To Live, Love, and Work Anywhere You Please

Arizona and the Struggle for Locomotion

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On May 4th, 2010, the Flagstaff, Arizona, City Council met to consider filing suit against Arizona's Senate Bill 1070, seeking an injunction against the now-infamous anti-immigrant law. The Council chamber was at full capacity, bursting with over 200 people. Outside the building another 300 people chanted slogans, making their opposition to 1070 so loud they could be heard from inside the chamber. Because of the large turnout, police officers lined the halls; the fire department eventually closed the building doors. Deliberations lasted until 11:00 pm, with four hours of public testimony. All but a handful of people spoke against the law and encouraged the Council to seek the injunction.

Yet what was most astounding that night was that many in the crowd were undocumented. They demanded the attention of city officials, insisting that they hear their collective voice and represent their interests and sue the state of Arizona. Many undocumented people courageously addressed the Council despite a heavy police presence. One young man in his early twenties, speaking Spanish, stated:

> My name is Juan and I don't have papers. I work at a grocery store. Every time I get my paycheck, I see that I pay taxes. I contribute to this community, to this country. I also send money back to my people in Mexico, to help them because I can no longer go there. And now they want to put me in jail for working, for helping my people.

A number of other folks that night expressed similar views. For a moment, the politics were unrecognizable, with undocumented residents making political demands on politicians who often don't even listen to their documented voting constituency. In the end, the City Council voted unanimously to file the injunction, an action that reverberated throughout Arizona.

Politicians on both the Left and the Right typically hear such protests as a demand for U.S. citizenship. We tell a different story. This remarkable event in Flagstaff illustrates several important points. First, undocumented people are demanding mobility before citizenship. That is, the ability to move freely across borders is more important to them than is citizenship. Second, undocumented people belong to multiple political communities, and are demanding the right to participate in each. The idea of a citizenship that would give them the "right" to remain in one place does not resonate with them. "Home" is in multiple locations. Third, the mobile nature of undocumented people challenges the essential principles of the liberal state, particularly the concepts of sovereignty, territory, and citizenship.

We see the immigrant struggle in Arizona, then, as the site of an emergence of a new type of political project, one that is already producing subjectivities and demands that existing political arrangements are finding difficult to accommodate. We agree with scholars such as Saskia Sassen when she states that the undocumented are "political subjects not fully recognized as such … but who nonetheless function … as part of the political landscape."

Exclusion vs. mobility

Currently the poles in the U.S. immigration debate are incorrectly staked between the exclusion of "illegal aliens" on the right and a "path to citizenship" on the left. Our experience in the immigration struggle suggests that the real tension is not between exclusion and citizenship but between exclusion and mobility.

The Arizona state legislature is controlled by nativist Republicans who represent white working and middle class constituents, including small businessmen and retirees, from suburbs and small towns like Mesa, Gilbert, Fountain Hills, Snowflake, and Lake Havasu City. They are determined to scapegoat immigrants for the state's deep fiscal crisis (Arizona was $3.8 billion in the red at the beginning of 2011) despite the fact that every reputable study shows that immigrants—documented or not—are a net gain to a state's economy. Herein lies the secret of Arizona's nutty nativism: it is the outer shell of an intensive effort by elites to "reduce government" through deep cuts in public education, Medicaid, welfare, and the universities, while actually expanding the power of the state through border militarization and turning police officers, teachers, principals, nurses, and doctors into immigration agents. In other countries this process would be led by the World Bank and called "structural adjustment." Here it comes from whites of modest means at Tea Party rallies underwritten by the Koch brothers. The whole thing may look particularly absurd in Arizona because our politicians are more obnoxious than elsewhere, but it's a nationwide affliction. Globalization has come home to roost, with immigrants and the working class taking the brunt of the blows.

The notorious "Support Our Law Enforcement and Safe Neighborhoods Act," better known as SB 1070, is the product of Arizona nativism. The gist of SB 1070 is that all Arizona law enforcement personnel are required to check the immigration status of persons they have reason to suspect are undocumented. "Reasonable suspicion" in this instance includes a person's language, accent, clothing, hairstyle, foreign birth, proximity to the border, nervousness, and "furtive behavior," according to police training manuals. (The most detailed legal analysis of the law by University of Arizona law professor Gabriel Chin argues that race can give rise to "reasonable suspicion" as well, and that in fact the law may require racial profiling.) SB 1070 also makes it a crime to "transport, move, conceal, harbor, or shield" an undocumented person if one "knows or recklessly disregards" the fact that the person is undocumented. And it empowers citizens to sue municipalities that they believe are not enforcing these provisions to their "full extent." Portions of the law, including the requirement that the police check immigration status, are currently on hold while the courts decide whether SB 1070 infringes on the federal government's authority to regulate immigration. The harboring and empowerment provisions, however, are currently in effect.

In 2011, nativist politicians have tried to surpass 1070 by sponsoring bills that would eliminate birthright citizenship unless both parents are U.S. citizens, require proof of citizenship for all pupils registering in public or private schools, and require hospitals to check immigration status before caring for patients. To these bills (which thus far have failed) and 1070 add a 2008 law that requires employers to check the citizenship of all employees.

The strategy behind all of this is clearly expressed in SB 1070, which states that the goal is "to make attrition through enforcement the public policy of all state and local government agencies in Arizona." In other words: to create such an inhospitable environment for undocumented people that they pack up and leave the state. The goal is to render undocumented folks and their children depoliticized, lacking rights or a political community to belong to. This strategy, cooked up in right-wing think tanks such as the Center for Immigration Studies and the Immigration Reform Law Institute, acknowledges that mass deportation of "illegals" (an oft-held fantasy of the nativists) is unfeasible and unnecessary. All that is needed is to induce enough fear and terror about being caught that one chooses to go away. The intent is openly exclusionary, aiming to physically remove hundreds of thousands of people without state expense or effort. At the

same time, the strategy aims to intimidate documented people who associate with undocumented people or who simply refuse to turn them in.

Those in favor of "comprehensive immigration reform" counter this strategy with one they regard as more inclusionary, offering some undocumented people a "path to citizenship." Part of the strategy here is to present a moderate "middle ground" where "reasonable" decision-makers can meet. In practice, however, their proposals are disciplinary and exclusionary in their own right. For instance, some immigration reform advocates propose "guest worker" programs that allow for temporary migration and taxation but provide few legal or political rights for workers. Nearly every proposal offering legal status also calls for some combination of decreasing the number of migrants entering the nation, penalties for undocumented people currently living in the U.S., stronger border security, greater investment in law enforcement, tougher worksite enforcement, and/or temporary work permits for undocumented people. Underlