthcare, and financial resources. This reliance on private charity is endemic to the broader ideational regime of market fundamentalism, particularly within American conservatism (Konczal, 2014). The emphasis on voluntary, private charity has been a fixture of the "conservative vision of social insurance" in discourse about taxation, social welfare, and public goods (Konczal, 2014, para. 3). Most often, when people are instructed by the government to seek private charity, they are unable to secure the resources they seek (Hiltzik, 2014). Even when private charity *can* be a solution, people are forced to rely on their own communities for financial support which exacerbates geographical wealth gaps (Bischoff, 2016). Furthermore, access to private philanthropy is not equal. Private charities, because of their placement within the market fundamentalist regime, tend to focus on specific groups of people that are either "deserving" or part of a similar "in-group" to the people running the charity (Konczal, 2014). Resultantly, only one third of philanthropic donations go to poor people. Instead of supporting the needy, private charity in the United States disproportionately supports religious institutions and non-urgent charitable causes (Konczal, 2014, para. 28).

Furthermore, the U.S. Citizenship and Immigration Services (USCIS) emphasized how incentivizing immigrants' reliance on government services would "protect American taxpayers" ("USCIS Announces...", 2020, para. 3). This statement reflected a deeply troubling perspective that government exists to take, but not to give. Such a minimalist view of government responsibility was also present in the Trump administration's description of immigrants as

uniquely likely to “take advantage of public assistance without offering the US anything in return” (Narea, 2020a, para. 15). Such an understanding of government is rooted in market fundamentalism, wherein “the state’s role in social citizenship is restructured from that of providing protection and social insurance to its citizens into that of demanding quid pro quo obligations in exchange” for basic protections (Somers, 2008, p. 40). Under this conception, the government is not a support system for those most in need, but instead a mechanism for furthering market power. When the government is there to primarily serve those who contribute the most to it, it becomes exploitable by large corporations, interest groups, and individuals who already exercise disproportionate power (Somers, 2008). The notion that the public charge rule protects taxpayers, then, is an incomplete understanding of the interactions between the state and the market. Adopting such an approach to government necessitates believing that support must be earned by paying into the system in an amount proportional to what is taken out. Immigrants often face significant social and economic hardship that causes them to immigrate in the first place (Castelli, 2018).

The logic of forbidding immigrants from accessing public welfare because they have not contributed enough to the tax base also would apply to low-income citizens, rendering the purpose of a social safety net functionally useless. Under such a logic, the “crusade” to promote personal responsibility and self-sufficiency is weaponized against both citizens and non-citizens who are deemed unworthy of a safety net (Somers, 2008, p. 111). For example, during Hurricane Katrina, Black people who were unable to escape New Orleans, because of a combination of centuries of social and economic disenfranchisement, were deemed unworthy of a government response (p. 110-111). However, under an ideational regime of market fundamentalism, a failure to adapt to a historic natural disaster is deemed a failure of the individual. In the words of right-

wing pundit Bill O'Reilly, "if you don't work hard you will be stranded on a roof top and no one will help" (p. 111). When social support is replaced by expectations of self-sufficiency, most people suffer because only those holding power can weather the metaphorical, or literal, storm.

The Trump administration's over-emphasis on government benefits was additionally flawed because its measurement of self-sufficiency was backwards-looking and exclusively focused on the short-term. The public charge rule treated self-sufficiency as a binary condition: one is either self-sufficient or dependent, with no in-between. To determine if an immigrant was self-sufficient, the rule required the DHS to look at how many public benefits an immigrant received, and for how long. The DHS decided that it would not look toward future projections of self-sufficiency, but instead would "only consider whether the alien has received designated benefits" ("Inadmissibility on Public Charge Grounds," 2019, p. 41298). This distinction was further reiterated by the Trump administration in response to public comments, where the DHS explained that:

The public charge inadmissibility provision is not intended to ensure that aliens *can become* self-sufficient; in fact, Congress specifically articulated policy goals in PRWORA that provided that government welfare programs should not be an incentive for aliens to immigrate to the United States and that aliens inside the United States are expected to *be* self-sufficient.

("Inadmissibility on Public Charge Grounds," 2019, p. 41352).

The Trump administration made clear that the public charge rule was not meant to *promote* self-sufficiency, but rather criminalize dependence. The Trump administration stated that the DHS "will not create programs in lieu of this rule that will help aliens attain self-sufficiency, as DHS believes, consistent with Congress's intent set forth in PRWORA, that aliens should be self-



sufficient before they seek admission or adjustment of status” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41308). This approach criminalized immigrants in the short and long term. As a result of the rule, prospective immigrants were barred admission if they were receiving social services. Similarly, immigrants who fell on hard times were incentivized to not receive public support that they needed for fear of deportation.

By only focusing on immediate context, the Trump administration rhetorically shifted the purpose of the public charge rule from “promoting self-sufficiency” to criminalizing an immediate, even if temporary, dependence on government resources (“Inadmissibility on Public Charge Grounds,” 2019, p. 41391). In doing so, paradoxically, the Trump administration made it more difficult for immigrants to become self-sufficient. For low-income immigrants, social services offer vital support while adjusting to a new location, including often overcoming language and cultural barriers (Sumption & Flamm, 2012). Becoming self-sufficient is a process that requires time, effort, and importantly, stability. For that stability to materialize, it is important to bolster “the common good” by “making sure that no child goes to school hungry and no one puts off medical care until the only option is the emergency room” (“The myth of the self-sufficient...”, 2019, para. 8).

Rather than engage with the fact that the public charge rule might be counter-productive towards promoting future self-sufficiency, the Trump administration attempted to evade that debate by rendering the future irrelevant. The emphasis on short-term costs and benefits mirrored a broader paradigm of market-oriented ideologies (Bone, 2010). Capitalism and market-based systems are plagued by the “tyranny of short-termism” in which immediate considerations crowd out judgements for long-term challenges (Denning, 2014, para 1). With the rise of market-centric ideologies, “long-term rational planning and organization” receded, resulting in a “fatalistic

reliance upon market mechanisms” to assess consequences for actions (Bone, 2010, p. 731). In the context of the public charge rule, the inadmissibility of immigrants using public welfare was a short-term, “irrational” attempt to limit government spending that ignored the clear societal benefits of providing stability for immigrants (p. 731).

The short-term thinking of the Trump administration helped to elevate self-sufficiency from a stated goal to an irrefutable god-term. The Trump administration positioned the self-sufficiency of an immigrant as the “relevant inquiry that this rule aim[ed] to address,” rendering questions of public assistance serving as a “path to self-sufficiency” obsolete (“Inadmissibility on Public Charge Grounds,” 2019, p. 41314). In doing so, the Trump administration appealed to cognitive biases favoring presentism (Gray, 1999). By conjuring images of immigrants living off the government’s dole, the Trump administration created a “threat-related negative emotional state” that “bias[ed] people toward short-term thinking, favoring immediate consequences” (Gray, 1999, p. 72). Even if public services could have offered immigrants long-term support, simple arguments about how those immigrants are not currently self-sufficient were powerful, and transcended competing values, because of the ways in which market forces and psychological biases prime people to over-value short-termism.

#### *Congressional Command as an Unquestioned Good*

The Trump administration appealed to self-sufficiency as its own market fundamentalist value and refuted criticism about negative consequences by shifting blame to Congress. In addition to being used in opposition of dependence on government benefits, the Trump administration frequently referenced self-sufficiency in the context of, and clustered with, appeals to congressional intent. The Trump administration outlined that the purpose of the rule was to “implement the public charge ground of inadmissibility consistent with the principles of

self-sufficiency set forth by Congress” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41333). The DHS explained that it “firmly believe[d]” that ensuring self-sufficiency of immigrants was “Congress' intent in enacting section 212(a)(4) of the Act, 8 U.S.C. 1182(a)(4), including the changes to this ground made in 1996” (p. 41305). When faced with comments suggesting that the public charge rule would be bad public policy, the Trump administration argued that they did “not believe that it is sound policy to ignore the longstanding self-sufficiency goals set forth by Congress” (p. 41314). Perhaps most succinctly put by Ken Cuccinelli, the former acting director of USCIS, “we’re simply making effective what Congress had already put on the books” (“Press briefing by...”, 2019, para. 105).

These references to Congress’s command were not appeals to a neutral authority, but examples of the government expanding the authority of the market. In the public charge rule, the Trump administration cited PRWORA as proof of congressional intent for self-sufficiency to be a “basic principle of United States immigration law” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41306). In the text of the rule itself, PRWORA was referenced 95 times, serving as one of the primary existing congressional justifications for appeals to self-sufficiency (“Inadmissibility on Public Charge Grounds,” 2019). The Trump administration positioned the public charge as the next step in a line of market fundamentalist reforms, arguing that “the proximity of the passage of both PRWORA and IIRIRA” to the public charge rule means that Congress must withhold certain benefits to immigrants (p. 41307). The close alignment between the public charge rule, PRWORA, and IIRIRA signals that appeals to self-sufficiency were part of a broader system of valuation.

By using PRWORA as the basis of for the public charge rule, the Trump administration built upon a fraught market fundamentalist policy with vast negative implications for poor

immigrants. To follow in the footsteps of PRWORA is to uphold the legacy of the bill that “end[ed] welfare as we know it” (Paresky, 2017, p. 1673). Under PRWORA, even people eligible for cash benefits such as TANF were denied access under strict work requirements (Bullock et al., 2019). PRWORA had a deleterious effect on citizens and marked a particularly “important shift” in the way that non-citizens accessed state-level benefit programs (Varsanyi, 2008, p. 889). As a result, PRWORA “dramatically reduce[d]” the number of people, citizen or noncitizen, eligible for public services (p. 889). Expanding on that legacy, the Trump administration’s public charge rule further criminalized poverty (Gustafson, 2009).

To the Trump administration, Congress served both as the genesis of self-sufficiency as an agency value and as a scapegoat which redirected any negative attention away from the executive agencies implementing the rule. The Trump administration prioritized arguments about how the public charge rule was upholding congressional intent and used those arguments to shield itself from criticism. In response to public comments that argued a lack of self-sufficiency among immigrants was an “ineffective solution to a non-existent problem,” the Trump administration pointed to Congress to prove the necessity of the public charge rule (“Inadmissibility on Public Charge Grounds,” 2019, p. 41306). Offering no proof or data that self-sufficiency was an urgent matter for policymakers, the Trump administration asserted that “Congress clearly declared, in its policy statement in PRWORA, that self-sufficiency has been a basic principle of United States immigration law” and that “it should continue to be a governing principle in the United States” (p. 41306). Similarly, the Trump administration posited that the rule must go into effect because “it would be contrary to congressional intent to promulgate regulations that encourage individuals subject to this rule to rely on any of the designated public benefits, or to ignore their receipt of such benefits, as this would be contrary to Congress's

intent” (p. 41318). The Trump administration argued that any negative coverage of the rule should be aimed towards Congress, despite it being an entirely executive reinterpretation of immigration law.

The Trump administration’s shifting of responsibility to Congress serves both rhetorical ideological functions. The argument for self-sufficiency is rooted in a desire for smaller government. Under the guise of “starving the beast,” social services are slashed because they are inefficient government spending (Somers, 2008, p. 40). By justifying the public charge rule as necessary to fulfill the wish of Congress, the Trump administration re-entrenched the authority of the government to intervene in the market. This appeal commonly underpins market-based ideologies: the solution to big social safety nets is not small government, it is “market-driven big government” (p. 40). The public charge rule expanded the authority of the DHS to intervene in the lives of immigrants, influencing their decisions about food, healthcare, housing, and other basic necessities. In effect, the public charge rule restricted the government’s will and ability to provide for immigrants, while simultaneously expanding the government’s authority to intervene in peoples’ lives. The Trump administration was able to successfully execute this contradiction by shifting the blame to Congress and appealing to political and cultural commitments to market fundamentalism, specifically self-sufficiency requirements in PRWORA.

## **Conclusion**

The Trump administration’s appeals to self-sufficiency as the ultimate value of the public charge rule were part of a broader market-based ideology that promoted individualism and profit over all other social considerations. By rhetorically positioning the government as the enemy, focusing on short-term crises instead of long-term solutions, and appealing to congressional intent as an unarguable mandate, the Trump administration elevated market fundamentalist

values from one possible consideration to *the* consideration in debates about the public charge rule. In doing so, the Trump administration constituted its ideal citizen as one who conforms to market fundamentalist values.

The Trump administration's defense of the public charge rule serves as a useful case study for examining the ways in which market fundamentalism infiltrates policy discourse. Market fundamentalism is not just the result of deregulatory policies and does not sustain staying power in the United States solely on the basis of economic pragmatism. Rather, market fundamentalist values and ideologies are replicated through discourse and aspirational imagery. In the same way that self-sufficiency was propagated as an unquestioned goal of the public charge rule, market fundamentalist values are assumed to be the default goal and outcome in other facets of policy, like: welfare, education, healthcare, taxation, and global development. By analyzing which terms hold substantial weight in public discourse about those policy areas and what values such terms reproduce, one can better understand the salience of market fundamentalism as a dominant ideational regime in the United States.

It is important not only to understand how presidential administrations introduce their policies, but also to analyze how they defend those policies against criticisms. One can agree that self-sufficiency, in the abstract, may be a worthwhile policy goal; however, the benefits of the public charge rule do not exist in a vacuum. With millions of people, disproportionately racial minorities, at risk to lose access to food and healthcare, it is necessary to shed light on how the Trump administration bolstered its justifications for the public charge rule against strong and accurate attacks that alleged the rule was discriminatory and harmful.

## Chapter 4- The Public Charge Rule and Arguments about Intent

In addition to presenting its own original justifications, the Trump administration had to defend its “heavily criticized” public charge rule from a litany of objections (“Data finds that...”, 2019, para. 6). Opponents of the “controversial” public charge rule levied several public comments, political attacks, and legal challenges opposing the rule (Alvarez, 2020, para. 1). Many of the arguments focused on the exclusionary nature of the rule, which would “codify discrimination” (Eaton, 2020, para. 1) by “allowing the Federal government to use racial and ethnic profiling to guess which legal immigrants might eventually need access to public assistance” (para. 6). With opponents labeling the consequences of the public charge rule as a “humanitarian catastrophe” (Stern, 2020, para. 3), “racist and classist cruelty” (Gessen, 2020, para. 1), and a “wealth test” for immigrants (Ramirez, 2020, para. 4), the Trump administration was tasked with refuting these objections in a way that diverted attention from the negative outcomes.

The Trump administration responded to objections by emphasizing *their intent*, rather than disputing *outcomes*. These references to the Trump administration’s intent are similar, but distinct, from references to congressional intent. Whereas references to congressional intent *shifted* blame to Congress, arguments about the administration’s intent were attempts to *absolve* itself of blame. For example, in responses to allegations of discrimination, the Trump administration made clear in the text of the public charge rule that they did “not intend the rule to have a discriminatory effect based on race, gender, religion, or any other protected ground” to occur (“Inadmissibility on Public Charge Grounds,” 2019, p. 41347-41348). Similarly, the Trump administration countered allegations of exclusion by saying they did “not intend to in any way diminish” opportunities for immigrants to seek humanitarian support and access a social

safety net (“p. 41353). The Trump administration also focused on intent to answer other objections, such as the restriction of access to vaccines (p. 41384), limitations on substance abuse treatment (p. 41385), discrimination on the basis of disability (p. 41409), and disproportionate impact on certain religions (p. 41432).

The Trump administration’s reliance on justifying this measure with intent-centered arguments did not address, and was a strategy of deflection from, the consequences of the public charge rule. In the Trump administration’s defense of the public charge rule, intent functioned as a god term that dictated a non-consequentialist value system that allowed the administration to evade criticisms based on the exclusionary *effects* of the rule. To demonstrate this argument, I will first survey the importance of evaluating the argumentative back-and-forth in the context of political rhetoric. Next, I will provide context for objections that opponents of the public charge rule forwarded. Finally, I will evaluate the argumentative function of intent-focused rebuttals found in the Trump administration’s responses to objections, drawing from literature on disparate impact and disparate treatment.

### **Political Argument**

Argumentation is a critical element of politics. The study of political argument “permits scholars to offer reflections that may transcend the details of any particular case” (Zarefsky, 2008, p. 318). In particular, analyzing argumentative interactions between governmental officials and the general public are important, because the construction of public policy “functions as a site where the limitations of government are rhetorically negotiated” (Miller, 1999, p. 376). Conversations surrounding the law, legislation and politics reflect “not only general understandings of argumentation, but also, even more powerfully, the particularities of a specific political culture” (Zarefsky, 2008, p. 318). Because that political culture is constantly changing,



the arguments between the public and the government help define the practical and moral priorities of a political moment.

Public argumentation can take many different forms. Some political arguments can serve as an attempt to persuade the public to support or oppose a particular policy (Herrick, 2019, p. 8). Presidential debates, for instance, serve as a forum for politicians to persuade voters to adopt their policies. In some instances, however, the purpose of a public argument is simply to justify a position, rather than to exclusively persuade the public (p. 8-9). Analyzing how political administrations justify their proposals helps provide insight into the rhetorical constraints that they face. For instance, since “the audience for political argumentation is heterogeneous,” administrations need to justify their proposals to multiple different groups of constituents without losing broad popular support (Zarefsky, 2008, p. 320). Evaluating the administration’s tactics for strategically maneuvering in a public argument, such as reframing a particular argument (p. 324) or changing the subject entirely (p. 322-323) can help demonstrate the strengths and weaknesses of the administration’s rationale.

### **Context- Objections to the public charge rule**

In what follows, I examine the Trump administrations responses to objections to the public charge rule. The public charge rule received “hundreds of thousands of public comments objecting to the rule” (Lewis, 2019, para. 5). Although these public comments, as well as objections raised in other forums such as articles, legal proceedings, and media coverage, covered multiple different themes, the core controversy surrounding the public charge rule was focused on consequences of the rule: the likelihood that the rule would “have a disproportionately discriminatory and damaging effect” on several marginalized groups (Lewis,

2019). Opponents of the public charge rule alleged that it was likely to disparately impact people on the basis of class, race, and ability.

### *Disproportionate Classist Consequences*

Opponents of the public charge rule argued that it “fundamentally change[d] the U.S. system for legal immigration in ways that would restrict immigration to the wealthiest and most privileged applicants,” creating multiple barriers for poor people to immigrate to the United States (Boteach et al., 2018, p. 1). One such barrier was expanding the definition of public charge to include people who had “income and resources of less than 250 percent of the federal poverty guidelines” (p. 1). Under such a definition, a family of four that made less than \$64,000 “need not apply” for immigration status (Vimo, 2019, para. 5). The re-definition of public charge, opponents argued, posed such an onerous burden that if it were applied to existing U.S. citizens (immigrants and non-immigrants alike), “more than 100 million people—about one-third of the U.S. population” would not qualify for citizenship status (Boteach et al., 2018, p. 1). Critics argued that such a “wealth test” made it immensely harder for non-wealthy immigrants to reunify with their families or immigrate to pursue better economic opportunities (Ramirez, 2020, para. 4).

The public charge rule created several other barriers to immigration that, according to critics of the rule, disproportionately excluded based on class. The public charge rule restricted access to several important social services including Medicaid, SNAP, WIC, public housing, and LIHEAP (Boteach et al., 2018). These public services help low-income people survive, so targeting them meant directly impacting poor immigrants.

The classist nature of this restriction was demonstrated by opponents of the rule through hypothetical application of it to U.S.-born citizens. Before the Trump administration’s public

charge rule, about 3 percent of U.S.-born citizens used programs that would have qualified them as a public charge if they were immigrants. The Trump administration's public charge rule would have increased that number "tenfold" to 32 percent of U.S.-born citizens (Boteach et al., 2018, p. 6). Such a drastic change created two mutually reinforcing phenomena that negatively impacted low-income immigrants. The direct effect was that immigrants were "prohibited from accessing many public benefit programs" that would disqualify them for a visa (Faber, 2020, p. 1396). Additionally, the public charge rule created an indirect effect wherein the fear of deportation, or denial of a visa, made immigrants less willing to access the programs that they were still eligible for (p. 1396). Ultimately, the public charge rule created severe negative consequences for 27 million people, disproportionately impacting low-income people (Batalova et al., 2018).

#### *Disproportionate Racist Consequences*

Opponents of the public charge rule alleged that the Trump administration's public charge rule disproportionately affected non-white immigrants. Materially, the public charge rule made it much harder for immigrants from countries with low average incomes. Those impacts were not just felt across class lines, but also along racial and national lines, because colonialist policies of white, western powers have decimated the economies of many under-developed countries (Rodney, 2020). Several public comments that were included in the public charge rule argued that the rule discriminated against immigrants based on race, because the effect of the rule restricted immigration to "immigrants with limited English proficiency, Latinos, Black families, and other communities of color" ("Inadmissibility on Public Charge Grounds," 2019, p. 41308). Although the public charge rule did not explicitly use race as a factor in consideration, opponents of the rule argued that evaluating language proficiency, income, and public benefit

use, functioned as proxies for race or nationality. For example, one commenter argued that “requiring English proficiency would mark a fundamental change,” discriminating against people from non-English speaking countries which are disproportionately non-white (p. 41432).

Opponents of the public charge rule compared the negative consequences of the rule to historically racist tropes that permeated immigration policy. Historically, the public charge’s inclusion in the INA was motivated by a fear of Irish immigrants and has since been used to restrict immigration from Jewish refugees and other immigrants from Asia, Africa, and Eastern Europe (Richardson, 2019). The Trump administration’s public charge rule, opponents argued, was “very clearly a reaction to the ways in which our immigrant demographics are looking less and less white” as “immigrants are now coming from countries that are predominantly Asian, Latin American, and African” (Mock, 2019, para. 9). Furthermore, opponents of the public charge rule highlighted the parallel between Trump’s targeting of immigrant use of public welfare and racist stereotypes like the “welfare queen” (para. 10) and the “anchor baby” (para. 11). In particular, they argued that the Trump administration’s public charge rule was designed to crack down on “lazy” people that politicians argued were taking advantage of the welfare system (Rampell, 2020, para. 6). Similar racist tropes have been used against Black women as “welfare queens” (Mock, 2019, para. 10) taking advantage of food stamps and against people having “anchor babies” to have a legal claim to stay in the United States (para. 11). Such parallels helped contextualize that the debate over immigrant access to public benefits was not solely about immigration status, but also about “skepticism of receipt of public welfare benefits by African American families” and other minorities (para. 10).

### *Disproportionate Ableist Consequences*

The public charge rule drew criticism from disability rights groups, because of its disproportionate exclusion of disabled immigrants. Opponents argued that the Trump administration rule expanded on a “very long, dark history of discriminating against immigrants with disabilities” with policies meant to keep out quote-unquote 'defective people’” (Budryk, 2019, para. 9). Despite this torrid history, before the Trump administration’s policy, “relatively few disabled immigrants with family support in the United States fail[ed]” the public charge test (Cokley & Leibson, 2018, para. 2). The Trump administration’s changes to the public charge rule had “particularly devastating effects on disabled immigrants and families who live with them” (para. 4). For example, the public charge rule designated the Low Income Home Energy Assistance Program (LIHEAP) as a program that could disqualify an immigrant as a public charge. This designation had extreme negative consequences for people with disabilities, since “seventy-two percent of LIHEAP recipient households include a member with a serious medical condition” (para. 4).

The Trump administration’s inclusion of Medicaid in the definition of public charge also had severe consequences for immigrants with disabilities. The public charge rule forced immigrants to either “give up benefits that they need[ed] and [were] legally entitled to receive” or stop pursuing visas (Weber, 2019, p. 248). This posed unique challenges for immigrants with disabilities because Medicaid and its services were “lifesavers for people with disabilities and their families” (Budryk, 2019, para. 13).

Most people who use Medicaid are either children, disabled or elderly, and “Medicaid is the only source [of assistance] for community living support” for many people (Ockerman et al., 2019, para. 5). The forced choice between being classified as a public charge for using Medicaid or forgoing access to healthcare was devastating for immigrants on its own; but this catastrophe

was compounded by other measures of the public charge rule (Cokley & Leibson, 2018). For disabled immigrants, forgoing access to Medicaid or other healthcare programs did not guarantee that they would not be labeled a public charge for other reasons. In fact, disabled immigrants were “double penalized” under the Trump administration rule, which evaluated metrics like age, income, wealth, education, and family size (Ockerman et al., 2019, para. 10). Because “people with disabilities are twice as likely to live in poverty as someone without any,” disabled immigrants who gave up access to Medicaid were still disproportionately likely to be labeled a public charge (para. 10). The result was an impossible catch-22 for many disabled immigrants wherein even those that sacrificed medical care were denied visas.

### **The Trump Administration, Public Charge, and Intent Versus Impact**

The Trump administration was tasked with responding to these objections to maintain support for the public charge rule. Every public comment included in the final text of the public charge rule was met with a reply from the DHS. Analysis of those public comments, as well as other public briefings by the Trump administration, reveal that the primary way the Trump administration responded to accusations of discrimination was by claiming that the rule’s *intent* was not to discriminate. The Trump administration was adamant in response to these allegations that “the rule [was] not facially discriminatory” and that the DHS did “not intend a discriminatory effect based on race, gender, or any other protected ground” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41322). Furthermore, while acknowledging that the rule may have resulted in “negative outcomes for certain groups,” the Trump administration noted that it “did not codify this final rule to discriminate against aliens based on age, race, gender, income, health, and social status, or to create an ‘ageist’ system that selectively favors wealthy, healthy, and highly educated individuals” (p. 41309). Rather, the Trump administration argued that the

rule would consider other factors such as education, English proficiency, health, and income, which the Trump administration argued were not discriminatory because they were “based on the factually neutral likelihood of someone obtaining sufficient employment to avoid becoming a public charge and not on a discriminatory motive” (p. 41434). In response to accusations of discrimination against people with disabilities, the Trump administration clarified that they “neither proposed to exclude from the United States individuals who have specific health conditions, nor sought to disproportionately impact communities of color or people with disabilities” (p. 41409). Perhaps the Trump administration most succinctly summarized their response to allegations of discrimination with this: “regardless of whether this rule will impact the groups specified in these comments, DHS is not promulgating this rule for a discriminatory purpose” (p. 41401).

The Trump administration countered accusations of discrimination by focusing on *de jure*, rather than *de facto*, discrimination. Rather than disagreeing that the public charge rule would have disproportionate effects against certain minority groups, the Trump administration responded by shifting the focus of the question to whether they were violating the law instead of if the public charge rule would yield positive results. For instance, in response to accusations of discrimination against people with disabilities, the Trump administration argued that the DHS had “determined that assessing an alien's education and skills, including work history, is not inconsistent with adhering to non-discrimination requirements” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41431). Because discrimination law requires proving a discriminatory intent to prove discrimination (Weinzweig, 1983, p. 277), the Trump administration’s focus on legality is also a focus on intent.

In response to claims of other types of discrimination, the Trump administration's arguments were similar. In response to accusations of racial and gendered discrimination, the administration argued that because the public charge rule did not directly "consider an alien's race, gender, or social status when making a public charge inadmissibility determination," that it did not discriminate based on any of those factors ("Inadmissibility on Public Charge Grounds," 2019, p. 41309). This position was further elaborated by the Trump administration as they argued that the DHS did not intend "to discriminate against applicants on the basis of their applicant's race, nationality, medical condition, disability, or membership in any protected class" by adding an income threshold to the public charge rule, since that income threshold does not *de jure* exclude anyone based on a protected class (p. 41416). The Trump administration argued that the rule was not discriminatory because "any potential chilling impacts of the rule would not violate the equal protection guarantee of the Fifth Amendment's Due Process Clause because this rule [was] not facially discriminatory" since it did not include an explicit criterion targeting a protected group (p. 41323). It was telling, however, that despite the vast negative consequences for vulnerable groups of people, the Trump administration "has always been confident that an objective judiciary would reverse the injunctions" placed against the public charge rule ("DHS Obtains Another Judicial Victory...", 2020, para. 3). The Trump administration was able to strategically maneuver around the core question of whether the public charge rule was just and desirable by answering a different question entirely (Zarefsky, 2008).

By focusing the discussion on whether the public charge rule was well-intentioned, the Trump administration shifted the stasis point of the debate away from determining if the public charge rule was valuable and desirable. Public commenters forwarded arguments that criticized the public charge rule's consequences. The Trump administration "strategically maneuvered"



around that question by “reframing the argument” away from the benefits and consequences of the public charge rule towards the legality of the rule (Zarefsky, 2008 p. 324). But the Trump administration did more than frame their argument in a positive light; they changed the terms of the argument entirely. In doing so, the Trump administration strategically maneuvered away from difficult arguments into a terrain that was much more defensible. Establishing an agreed upon stasis point is necessary to “initiate discourse” and “accurately identify the tension or dissonance at which discourse ought to begin” (Ciurel, 2013, p. 44). Without a well-defined point of stasis, there is “no point” to political debates since both sides are “simply talking at or past one another” without addressing the core disagreement (Shively, 2000, p. 184).

The Trump administration’s responses relied on prioritizing their intent over the consequences of the public charge rule. This framework for evaluating legal discrimination through intent was established prior to the Trump administration. In many domains, to demonstrate discrimination, accusers must prove that there was disparate treatment of a particular group and doing so requires proving “discriminatory intent” (Weinzweig, 1983, p. 277). The disparate treatment standard stands in contrast to a disparate impact standard in which something can be ruled discriminatory if it disproportionately affects a particular group (Foster, 2004). The Trump administration’s responses clearly dictate a belief that the disparate treatment standard should govern judgement of the public charge rule. For instance, in a section of public comments in the final public charge rule titled “4. Discrimination and disparate impact” (“Inadmissibility on Public Charge Grounds,” 2019, p. 41308), the administration’s first response to accusations of disparate impacts on racial, religious, and ethnic minorities was that the DHS “did not codify this final rule to discriminate against aliens based on age, race, gender, income, health, and social status” (p. 41309). Although subtle, this response shifted the burden of

proof for the objections from demonstrating disproportionate negative consequences to proving malign intent. In doing so, the Trump administration shifted the conversation away from normative questions about whether the public charge rule was desirable to questions of original intent and legal authority to implement the policy.

The Trump administration's pivot to intent was a way of "dismissing impact" as a relevant consideration, thus "dodging accountability" for putting thousands of immigrants in harm's way (Paradkar, 2019, para. 15). The segment of the public that opposed the public charge rule asked the Trump administration to justify the desirability of their policy. Instead of answering those objections, the Trump administration attempted to compel them to believe that a well-intentioned policy necessarily was a sound, fair, and just policy.

However, in this and many other contexts, it is actively harmful to focus on intent over impact. In the case of the public charge rule, the result was significant chilling effects, disenrollment from important social services, and the denial of legal status to immigrants. Because of both the ever-changing nature of immigration policy, as well as the ambiguity surrounding the legal doctrine (disparate impact versus disparate treatment) that has historically governed immigration policy, proving discriminatory intent in immigration policy is exceptionally difficult (González, 1988). In other areas of public policy, where legal standards are clearer, it is easier to demonstrate the disadvantages of requiring discriminatory intention in order to prove discrimination. Healthcare and criminal justice offer clear case studies that demonstrate the problems with the Trump Administration's focus on intent.

#### *Healthcare, Disparate Impact, and Intent*

The history of healthcare in the United States is fraught with racism (Kretchmer, 2020). For decades, up until the 1960's, hospitals were legally allowed to discriminate based on race

(Matthew, 2015, p. 10). In the early 20<sup>th</sup> century, “about 40 percent of all hospitals in the Southeast excluded blacks entirely, and segregation was the rule basically everywhere else, including in hospitals in the North” (Gaffney, 2016, section 1, para. 4). The resulting health disparities were enormous. The lack of access to health care for Black individuals increased the mortality rate, especially relative to their white counterparts (Gaffney, 2016). Health disparities also paved the way for coercion of Black people, including lying to Black people in Tuskegee about treating them for syphilis and stealing the cancer cells of Henrietta Lacks without consent in order to advance medical innovation (Joyner & Lee, 2020).

In the 1960’s, immense strides were made in closing the racial health gap. Title VI of the Civil Rights Act of 1964 became an “effective weapon against the segregation and discrimination that minority patients and physicians had experienced in American health care since the colonial era” (Matthew, 2015, p. 25). One of the primary reasons that Title VI was the “weapon of choice in the fight to dismantle segregation in health care” was because it provided the legal recourse for disparate health impacts (p. 11). Title VI allowed for both disparate impact suits and disparate treatment suits, the former of which were “instrumental in tearing down segregation in American health care” at the end of the twentieth century (p. 25). It was hard to prove that doctors or hospitals were *intentionally* giving worse care to Black people and other racial minorities, but the fact remained that the racial health gap was massive. Through litigation that focused on the *impact* of certain policies, instead of intent alone, the health disparities between white people and racial minorities “evaporated” (Gaffney, 2016, section 1, para. 6).

However, when disparate impact claims were disallowed racial health disparities began to reemerge. In 2001 in the case *Alexander v. Sandoval*, the court ruled that “private parties may no longer bring disparate impact claims based on unintentional discrimination that have a

statistically demonstrated discriminatory effect on minorities” (Matthew, 2015, p. 27). This “decisive blow to the efficacy of Title VI” was “directly related” to the reemergence of segregated health care (p. 27). The need to prove intentional discrimination was an “impossible” burden because “few Americans are careless enough to create an evidentiary record of outright bigotry” (p. 27). The racial health gaps that had virtually disappeared by the 1970’s suddenly “opened up” again in the 2000’s because of the shift in burden of proof to demonstrate discrimination (Gaffney, 2016, section 1, para. 6).

The legal history of Title VI claims of healthcare discrimination provides valuable insight into the ways that arguments based in intent function to dismiss consequence-centered claims of discrimination. Much like the Trump administration’s defense of the public charge rule, defenders of discriminatory healthcare policies argued that procedures like requiring prenatal care, rejecting Medicaid patients, or requiring pre-admission deposits were “facially neutral policies” that were not inherently discriminatory (Watson, 1990, p. 942). There were (and still are) great incentives for health care providers to rely on intent-based arguments to undercut claims of discrimination. When there was discussion about re-invigorating consequence-based disparate impact claims under the Affordable Care Act, health care providers lobbied immensely to maintain the intent-based standards (Mamorsky, 2019). Such standards, however, are a “new scheme of immunity” for health care providers by shifting the argumentative terrain in their favor (para. 12). Discriminatory health care practices continue to exist because health care providers persuaded relevant governing bodies that if an action was not designed specifically to target a protected group, then any negative consequence should be ignored.

Looking at the history of disparate impact versus disparate treatment in healthcare is instructive for assessing the value of intention-focused responses to claims of discrimination in

other venues. It provides a unique window into the efficacy of consequence-based discrimination claims, because there was a period of time where allowing legal challenges based on disparate impact improved health outcomes, but disallowing those legal challenges at a later date undid that progress. Health care is the closest thing to a causal experiment that we have with regards to measuring the effects of public policy on discrimination and disparate impacts. Such a message for immigration should be clear: forcing critics of the public charge rule to prove that it was ill-intended actively contributes to disproportionately negative impacts on immigrants. In that regard, the Trump administration's focus on intention repeats racist distraction tactics and does not address objections about the negative consequences caused by the public charge rule.

#### *Criminal Justice, Disparate Impact, and Intent*

The criminal justice system serves as another useful case study for evaluating the dangers of relying on an intent-based standard for judging discrimination. The criminal justice system in the United States is deeply flawed. Black adults are “5.9 times as likely to be incarcerated” than white people, while Hispanics people are 3.1 times as likely as white people to be in prison (“Report to the United Nations...”, 2018, p. 1). Standard police practices, such as the “targeting of physical locations that are deemed high risk” tend to lead to “large racial disparities in the volume and nature of police-citizen encounters” (Hinton et al., 2018, p. 5). These proactive policing policies undoubtedly produce racially disparate outcomes. The racist intention behind them, however, is harder to conclusively prove. On the surface, these policies are race-neutral because they are just targeting areas where crime occurs the most. Most overpoliced areas are “surrounded by economic and educational disadvantage” which correlates to more crime rates (p. 2). This creates a vicious cycle in which police target areas with high poverty rates because there is more crime, but overpolicing also contributes to higher poverty rates and thus more crime.

This dynamic extends “levels of discrimination that are typically associated in the popular consciousness with a pre-civil rights era, but still exist today” (p. 11).

In order to correct the criminal justice system, structural reform of some kind is needed. But to win structural reforms, the victims of its abuses have to prove there is a discriminatory intent to these practices. In the 1987 court case *McCleskey v. Kemp*, the Supreme Court explicitly rejected McCleskey’s claim that “racial disparities violated his right to equal protection” and instead ruled that “to prevail under the Equal Protection Clause, McCleskey must prove that the decisionmakers in his case acted with discriminatory *purpose*” (Moore, 2014, p. 15). With that ruling, the Court “conclusively wiped out any legal remedy for systemic and institutional racism in criminal justice policy” by limiting what counts as discrimination to “only those moments when an individual (or group of individuals) can be shown to have acted with the purpose of creating a racial outcome” (p. 16). In the criminal justice system, legal constructs like qualified immunity and officer assessment of the totality of circumstances “render officer intent largely unassailable” (Murakawa & Beckett, 2010, p. 696). In fact, “there is not a single case in which the Court examined a contemporary state actor's subjective purpose to discriminate against nonwhites” (López, 2015, p. 78). As such, there are massive impediments to meaningful reform, because the burden of proof of discrimination is so high.

Arguments about discrimination in the criminal justice system help illuminate a primary rhetorical function of intent-based arguments: it “neglects what we think of as the larger context and dimensions of racial power” (Murakawa & Beckett, 2010, p. 701). Focusing on intent rather than impact “replicates the emphasis on individual bias/intent as seen in post-civil rights” racial discourse (p. 704). Racism is not purely interpersonal; but, rather, “a systemic and institutional phenomenon that reproduces racial inequality and the presumption of black and brown

criminality” (p. 701). Viewing racism as the “attitudes, beliefs, and behaviors of biased and prejudiced individuals” obscures “the institutional, systemic, and cultural processes that perpetuate and maintain race-based hierarchies” (Salter et al., 2018, p. 150, 151). By focusing on intent, the Trump administration systematically understates “the ongoing significance of racism” with the public charge rule (p. 151). Intent-based arguments shift the conversation about discrimination from questions of whether a policy had disproportionate outcomes to whether the people administering and executing that policy are, at their cores, racist individuals. Not only is the latter much harder to prove, but it is less relevant.

Racism operates in a similar manner within the immigration system. The criteria used by the Trump administration to disqualify immigrants as a public charge was not explicitly racially motivated, but it did disproportionately impact minority immigrants. Because of systemic, rather than individual, factors, measuring immigrants’ income, education level, and language proficiency “heavily skewed” the admissions process to migrants from European or Anglo-origin countries (Gest, 2018, para. 6). People from more highly developed countries were generally in a better starting position to accumulate wealth or culturally assimilate into the United States. As a result, fewer immigrants from less developed countries were admitted, which made the United States culturally less diverse, which made it harder for immigrants to assimilate. The vast inequities produced by the public charge rule were a result of structural racism and inequality. By shifting the focus of the discussion to the federal government’s intent, the Trump administration misrepresented the objections against the public charge rule in a way that put an impossible argumentative burden on opponents.

## Conclusion

The Trump administration's responses to accusations of discrimination and disparate impact emphasized that the intent of the public charge rule was not discriminatory. By responding in such a way, the Trump administration strategically maneuvered and shifted the burden of proof of discrimination to an incredibly high, and perhaps impossible, standard. In doing so, the public charge rule became one in a long line of policy issues such as health care and criminal justice reform, that were allowed despite creating disproportionate negative consequences for vulnerable groups. The Trump administration's responses to objections functioned in two ways. First, they shifted the core question from one of the public charge rule's *desirability* to its *intention*, which was an entirely separate concern. Second, they rhetorically positioned discrimination as an individual action as opposed to an effect of global inequalities that drove people to immigrate in the first place.

The Trump administration's responses to arguments against the public charge rule serves as a useful case study for examining the *rhetoric of intent* in arguments. Several policy issues, such as education, welfare, taxation, urban planning, and many more, deal with disparate and disproportionate impacts against a particular group. In many of those cases, arguments in support of discriminatory policies rely on intent. The public charge rule, given its publicly available back and forth between opponents and the Trump administration, can serve as a template for analyzing the argumentative strategies used by presidential administrations to defend policies with discriminatory outcomes.



## Chapter 5- Conclusion

Although the public charge rule represented a remarkably significant restriction of legal immigration to the United States, the foundations for such a change had been laid for centuries. American immigration policy is historically justified with value judgements about which kind of people do and do not deserve the opportunities afforded by starting anew in the United States. Although the explicit criteria that immigration policies used to exclude people have evolved over time, from explicit racial exclusions to quotas on national origin to check-box criteria defined by various visa types, each policy upheld a particular archetype of person (one who was rich, white, and independent) as an ideal citizen (Oh, 2020).

The Trump administration's public charge rule similarly emphasized this ideal citizen archetype by rendering immigrants who use social services inadmissible for visas. The public charge rule was a deeply flawed policy that disproportionately excluded poor immigrants, disabled immigrants, and immigrants of color. Accordingly, it was subjected to widespread public criticism. In order to publicly defend a policy that put hundreds of thousands of immigrants in harm's way, the Trump administration framed their justifications in market fundamentalist terms. The Trump administration's appeals to market fundamentalism, the dominant ideational regime in the United States, provided the administration a cultural justification for excluding the most vulnerable immigrants from social services and/or legal residence (Somers, 2008). Rather than explicitly excluding immigrants based on race, wealth, or ability, the Trump administration used a rhetorical sleight of hand by which it could argue that certain types of immigrants were just not self-sufficient, and therefore did not conform to important American values. When pressed further about the merits of the public charge rule, the Trump administration strategically maneuvered through opposing arguments by changing the

point of stasis from whether the public charge rule was *desirable* to whether the public charge rule was *legal* and *well-intentioned*. In doing so, the Trump administration unilaterally modified stasis, left core objections to the public charge rule unaddressed, and perpetuated a flawed, individualistic understanding of structural oppressions. In what follows, I outline the implications of my findings for communication studies and scholarship about immigration policy.

### **Implications for Scholars of Rhetoric and Argument**

This thesis has addressed two main issues that are of relevance to communication scholars. First, my analysis demonstrates that political arguments appeal to commonly held values to make controversial policy propositions more palatable for the public. Rather than explicitly stating that the ideal citizen of the United States is a wealthy, white man who survives independently from social programs, the Trump administration used the public charge rule to exclude those who did not meet that criteria because they were not self-sufficient (“Inadmissibility on Public Charge Grounds”, 2019). The Trump administration’s references to self-sufficiency appealed to a set of a persuasive cultural values under the ideational regime of market fundamentalism (Somers, 2008). Independence and the protestant work ethic are baked into the collective cultural identity of the United States. By appealing to self-sufficiency as the “ultimate aim” of the rule, the Trump administration rhetorically aligned the public charge rule with a broader set of American values (“Inadmissibility on Public Charge Grounds,” 2019, p. 41313).

It is important for rhetoricians to analyze the relationship between language and values, because doing so provides insight into potential dog-whistles in political rhetoric. Self-sufficiency, to a passive observer, may seem innocuous. However, when self-sufficiency is used

to exclude people from obtaining residence or citizenship because they do not fit the ideal depiction of an American, it takes on a much more insidious form. In policy discussions, the justifications that proponents have are inextricably linked to the consequences of the policy. Because the policy end point of these justifications is to argue for immigration restrictions, analyses of these justifications must not exist in a vacuum, but rather account for both the rationale and expected outcomes of the policy. Rhetoricians, particularly scholars of public argument, should rigorously scrutinize justifications for supporting or opposing policies, particularly if those justifications are more invested in prioritizing a particular neoliberal value than they are in limiting the discriminatory effects of the political proposal.

To effectively understand the relationship between discourse and societally held values, rhetorical scholars should analyze clusters of terms and consider how some terms take priority over others. For example, this thesis demonstrated that self-sufficiency took on God term status in the Trump administration's defense of the public charge rule (Burke, 1945). Self-sufficiency was consistently prioritized by the Trump administration over equality, health, justice, and other competing values. The Trump administration was, at times, explicit that because self-sufficiency was its "overriding consideration" it need not be concerned with negative impacts, such as healthcare disenrollment, on immigrants ("Inadmissibility on Public Charge Grounds," 2019, p. 41312). In other public defenses of the rule, the transcendent nature of self-sufficiency as a value was hidden in more coded language about dependence on the government and congressional intent.

Cluster analysis can provide rhetoricians with a useful tool for determining which terms and phrases are likely to be imbued with value judgements. Looking at "associational clusters" to identify what words or phrases a particular term is used in conjunction with, can help identify the

specific context in which a word is used and how it is being defined by the rhetor (Burke, 1973, p. 20). In this thesis, I used cluster analysis to identify the terms that the Trump administration used to demonstrate its commitment to self-sufficiency. This cluster analysis revealed two sets of concepts that were frequently clustered with self-sufficiency. First, self-sufficiency was invoked in opposition to dependence on public resources. When read in this light, self-sufficiency was being defined in a market fundamentalist way that de-emphasized social and community wellness, instead focusing exclusively on individual ability. Embedded in that definition is an implied belief that efficiency matters more than equity, that individual rights are earned rather than innate and that social obligations can be contractualized. Second, self-sufficiency was defined as an unquestionable congressional mandate. References to legislation like PRWORA allowed the Trump administration to deflect blame away from themselves and towards congress. By clustering self-sufficiency, positive exceptional conceptions of immigration, and congressional intent from legislation like PRWORA, each of these terms and concepts take on additional market fundamentalist values from their association with each other. For example, the Trump administration re-entrenched the government's authority to intervene into immigration while simultaneously arguing that there should be less government and freer markets. This contradiction is, as Somers (2008) argues, a core component of market fundamentalism. The end goal is not smaller government, but a government whose purpose is to support market power.

The methods applied in this thesis – where cluster analyses and God terms were used in conjunction to identify and evaluate the values bestowed onto terms – can be applied to other important social and political topics. Every political issue in American politics, be it economic, social, legal, or international, relies on prioritizing one set of competing values over others. For instance, politicians that oppose universal healthcare often prioritize individual choice over

access and equity. The concept of choice has been used as a “rallying cry for proponents and opponents of various health care reform proposals,” but there is often little agreement on the definition of choice (McCarthy-Alfano, 2020, editor’s note). A cluster analysis that evaluates the terms that cluster around choice could identify a value or set of values that is attached to the term. For instance, if choice is frequently used to refer to the ability to pick a particular health insurance *plan*, then one could argue that the values reflected in this definition of choice are rooted in economic principles of creating a maximally efficient bundle of goods and services. On the other hand, if choice is clustered with the ability to choose a healthcare *provider*, then one might argue that this definition of choice prioritizes quality of care. Similar examples are prevalent in other political issues. Decisions in favor of military occupation prioritize American national security over the sovereignty of other countries. Proponents of climate legislation often favor long-term solutions to environmental crises over short-term economic growth. Although these priorities are sometimes made explicit, they are often communicated by using coded terms to implicitly appeal to, or create, a set of particular values. As such, it is the job of rhetoricians to unpack the meanings behind the words of those public arguments.

Another conclusion drawn from this thesis is that arguments centered on intent should be interrogated when used to deflect criticisms of discriminatory effects. Political administrations, such as the Trump administration, often attempt to strategically maneuver out of difficult argumentative positions. Adding to Zarefsky’s (2008) scholarship on strategic maneuvering, this thesis contends that one way that strategic maneuvering occurs is by shifting the stasis point of the discussion. A combination of reframing the argument and changing the subject, shifting the point of stasis occurs when the arguer keeps the same general topic of conversation, but answers a different question than the one asked by objectors.

One common example of this maneuver is when administrations respond to criticisms of the *outcome* of a policy by arguing that the policy was based on benign *intent*. For example, there were thousands of public comments arguing that the public charge rule would discriminate against immigrants who are poor, racial minorities, and/or disabled. The Trump administration's overwhelming response to those accusations was not direct refutation of the outcome-based criticisms. Rather, the Trump administration changed the topic, modifying stasis, to argue that they were not implementing the public charge rule with the intent to discriminate. This rhetorical maneuvering did not address the core challenge to the public charge rule, but it allowed the Trump administration to claim that they fulfilled their obligations to respond to public comments.

Changing the point of stasis to be about intent rather than outcome serves two persuasive functions that are applicable to different areas of study. First, it shifts the argumentative burden of proof in a way that is very difficult to refute. In any environment, proving malign intent is nearly impossible. It is much easier for an opponent of the public charge rule to prove that it would have severe impacts on the livelihoods of thousands of immigrants than it is to prove that the main (or only) reason that the Trump administration implemented the rule was because they *wanted* to discriminate against certain groups of immigrants. Lawmakers are often smart enough to use "facially neutral" justifications for discriminatory policies, using proxies like education level, primary language, or use of social services to stand in for explicit criteria like wealth, nationality, race, or ability (Watson, 1990, p. 942). This creates a scenario where both sides can say they win their argument, which muddies waters for public discourse.

Second, shifting the stasis point to intent shifts blame from structures responsible for oppression and hardship to individuals. Racism, income inequality, ableism, and other forms

of oppression are rarely perpetuated exclusively on an individual level. Rather, there are systems and structures that facilitate these inequalities. The public charge rule illustrates this phenomenon. The effects of the public charge rule disproportionately fell on racial minorities even though race was not an explicit factor in determining who was a public charge. The history of Western colonialism radically changed global economic distribution, making it so that non-white, non-English speaking countries remained underdeveloped while the Western world flourished economically (Rodney, 2020). Given this context, it is incomplete and harmful to argue that immigrants from poor, under-developed nations whose economies were victims of broader systems of imperialism and colonialism are only poor because they are not self-sufficient. This argument, which is a fundamental premise of the public charge rule, falsely attributes individual responsibility to a system failure. Similarly, the Trump administration's defense of not intending to discriminate defined discrimination so narrowly as to only include individual, malicious exclusion on the sole basis of a protected category. In doing so, the Trump administration diverted blame away from itself, because according to this line of thought, unintentional discrimination was not worth counteracting. This narrow definition of discrimination sidesteps important considerations of unintended consequences, diverts blame from those who actively uphold oppressive structures, and redirects the blame to those most affected by discriminatory policies.

The public charge rule demonstrates that the road to hell is paved with good intentions. Rhetorical scholars should keep that in mind when evaluating political arguments. American politics is rife with discriminatory policy; rhetorical scholars will find no shortage of arguments about intentions that are used to deflect claims of discriminatory impact, regardless of which area of policy they study.

## **Implications for Scholars of Immigration Policy**

My analysis of the Trump administration's defense of the public charge rule provides several insights for the study of immigration and immigration policy. First, the public charge rule demonstrates that administrations implementing immigration policies do not need to have sound logical reasoning in order to justify their actions. The foundational premise of the public charge rule, that immigrants are taking advantage of public services in the United States, was wildly inaccurate. When that assumption was challenged, the Trump administration shirked their ethical and argumentative responsibility and instead proceeded with implementation of the rule. Second, the public charge rule illustrates the importance of analyzing market fundamentalism within immigration policy. By prioritizing economic values like productivity, self-sufficiency, and resilience, market fundamentalist immigration policies undermine inclusive conceptions of citizenship and instead contractualize social relationships. Third, this analysis of the Trump administration's justifications for the public charge rule demonstrates that citizenship is constituted not only through policy, but also discourse. Discussions of immigration that prioritize some immigrants over others get recirculated and form exclusionary cultural identities. Accordingly, the values that are promoted in immigration discourse are used to judge the moral worth of immigrants on macro- and micro-levels. Scholars must evaluate the way immigration is discussed in order to get a complete understanding of the intricacies of immigration policy.

One important implication for scholars is that immigration policies are often driven by fear and hatred, not rational cost-benefit calculations. The public charge rule was a deeply flawed policy, driven by economic and nationalist fears, that risked ruining the lives of millions of immigrants. Immigrants often use the social services that were targeted by the public charge rule to create better long-term opportunities and establish themselves economically (Sumption &



Flamm, 2012). They are not a severe risk to the American economy or way of life. The justifications used by the Trump administration in defense of the public charge rule were not rooted in indisputable fact about the drawbacks of immigration; rather, they were rooted in unevidenced fears of immigrants taking advantage of public services. Setting aside the fact that the social safety net for citizens of the United States is incredibly dysfunctional (Potts, 2016), the Trump administration's fears are out of touch with reality because immigrants disproportionately fund public welfare, not deplete it (Reston, 2015; Campbell, 2017).

The veracity, or lack thereof, behind the Trump administration's immigration fears, however, did not impede the rule's implementation. The Trump administration was able to tap into nationalist and economic anxieties by couching its fears in terms values widely held by American citizens. There was a limited burden for the Trump administration to prove that immigrants taking advantage of social welfare services was a prevalent and severe problem. In fact, the Trump administration outright admitted in response to public comments that they were not obligated to, nor going to, demonstrate that immigrants disproportionately use public benefits ("Inadmissibility on Public Charge Grounds", 2019, p. 41306). Instead, the Trump administration simply relied on the market fundamentalist assumptions that were commonly held, and therefore needed no proof. Implementing a policy to promote self-sufficiency among immigrants engenders a belief that there is a lack of self-sufficiency among immigrants in the status quo, even if there is not. This is implicit, but important. Scholars and analysts should rigorously scrutinize the claims made, both explicitly and implicitly, by anti-immigration advocates whose actions seek to put hundreds of thousands of people in harm's way. In particular, scholars should understand that faulty or false claims are often driven by a set of values that require urgency and fear to overshadow reality.

Another area that scholars should continue to explore is the intersection between market fundamentalism, citizenship, and immigration policy. Somers (2008) demonstrated that market fundamentalism functions as a dominant ideational regime in the United States in which market values take on cult-like significance. This manifests itself in multiple policy levels, such as economic deregulation, tax breaks for large corporations, election laws allowing corporations to donate to political campaigns, or immigration policies that limit access to public services. However, market fundamentalism does not solely exist at a macropolitical level. Rather, market fundamentalism is also a social force that impacts how people individually enact citizenship. It guides people to equate the value of a person to their economic output. In this system of beliefs, one's value as a productive citizen is primarily measured by their economic productivity. So-called American values are weaponized against people who struggle to make ends meet. Market fundamentalists frame these challenges not as extenuating circumstances, but moral failures that are counter to national identity.

This thesis applies this understanding of citizenship and market fundamentalism to the public charge rule. The public charge rule is a paradigmatic example of a policy devoted to the contractualization of citizenship. The consequences of its enactment meant that hundreds of thousands of people, who otherwise would be eligible for immigrant visas, were now rendered inadmissible. This had very real consequences. Many immigrants were forced to choose between access to food, healthcare, and housing on one hand, and legal residence on the other. For those who chose to forgo access to healthcare, there were severe personal consequences such as increased health risks or potential debt. These are bad on their own; however, they also created a vicious cycle in which immigrants had less personal and financial independence, which then left them more vulnerable to market fundamentalist policies that targeted poor immigrants. Similarly,

immigrants without access to basic social services were less able to spend time engaging publicly to challenge market fundamentalist policies and principles. Alternatively, immigrants who chose to maintain access to public welfare were left in a similarly precarious economic and personal position. Without legal permanent residence, it is exceedingly difficult for immigrants to develop long-term plans since their visas are only temporary. Similarly, U.S. law limits the avenues of non-permanent residents to engage in politics. For example, although permanent residents are able to contribute to campaigns in U.S. elections, non-permanent residents do not have that tool available to them to change the structures that impact them. Similar dynamics are at play in other immigration policies. It would behoove scholars of immigration policy to evaluate not only the direct effects of policies, but also the follow-on effects that impact immigrants' abilities to enact citizenship in ways that could combat and challenge harmful policies. This requires a frame of analysis that extends beyond the macro-political realm into the social and discursive realms.

It is also important for immigration scholars to identify and evaluate how market fundamentalist conceptions of citizenship are reflected and constituted through discourse. Immigration policy does not appear out of thin air; rather, it represents and creates a political moment. When advocates of an immigration policy argue that they are promoting a particular type of immigrant or fostering a certain value amongst immigrants, those values reflect what the rhetor believes defines an American. This thesis demonstrated that the Trump administration defined American values in opposition to a strong public safety net and in opposition to an inclusive conception of citizenship. The Trump administration's values reflected one very particular type of immigrant: one who comes from a wealthy background and can easily assimilate into white, Western culture. When rhetoric circulates that divides immigrants into "responsible/good" and "irresponsible/criminal/bad" immigrants, those associations become

engrained in the collective cultural conscience (Cisneros, 2015, p. 366). As a result, values such as self-sufficiency, resilience, productivity, and cultural conformity become even further engrained in the collective identity, which paves the way for more impactful immigration restrictions. Incorporating analysis of immigration rhetoric into a broader analysis of immigration policy provides a more complete and robust account of the political, social, and cultural dynamics that culminate in conceptions of citizenship and belonging in the United States.

Future research should further interrogate the tropes and values that are used in defense of restrictive immigration policies. Self-sufficiency is an extremely prevalent value in American immigration policy. Analyzing how different policies define and promote self-sufficiency can help to understand the ways specific ways in which market fundamentalism manifests itself in immigration policy. Similarly, there are other value-laden terms that permeate immigration discourse. There are, unfortunately, a plethora of tropes in immigration discourse that are used to conceal nationalist and market fundamentalist principles. For example, future scholarship could focus on interpreting rhetoric about the legal/illegal divide in immigration policy, national security justifications for restricting immigration, or the assimilationist nature of the melting pot metaphor in immigration discourse.

Immigration policy is constantly changing. As political dynamics evolve, so too do the laws that govern immigration. These changes, however, are often not as radical as they appear on a purely policy level. Although the policy details are quick to shift, the value systems that undergird immigration policy often remain intact. Rhetorical constructions of the ideal citizen, and consequently the ideal immigrant, are commonly rooted in market fundamentalist principles that pose an extreme danger for inclusive conceptions of citizenship. In order to promote equity,

justice, and inclusion in the American immigration system, it is imperative that continued attention is paid to the ways in which neoliberal discourse is used to promote immigration restrictions.

## References

- Alvarez, P. (2017, February 19). A brief history of America's 'love-hate relationship' with immigration. *The Atlantic*. <https://www.theatlantic.com/politics/archive/2017/02/donald-trump-immigration/517119/>
- Alvarez, P. (2020, December 2). Federal appeals court rules against the Trump administration's public charge rule. *CNN*. <https://www.cnn.com/2020/12/02/politics/immigration-public-charge/index.html>
- Anbinder, T. (2019, November 7). Trump has spread more hatred of immigrants than any American in history. *Washington Post*. [https://www.washingtonpost.com/outlook/trump-has-spread-more-hatred-of-immigrants-than-any-american-in-history/2019/11/07/7e253236-ff54-11e9-8bab-0fc209e065a8\\_story.html](https://www.washingtonpost.com/outlook/trump-has-spread-more-hatred-of-immigrants-than-any-american-in-history/2019/11/07/7e253236-ff54-11e9-8bab-0fc209e065a8_story.html)
- Anderson, S. (2020, July 21). Trump cuts legal immigrants by half and he's not done yet. *Forbes*. <https://www.forbes.com/sites/stuartanderson/2020/07/21/trump-cuts-legal-immigrants-by-half-and-hes-not-done-yet/?sh=173766876168>
- Asen, R. (2004). A discourse theory of citizenship. *Quarterly Journal of Speech*, 90(2), 189-211.
- Baker-Cristales, B. (2009). Mediated resistance: The construction of neoliberal citizenship in the immigrant rights movement. *Latino Studies*, 7, 60-82.
- Batalova, J., Fix, M., & Greenberg, M. (2018). Chilling effects: The expected public charge rule and its impact on legal immigrant families' public benefits use. *Migration Policy Institute*. <https://www.politico.com/f/?id=00000166-03da-d789-a9e7-43dff770000>
- Batalova, J., Fix, M., & Greenberg, M. (2019). Millions will feel chilling effects of U.S. public-charge rule that is also likely to reshape legal immigration. *Migration Policy Institute*.

<https://www.migrationpolicy.org/news/chilling-effects-us-public-charge-rule-commentary>

Baumgaertner, E. (2018, March 6). Spooked by Trump proposals, Immigrants abandon public nutrition services. *New York Times*. [nytimes.com/2018/03/06/us/politics/trump-immigrants-public-nutrition-services.html](https://www.nytimes.com/2018/03/06/us/politics/trump-immigrants-public-nutrition-services.html)

Berthold, C. A. (1976). "Kenneth Burke's cluster-agon method: Its development and an application," *Central States Speech Journal*, 27, 302-309.

Bischoff, K. (2016, October 31). Geography of economic inequality. *Washington Center for Equitable Growth*. <https://equitablegrowth.org/geography-of-economic-inequality/>

Bliese, J.R.E. (1999). Conservatism and the ideology of 'growth'. *Modern Age* 41(2), 117-125.

Bone, J. D. (2010). Irrational capitalism: The social map, neoliberalism and the demodernization of the West. *Critical Sociology*, 36(5), 717-740.

Boteach, M., Fremstad, S., Robbins, K. G., Schultheis, H., & West, R. (2018, July 19). Trump's immigration plan imposes radical new income and health tests. *Center for American Progress*.

<https://www.americanprogress.org/issues/poverty/reports/2018/07/19/453174/trumps-immigration-plan-imposes-radical-new-income-health-tests/>

Bouie, J. (2017, March 7). Muslim Ban 2.0. *Slate*. <https://slate.com/news-and-politics/2017/03/the-real-motivation-for-trumps-immigration-policies-is-racism-never-forget-it.html>

Bouie, J. (2020, February 4). The racism at the heart of Trump's 'travel ban'. *New York Times*. <https://www.nytimes.com/2020/02/04/opinion/trump-travel-ban-nigeria.html>

- Bricker, B. (2012). Salience over sustainability: environmental rhetoric of President Barack Obama. *Argumentation and Advocacy*, 48(3), 159-174.
- Brownstein, R. (2019, January 22). Why Trump's border wall is not just a wall. *CNN Politics*.  
<https://www.cnn.com/2019/01/22/politics/border-wall-divide-opinion-change-red-blue-republicans-democrats/index.html>
- Budryk, Z. (2019, September 11). Disability rights groups join challenge to 'public charge' rule.  
<https://thehill.com/regulation/healthcare/460901-disability-rights-groups-join-challenge-to-public-charge-rule>
- Bullock, H. E., Twose, G. H. J., & Hamilton, V. M. (2019). Mandating work: A social psychological analysis of rising neoliberalism in U.S. public assistance programs. *Analyses of Social Issues and Public Policy*, 19(1), 282-304.
- Burke, K. (1945). *A grammar of motives*. New York, NY: Prentice-Hall Inc.
- Burke, K. (1959). *Attitudes toward history* (2<sup>nd</sup> ed.). Los Altos, CA: Hermes Publications
- Burke, K. (1973). *Philosophy of literary form* (3<sup>rd</sup> ed.). Berkeley, CA: University of California Press.
- Calavita, K. (2000). The paradoxes of race, class, identity, and "passing": Enforcing the Chinese Exclusion Acts, 1882-1910. *Law & Social Inquiry*, 25(1), 1-40.
- Capps, R., Fix, M. & Batalova, J. (2020). Anticipated "chilling effects" of the public-charge rule are real: Census data reflect steep decline in benefits use by immigrant families. *Migration Policy Institute*. <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real>
- Carcasson, M. (2006). Ending Welfare as We Know It: President Clinton and the Rhetorical Transformation of the Anti-Welfare Culture. *Rhetoric and Public Affairs*, 9(4), 655-692.



- Castelli, F. (2018). Drivers of migration: why do people move? *Journal of Travel Medicine*, 25(1), 1-7.
- Champlin, D. P. & Knoedler, J.T. (2020). Dualistic discourse and immigration policy. *Journal of Economic Issues* 54(1), 38-53.
- Chapter 2 – Eligibility Requirements (2020, December 8). *U.S. Citizenship and Immigration Services Policy Manual*. [uscis.gov/policy-manual/volume-7-part-b-chapter-2](https://uscis.gov/policy-manual/volume-7-part-b-chapter-2)
- Charland, M. (1987). Constitutive rhetoric: The case of the people Québécois. *Quarterly Journal of Speech*, 73(2), 133-150.
- Chiesa, L. E., (2008). Outsiders looking in: The American legal discourse of exclusion. *Rutgers Journal of Law and Public Policy*, 5(2), 283-316.
- Chin, G. J. (1995-1996). The civil rights revolution comes to immigration law: New look at the Immigration and Nationality Act of 1965. *Immigration and Nationality Law Review*, 17, 87-160.
- Chishti, M., Hipsman, F., & Ball, I. (2015, October 15). Fifty years on, the 1965 Immigration and Nationality Act continues to reshape the United States. *Migration Policy Institute*. <https://www.migrationpolicy.org/article/fifty-years-1965-immigration-and-nationality-act-continues-reshape-united-states>
- Chishti, M., Messiner, D., & Bergeron, C. (2011, November 16). At its 25<sup>th</sup> anniversary, IRCA's legacy lives on. *Migration Policy Institute*. <https://www.migrationpolicy.org/article/its-25th-anniversary-ircas-legacy-lives>
- Chishti, M., Pierce, S., & Bolter, J. (2017, January 26). The Obama record on deportations: Deporter in Chief or not? *Migration Policy Institute*. <https://www.migrationpolicy.org/article/obama-record-deportations-deporter-chief-or-not>

- Cisneros, J. D. (2011). (Re)Bordering the civic imaginary: Rhetoric, hybridity, and citizenship in La Gran Marcha. *Quarterly Journal of Speech*, 97(1), 26-49.
- Cisneros, J. D. (2015). A nation of immigrants and a nation of laws: Race, multiculturalism, and neoliberal exception in Barack Obama's immigration discourse. *Communication, Culture & Critique*, 8, 356-375.
- Ciurel, D. (2013). Rhetorical situation as bedrock of crisis communication strategy. *Professional Communication and Translation Studies*, 6(1-2), 43-50.
- Cohn, D. (2015, September 30). How U.S. immigration laws and rules have changed through history. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2015/09/30/how-u-s-immigration-laws-and-rules-have-changed-through-history/>
- Cokley, R. & Leibson, H. (2018, August 8). Trump's public-charge rule would threaten disabled immigrants' health and safety. *Center for American Progress*. <https://www.americanprogress.org/issues/disability/news/2018/08/08/454537/trumps-public-charge-rule-threaten-disabled-immigrants-health-safety/>
- Collins, L. (2018, January 26). It's wrong to project our economic anxiety on immigrants. *Dallas Morning News*. <https://www.dallasnews.com/opinion/commentary/2018/01/26/it-s-wrong-to-project-our-economic-anxiety-on-immigrants/>
- Cram, T. (2017). "An open door": Responsibility and the comic frame in Obama's foreign policy rhetoric on Iran. *Rhetoric & Public Affairs*, 20(1), 69-108.
- Cummins, E. R. & Blum, L. M. (2015). "Suits to self-sufficiency": Dress for success and neoliberal maternalism. *Gender & Society*, 29(5), 623-646.

Data finds that Trump administration is denying legal immigration. (2019, March 21). *Lyttle Law Firm, PLLC*. <https://www.austinimmigrationlawyerblog.com/data-finds-that-trump-administration-is-denying-legal-immigration/>

Daugherty, R. H. & Barber, G. M. (2001). Self-sufficiency, ecology of work, and welfare reform. *Social Service Review*, 75(4), 662-675.

Davidson, A. (2015, March 24). Debunking the myth of the job-stealing immigrant. *The New York Times Magazine*. <https://www.nytimes.com/2015/03/29/magazine/debunking-the-myth-of-the-job-stealing-immigrant.html>

Deferred Action for Childhood Arrivals (DACA). (2020, December 7). *A brief history of civil rights in the United States*.  
<https://guides.ll.georgetown.edu/c.php?g=592919&p=4170929>

Delanty, G. (1997). Models of citizenship: Defining European identity and citizenship. *Citizenship Studies*, 1(3), 285-303.

Denning, S. (2014, July 22). Why can't we end short-termism? *Forbes*.  
<https://www.forbes.com/sites/stevedenning/2014/07/22/why-cant-we-solve-the-problem-of-short-termism/?sh=200423b73376>

DHS implements inadmissibility on public charge grounds final rule. (2020, February 24). *Department of Homeland Security*. <https://www.dhs.gov/news/2020/02/24/dhs-implements-inadmissibility-public-charge-grounds-final-rule>

DHS obtains another judicial victory on implementing public charge inadmissibility rule. (2020, January 27). *U.S. Citizenship and Immigration Services*.  
<https://www.uscis.gov/news/news-releases/dhs-obtains-another-judicial-victory-on-implementing-public-charge-inadmissibility-rule>

- Diamond, A. (2020). The 1924 law that slammed the door on immigrants and the politicians who pushed it back open. *Smithsonian Magazine*.  
<https://www.smithsonianmag.com/history/1924-law-slammed-door-immigrants-and-politicians-who-pushed-it-back-open-180974910/>
- Eaton, S. (2020, January 23). Trump ‘public charge’ immigration rule would ‘codify discrimination,’ says Rep. Marcia Fudge.  
<https://www.cleveland.com/open/2020/01/trump-public-charge-immigration-rule-would-codify-discrimination-says-rep-marcia-fudge.html>
- Edsall, T.B. (2019, February 13). The political magic of us vs. them. *New York Times*.  
<https://www.nytimes.com/2019/02/13/opinion/trump-2020-us-them.html>
- Edwards, J.A. (2018). Salience over sustainability: environmental rhetoric of President Barack Obama. *Communication Quarterly*, 66(2), 176-195.
- Enten, H. & Bacon Jr., P. (2017), September 12). Trump’s hardline stance got him to the White House. *FiveThirtyEight*. <https://fivethirtyeight.com/features/why-polls-showing-daca-as-popular-even-among-republicans-dont-tell-the-whole-story/>
- Evich, H. B. (2018, September 3). Immigrants, fearing Trump crackdown, drop out of nutrition programs. *Politico*. <https://www.politico.com/story/2018/09/03/immigrants-nutrition-food-trump-crackdown-806292>
- Faber, A. S. (2020). A vessel for discrimination: The public charge standard of inadmissibility and deportation. *Georgetown Law Journal*, 108(5), 1363-1396.
- Felter, C., Renwick, D., & Cheatham, A. (2020, June 23). The U.S. immigration debate. *Council on Foreign Relations*. <https://www.cfr.org/backgrounder/us-immigration-debate-0>

- Flores, W. V., & Benmayor, R. (1997). Constructing cultural citizenship. In W. V. Flores & R. Benmayor (Eds.), *Latino cultural citizenship: Claiming identity, space, and rights* (pp. 1–23). Boston, MA: Beacon Press.
- Flynn, M. (2018, November 2). An ‘invasion of illegal aliens’: The oldest immigration fear-mongering metaphor in America. *Washington Post*.  
<https://www.washingtonpost.com/nation/2018/11/02/an-invasion-illegal-aliens-oldest-immigration-fear-mongering-metaphor-america/>
- Foss, S. (1984). Women priests in the Episcopal Church: A cluster analysis of establishment rhetoric. *Religious Communication Today*, 7, 1-11.
- Foster, S. R. (2004). Causation in antidiscrimination law: Beyond intent versus impact. *Houston Law Review*, 41, p. 1469-1548.
- Fritze, J. (2019, August 8). Trump used words like 'invasion' and 'killer' to discuss immigrants at rallies 500 times: USA TODAY analysis. *USA Today*.  
<https://www.usatoday.com/story/news/politics/elections/2019/08/08/trump-immigrants-rhetoric-criticized-el-paso-dayton-shootings/1936742001/>
- Gaffney, A. (2016, March 7). Is the path to racial health equity paved with “reparations”? The politics of health, part II. *Los Angeles Review of Books*.  
<https://lareviewofbooks.org/article/is-the-path-to-racial-health-equity-paved-with-reparations-the-politics-of-health-part-ii/#!>
- García, M. (2019, April 25). The border wall isn't just a dividing line – it's a monument against racial progress. *The Guardian*.  
<https://www.theguardian.com/commentisfree/2019/apr/25/border-wall-south-texas-national-identity-exclusion>

- Garner, S. (2012). A moral economy of whiteness: Behaviours, belonging and Britishness. *Ethnicities*, 12, 445–464.
- Garofalo, P. (2020). How corporations turned into political beasts. *Fortune*.  
<https://fortune.com/2020/08/23/amazon-coronavirus-taxes-local-governments/>
- Gaughan, A. J. (2016, November 9). Explaining Donald Trump’s shock election win. *Scientific American*. <https://www.scientificamerican.com/article/explaining-donald-trump-s-shock-election-win/>
- Gessen, M. (2020, January 29). Trump’s immigration rule is cruel and racist—but its nothing new. *The New Yorker*. <https://www.newyorker.com/news/our-columnists/trumps-immigration-rule-is-cruel-and-racistbut-its-nothing-new>
- Gest, J. (2018, January 19). Points-based immigration was meant to reduce racial bias. It doesn't. *The Guardian*. <https://www.theguardian.com/commentisfree/2018/jan/19/points-based-immigration-racism>
- Glass, A. (2012, March 26). U.S. enacts first immigration law, March 26 1790. *Politico*.  
<https://www.politico.com/story/2012/03/the-united-states-enacts-first-immigration-law-074438>
- Glennon, B. (2020, July 20). Why the Trump administration’s anti-immigration policies are the United States’ loss and the rest of the world’s gain. *Brookings*.  
<https://www.brookings.edu/blog/up-front/2020/07/20/why-the-trump-administrations-anti-immigration-policies-are-the-united-states-loss-and-the-rest-of-the-worlds-gain/>
- Glynos, J. (2014). Neoliberalism, markets, fantasy: The case of health and social care. *Psychoanalysis, Culture & Society* 19(1), 5-12.
- Go Deeper: Race Timeline (2003). *PBS*. [pbs.org/race/000\\_About/002\\_03\\_d-godeeper.htm](https://www.pbs.org/race/000_About/002_03_d-godeeper.htm)

- Golshan, T. (2018, April 10). Trump wants to slash welfare with stricter work requirements. <https://www.vox.com/2018/4/10/17221292/trump-welfare-executive-order-work-requirements>
- Gomberg-Muñoz, R. (2012). Inequality in a “postracial” era: Race, immigration, and criminalization of low-wage labor. *Du Bois Review*, 9(2), 339-353.
- González, C. A. (1988). Standards of proof in section 274B of the Immigration Reform and Control Act of 1986. *Vanderbilt Law Review*, 41(5), p. 1323-1356
- Goo, S. K. (2015). What Americans want to do about illegal immigration. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2015/08/24/what-americans-want-to-do-about-illegal-immigration/>
- Gray, J. R. (1999). A bias toward short-term thinking in threat-related negative emotional states. *Personality and Social Psychology Bulletin*, 25(1), 65-75.
- Gustafson, K. (2009). The criminalization of poverty. *The Journal of Criminal Law & Criminology*, 99(3), 643-716.
- Handler, J. & Hasenfeld, Y. (1997). *We the poor people: Work, poverty, and Welfare*. Yale University Press.
- Hauslohner, A. (2019, October 2). Legal challenges aim to derail Trump’s ‘public charge’ rule that could limit path to citizenship for poor immigrants. *Washington Post*. [https://www.washingtonpost.com/immigration/legal-challenges-aim-to-derail-trumps-public-charge-rule-that-could-limit-path-to-citizenship-for-poor-immigrants/2019/10/02/6dadae1e-e52e-11e9-b403-f738899982d2\\_story.html](https://www.washingtonpost.com/immigration/legal-challenges-aim-to-derail-trumps-public-charge-rule-that-could-limit-path-to-citizenship-for-poor-immigrants/2019/10/02/6dadae1e-e52e-11e9-b403-f738899982d2_story.html)

- Hawley, C.R. (2018). *The uses of community in modern American rhetoric* (ProQuest Number 10839811). [Doctoral dissertation, University of South Florida]. ProQuest Dissertations Publishing.
- Herrick, J. A. (2019). *Argumentation: Understanding and shaping arguments* (6<sup>th</sup> ed.). Strata Publishing, Inc.
- Hesson, T. (2019a, August 2). Emails show Stephen Miller pressed hard to limit green cards *Politico*. <https://www.politico.com/story/2019/08/02/stephen-miller-green-card-immigration-1630406>
- Hesson, T. (2019b, August 12). Trump to deny green cards to immigrants receiving public benefits. *Politico*. <https://www.politico.com/story/2019/08/12/trumop-immigration-public-benefits-1413690>
- Heuman, A.N. & Gonzalez, A. (2018). Trump's essentialist border rhetoric: Racial identities and dangerous liminalities. *Journal of Intercultural Communication Research*, 47(4), 326-342.
- Hiemstra, N. (2010). Immigrant "illegality" as neoliberal governmentality in Leadville, Colorado. *Antipode*, 42, 74-102.
- Hill, A. & Chavez, K.R. (2018). Introduction: Inciting communication across queer migration studies and critical trafficking studies. *Women's Studies in Communication* 41(4), 300-304.
- Hiltzik, M. (2014, March 30). Private charity can't replace government social programs. *Los Angeles Times*. <https://www.latimes.com/business/la-xpm-2014-mar-30-la-fi-hiltzik-20140330-story.html>



- Hinton, E., Henderson, L., & Reed, C. (2018). An unjust burden: The disparate treatment of black Americans in the criminal justice system. *Vera Evidence Brief*.  
<https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf>
- Hoban, B. (2017, August 24). Do immigrants “steal” jobs from American workers? *Brookings Institution*. <https://www.brookings.edu/blog/brookings-now/2017/08/24/do-immigrants-steal-jobs-from-american-workers/>
- Horowitz, J. M., Igielnik, R. & Kochhar, R. (2020, January 9). Trends in U.S. income and wealth inequality. <https://www.pewsocialtrends.org/2020/01/09/trends-in-income-and-wealth-inequality/>
- How the United States Immigration System Works (2019, October 10). *American Immigration Council*. <https://www.americanimmigrationcouncil.org/research/how-united-states-immigration-system-works>
- Inadmissibility on public charge grounds, 8 C.F.R. § 103, 212, 213, 214, 245 and 248 (2019).
- Janowitz, M. (1980). Observations on the sociology of citizenship: Obligations and rights. *Social Forces*, 59(1), 1-24.
- Jenco, M. (2020, June 30). Study: Public charge rule having a chilling effect on immigrant families’ use of public programs. *American Academy of Pediatrics*.  
<https://www.aappublications.org/news/2020/06/30/immigrantfamilies063020>
- Jones, B., & Mukherjee, R. (2010). From California to Michigan: Race, rationality, and neoliberal governmentality. *Communication and Critical/Cultural Studies*, 7(4), 401-422.
- Joyner, T., & Lee, J. S. (2020, April 20). Health and race disparities in America have deep roots: A brief timeline. *Detroit Free Press*.

<https://www.freep.com/story/news/local/michigan/2020/04/20/timeline-health-race-disparities/5145641002/>

Kerwin, D. (2018). From IIRIRA to Trump: Connecting the dots to the current US immigration policy crisis. *Journal on Migration and Human Security*, 6(3). 192-204.

Kil, S. H. (2012). Fearing yellow, imagining white: media analysis of the Chinese Exclusion Act of 1882. *Social Identities*, 18(6), 663-677.

Klein, E. (2020, November 6). Stacey Abrams on minority rule, voting rights, and the future of democracy. *Vox*. <https://www.vox.com/ezra-klein-show-podcast/21540804/stacey-abrams-2020-biden-trump-election-voter-suppression-laws-republicans>

Klinkner, P. (2017, April 17). Yes, Trump's hard-line immigration stance helped him win the election — but it could be his undoing. *Los Angeles Times*.

<https://www.latimes.com/opinion/op-ed/la-oe-klinker-immigration-election-20170417-story.html>

Kogan, R., Katch, H., Rosenbaum, D., Rice, D., Romig, K., Floyd, I. & Parrott, S. (2019, May 15). Cuts to low-income assistance programs in President Trump's 2020 budget are wide-ranging. <https://www.cbpp.org/research/federal-budget/cuts-to-low-income-assistance-programs-in-president-trumps-2020-budget-are>

Kohn, S. (2016, June 29). Nothing Donald Trump says on immigration holds up. *Time*. <https://time.com/4386240/donald-trump-immigration-arguments/>

Konczal, M. (2014, March 24). The conservative myth of a social safety net built on charity. *The Atlantic*. <https://www.theatlantic.com/politics/archive/2014/03/the-conservative-myth-of-a-social-safety-net-built-on-charity/284552/>

Kretchmer, H. (2020, July 23). A brief history of racism in healthcare. *World Economic Forum*.

<https://www.weforum.org/agenda/2020/07/medical-racism-history-covid-19/>

Ku, L. (2019, October 9). New evidence demonstrates that the public charge rule will harm immigrant families and others.

<https://www.healthaffairs.org/doi/10.1377/hblog20191008.70483/full/>

Kurlinkus, W. C. (2014). Crafting designs: An archaeology of “craft” as God term. *Computers and Composition*, 33, 50-67.

Lee, E. (2002). The Chinese exclusion example: Race, immigration, and American gatekeeping, 1882-1924. *Journal of American Ethnic History*, 21(3), 36-62.

Levinson-King, R. (2020, October 20). US election 2020: Why it can be hard to vote in the US.

*BBC News*. <https://www.bbc.com/news/election-us-2020-54240651>

Lewis, T. A. (2019, August 27). Trump’s rule attacking disabled and low-income migrants has violent history. <https://truthout.org/articles/trumps-rule-attacking-disabled-and-low-income-migrants-has-violent-history/>

Lind, D. (2016). The disastrous, forgotten 1996 law that created today's immigration problem.

*Vox*. <https://www.vox.com/2016/4/28/11515132/iirira-clinton-immigration>

Lind, D. (2018a). The Trump administration’s separation of families at the border, explained.

*Vox*. <https://www.vox.com/2018/6/11/17443198/children-immigrant-families-separated-parents>

Lind, D. (2018b). Trump’s controversial “public charge” proposal that could change the face of legal immigration, explained. <https://www.vox.com/2018/9/24/17892350/public-charge-immigration-food-stamps-medicaid-trump-comments>

- Lithwick, D. (2017). The bogus logic of Trump's new travel ban. *Slate*. <https://slate.com/news-and-politics/2017/03/trumps-new-travel-ban-is-full-of-bogus-evidence-and-sketchy-claims.html>
- López, I. F. H. (2015). Equal protection as intentional blindness. In A. R. Oakes (Ed), *Controversies in equal protection cases in America* (pp. 67-84). Ashgate Publishing Company.
- Lowrey, A. (2018, September 29). Are immigrants a drain on government resources? *The Atlantic*. <https://www.theatlantic.com/ideas/archive/2018/09/are-immigrants-drain-government-resources/571582/>
- Luthi, S. (2020, January 28). Supreme Court allows Trump to enforce 'public charge' immigration rule. <https://www.politico.com/news/2020/01/27/supreme-court-enforce-trump-immigration-rule-106520>
- Lynch, J. (2006). "Race and radical renamings: Using cluster agon method to assess the radical potential of 'European American' as a substitute for 'White,'" *K.B. Journal: The Journal of the Kenneth Burke Society*, 2(2).
- Mamorsky, J. (2019, July 23). A sigh of relief for employers subject to potential aca disparate impact discrimination claims. <https://www.wagnerlawgroup.com/resources/health-welfare/a-sigh-of-relief-for-employers-subject-to-potential-aca-disparate-impact-discrimination-claims>
- Martin, M. & Stuart, T. (2020, October 17). Trump's lasting influence on the U.S. immigration system. *NPR*. <https://www.npr.org/2020/10/17/924977215/trumps-lasting-influence-on-the-u-s-immigration-system>

- Matthew, D. B. (2015). *Just medicine: A cure for racial inequality in American health care*. New York University Press.
- McCarthy-Alfano, M. (2020). What do we know about health insurance choice? Lessons for health care reform. *Leonard Davis Institute of Health Economics Conference Brief Series, 3*. [https://ldi.upenn.edu/sites/default/files/Penn-LDI-Brief-What-Do-We-Know-About-Health-Insurance-Choice\\_0.pdf](https://ldi.upenn.edu/sites/default/files/Penn-LDI-Brief-What-Do-We-Know-About-Health-Insurance-Choice_0.pdf)
- Miller, M. L. (1999). Public argument and legislative debate in the rhetorical construction of public policy: The case of Florida midwifery legislation. *Quarterly Journal of Speech, 85*(4), 361-379.
- Mittelstadt, M., Speaker, B., Meissner, D. & Chishti, M. (2011). Through the prism of national security: Major immigration policy and program changes in the decade since 9/11. *Migration Policy Institute*. [migrationpolicy.org/research/post-9-11-immigration-policy-program-changes](http://migrationpolicy.org/research/post-9-11-immigration-policy-program-changes)
- Mock, B. (2019, August 14). The racism behind Trump's new 'public charge' immigration policy, explained. *Bloomberg*. <https://www.bloomberg.com/news/articles/2019-08-14/the-racist-roots-of-trump-s-public-charge-policy>
- Moore, W. L. (2014). The legal alchemy of white domination: Embedding white logic in equal protection law. *Humanity & Society, 38*(1), p. 7-24.
- Morgen, S. (2001). The agency of welfare workers: Negotiating devolution, privatization, and the meaning of self-sufficiency. *American Anthropologist 103*(3), 747-761.
- Murakawa, N., & Beckett, K. (2010). The penology of racial innocence: The erasure of racism in the study and practice of punishment. *Law & Society Review, 44*(3), p. 695-730.

- Narea, N. (2020a). A federal judge blocked Trump's rule creating a wealth test for immigrants. *Vox*. <https://www.vox.com/policy-and-politics/2019/10/11/20899253/trump-public-charge-rule-immigrants-welfare-benefits>
- Narea, N. (2020b). Trump's call to dramatically expand the travel ban, explained. *Vox*. <https://www.vox.com/policy-and-politics/2020/1/22/21075844/travel-ban-2019-trump-update-nigeria-explained>
- Newkirk II, V. R. (2018, July 17). Voter suppression is warping democracy. *The Atlantic*. <https://www.theatlantic.com/politics/archive/2018/07/poll-prri-voter-suppression/565355/>
- Ockerman, E., Baskin, M., & Del Valle, G. (2019, August 16). Trump is now going to make life hell for immigrants with disabilities. <https://www.vice.com/en/article/a35d8a/trump-is-now-going-to-make-life-hell-for-immigrants-with-disabilities>
- Oh, E. (2020, September 22). American immigration laws have always been about preserving whiteness. *New America*. <https://www.newamerica.org/weekly/american-immigration-laws-have-always-been-about-preserving-whiteness/>
- Pani, E. (2008). Saving the nation through exclusion: Alien laws in the early republic in the United States and Mexico. *The Americas*, 65(2), 217-246.
- Paradkar, S. (2019, December 4). Intentions in racism don't matter. Impact does. *Toronto Star*. <https://www.thestar.com/opinion/star-columnists/2019/12/04/intentions-in-racism-dont-matter-impact-does.html>
- Paresky, M. L. (2017). Changing welfare as we know it, again: Reforming the Welfare Reform Act to provide all drug felons access to food stamps. *Boston College Law Review*, 58(5), 1659-1697.

- Patterson, E. G. (2012). Mission dissonance in the TANF program: Of work, self-sufficiency, reciprocity, and the work participation rate. *Harvard Law & Policy Review*, 6(2), 369-405.
- Perano, U. (2019, November 10). Top Trump border officials defend calling immigration at Mexico border an "invasion". *Axios*. <https://www.axios.com/donald-trump-border-immigration-invasion-32610f9d-c5bb-47e4-b66b-a3befef42c87.html>
- Perreira, K. M., Yoshikawa, H., & Oberlander, J. (2018). A new threat to immigrants' health — the public-charge rule. *New England Journal of Medicine*, 379(10), 901-903.
- Pierce, S. & Selee, A. (2017). Immigration under Trump: A review of policy shifts in the year since the election. *Migration Policy Institute*.  
<https://www.migrationpolicy.org/research/immigration-under-trump-review-policy-shifts>
- Potts, M. (2016, October 13). The American social safety net does not exist. *The Nation*.  
<https://www.thenation.com/article/archive/the-american-social-safety-net-does-not-exist/>
- President Donald J. Trump is putting American workers first as we restore our economy to greatness. (2020, June 22). <https://www.presidency.ucsb.edu/documents/fact-sheet-president-donald-j-trump-putting-american-workers-first-we-restore-our-economy>
- Press briefing by USCIS acting director Ken Cuccinelli. (2019, August 12).  
<https://www.presidency.ucsb.edu/documents/press-briefing-uscis-acting-director-ken-cuccinelli>
- Public charge provisions of immigration law: A brief historical background (2019, August 14). *U.S. Citizenship and Immigration Services*. <https://www.uscis.gov/history-and-genealogy/our-history/public-charge-provisions-immigration-law-a-brief-historical-background>

- Public charge rule changes, explained (2019). *Community Service Society*.  
<https://www.cssny.org/pages/public-charge-immigration-explainer>
- Ramirez, C. S. (2020, February 24). The new wealth test for immigrants is un-American. *The New York Times*. <https://www.nytimes.com/2020/02/24/opinion/trump-immigration-public-charge.html>
- Rampell, C. (2020, February 20). The Trump administration's green card Catch-22. *Washington Post*. [https://www.washingtonpost.com/opinions/the-trump-administrations-green-card-catch-22/2020/02/20/a9175bfa-5426-11ea-929a-64efa7482a77\\_story.html](https://www.washingtonpost.com/opinions/the-trump-administrations-green-card-catch-22/2020/02/20/a9175bfa-5426-11ea-929a-64efa7482a77_story.html)
- Rappeport, A., & Fadulu, L. (2020, February 10). Trump budget would fray social safety net. <https://www.nytimes.com/2020/02/10/us/trump-budget-safety-net-cuts.html>
- Reeves, J. & May, M.S. (2013). The peace rhetoric of a war president: Barack Obama and the just war legacy. *Rhetoric & Public Affairs*, 16(4), 623-650.
- Report to the United Nations on racial disparities in the U.S. criminal justice system. (2018, April 19). *The Sentencing Project*. <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>
- Reston, L. (2015, September 3). Immigrants don't drain welfare. They fund it. *The New Republic*. <https://newrepublic.com/article/122714/immigrants-dont-drain-welfare-they-fund-it>
- Richardson, C. (2019, August 15). We must abolish the 'public charge' rule. *Washington Post*. <https://www.washingtonpost.com/opinions/2019/08/15/we-must-abolish-public-charge-rule/>
- Roche, M. (1992). *Rethinking citizenship: Welfare, ideology, and change in modern society*. Polity.



- Rodney, W. (2020, August 10). Colonialism as a system for underdeveloping Africa.  
<https://www.versobooks.com/blogs/4810-colonialism-as-a-system-for-underdeveloping-africa>
- Rosenblum, M. R. (2011). US immigration policy since 9/11: Understanding the stalemate over comprehensive immigration reform. *Migration Policy Institute*.
- Rowland, R.C. & Jones, J.M. (2016). Reagan's strategy for the Cold War and the evil empire address. *Rhetoric & Public Affairs*, 19(3), 427-464.
- Rubio, A. (2011). Undocumented, not illegal: Beyond the rhetoric of immigration coverage. *NACLA Report on the Americas*, 44(6), 50-52.
- Rueckert, W. (1963). *Kenneth Burke and the drama of human relations*. Minneapolis: University of Minnesota Press.
- Salter, P. S., Adams, G., & Perez, M. J. (2018). Racism in the structure of everyday worlds: A cultural-psychological perspective. *Current Directions in Psychological Science*, 27(3), 150-155.
- Santana, M. (2014, November 20). 5 Immigration myths debunked. *CNN Business*.  
<https://money.cnn.com/2014/11/20/news/economy/immigration-myths/>
- Sattler, J. (2019, January 10). Trump's border wall isn't about national security. It's about stoking racial resentment. *USA Today*.  
<https://www.usatoday.com/story/opinion/2019/01/10/donald-trump-border-wall-birtherism-racial-resentment-column/2526917002/>
- Selod, S. (2015). Citizenship denied: The racialization of Muslim American men and women post-9/11. *Critical Sociology*, 41(1), 77-95.

- Shear, M. D., Jordan, M., & Dickerson, C. (2019, August 14). Trump's policy could alter the face of the American immigrant. *New York Times*.  
<https://www.nytimes.com/2019/08/14/us/immigration-public-charge-welfare.html>
- Shively, R. L. (2000). Political theory and the postmodern politics of ambiguity. In E. B. Portis, A. G. Gundersen, & R. L. Shively (Eds.), *Political theory and partisan politics* (pp. 173-190). State University of New York Press.
- Smith, G. (2019). Cattle, progress, and a victimized nation. *Metaphor and the Social World*, 92, 263-284.
- Smith, J.M. (1954). The enforcement of the Alien Friends Act of 1798. *The Mississippi Valley Historical Review*, 41(1), 85-104.
- Sohoni, D. (2006). The 'immigrant problem': Modern-day nativism on the web. *Current Sociology*, 54(6), 827-850.
- Solomon, D., Maxwell, C., & Castro, A. (2019, August 7). Systemic inequality and American democracy. *Center for American Progress*.  
<https://www.americanprogress.org/issues/race/reports/2019/08/07/473003/systematic-inequality-american-democracy/>
- Somers, M. R. (2008). *Genealogies of citizenship: Markets, statelessness, and the right to have rights*. Cambridge University Press.
- Srikantiah, J. & Sinnar, S. (2019). White nationalism as immigration policy. *Stanford Law Review*, 71, 197-209.
- Stein, S. R. (2002). The "1984" Macintosh Ad: Cinematic Icons and Constitutive Rhetoric in the Launch of a New Machine, *Quarterly Journal of Speech*, 88(2), 169-192.

- Stern, M. J. (2020, January 27). The Supreme Court lets Trump punish immigrants who may be a “public charge”. *Slate*. <https://slate.com/news-and-politics/2020/01/supreme-court-public-charge-immigrant-ban.html>
- Stewart, A. (1995). Two conceptions of citizenship. *British Journal of Sociology*, 46(1), 63-78.
- Straut-Eppsteiner, H. (2020, March 2). Trump’s public charge rule created harm even before it was implemented. *National Immigration Law Center*.  
<https://www.nilc.org/2020/03/02/public-charge-rule-created-harm-before-it-was-implemented/>
- Stubblefield, A. (2007). “Beyond the pale”: Tainted whiteness, cognitive disability, and eugenic sterilization. *Hypatia*, 22(2), 162-181.
- Sumption, M. & Flamm, S. (2012). The economic value of citizenship for immigrants in the United States. *Migration Policy Institute*.
- Survey says Americans support immigration limits (2018, May 7). *Voice of America*.  
<https://blogs.voanews.com/all-about-america/2018/05/07/survey-says-americans-support-immigration-limits/>
- Tatum, S., Faulders, K., & Owen, Q. (2019, August 12). Trump administration announces rule that could limit legal immigration. *ABC News*. <https://abcnews.go.com/Politics/trump-administration-announces-rule-limit-legal-immigration/story?id=64924601>
- The myth of the self-sufficient immigrant that’s fueling the White House’s draconian policy. (2019, August 14). *America Magazine*. <https://www.americamagazine.org/politics-society/2019/08/14/myth-self-sufficient-immigrant-thats-fueling-white-houses-draconian>

The Trump administration's systematic dehumanization of families. (2019, June 27). *Center for the study of social policy*. <https://cssp.org/about-us/connect/press-room/trump-administrations-dehumanization-of-families/>

Timeline of the Muslim ban (2020). *ACLU*. <https://www.aclu-wa.org/pages/timeline-muslim-ban>

Turner, B.S. (1990). Outline of a theory of citizenship. *Sociology*, 24(2), 189-217.

USCIS announces public charge rule implementation following supreme court stay of nationwide injunctions. (2020, January 30). *USCIS*. <https://www.uscis.gov/news/news-releases/uscis-announces-public-charge-rule-implementation-following-supreme-court-stay-of-nationwide>

Van Wagendonk, A. (2019, July 27). In a victory for Trump, the Supreme Court frees up \$2.5 billion for the border wall. *Vox*. <https://www.vox.com/policy-and-politics/2019/7/27/8932874/border-wall-donald-trump-supreme-court-2-5-billion-us-mexico>

Varsanyi, M. W. (2008). Rescaling the "alien," rescaling personhood: Neoliberalism, immigration, and the state. *Annals of the Association of American Geographers*, 98(4), 877-896.

Vimo, J. (2019, August 20). Three things you should know about Trump's racially-motivated immigration wealth test. *National Immigration Law Center*. <https://www.nilc.org/2019/08/20/3-things-you-should-know-about-trumps-immigration-wealth-test-the-torch/>

Wasem, R. E. (2010, March 10). Immigration visa issuances and grounds for exclusion: Policy and trends. *Congressional Research Service Report*. <https://trac.syr.edu/immigration/library/P4491.pdf>

- Watson, S. D. (1990). Reinvigorating Title VI: Defending health care discrimination—it shouldn't be so easy. *Fordham Law Review*, 58(5), 939-978.
- Weber, M. C. (2020). Of immigration, public charges, disability discrimination, and, of all things, Hobby Lobby. *Arizona State Law Journal*, 52, 245-277.
- Weinzweig, M. J. (1983). Discriminatory impact and intent under the equal protection clause: The supreme court and the mind-body problem. *Minnesota Journal of Law & Inequality*, 1(2), p. 277-339.
- Weissbrodt, D. & Danielson, L. (2004). Chapter 8: Grounds for inadmissibility and removal. <http://hrlibrary.umn.edu/immigrationlaw/chapter8.html>
- Whitener, K. (2020, July 2). New report finds chilling effect, avoidance of health care services among immigrant families. *Georgetown University Health Policy Institute's Center for Children and Families*. <https://ccf.georgetown.edu/2020/07/02/new-report-finds-chilling-effect-avoidance-of-health-care-services-among-immigrant-families/>
- Wolf, Z. B. (2019, July 13). Yes, Obama deported more people than Trump but context is everything. *CNN*. <https://www.cnn.com/2019/07/13/politics/obama-trump-deportations-illegal-immigration/index.html>
- Wong, J.C. (2019, August 5). Trump referred to immigrant 'invasion' in 2,000 Facebook ads, analysis reveals. *The Guardian*. <https://www.theguardian.com/us-news/2019/aug/05/trump-internet-facebook-ads-racism-immigrant-invasion>
- Zarefsky, D. (2008). Strategic maneuvering in political argumentation. *Argumentation*, 22, 317-330.

Zolberg, A. (2006). Rethinking the last 200 years of U.S. immigration policy. *Migration Policy Institute*. <https://www.migrationpolicy.org/article/rethinking-last-200-years-us-immigration-policy>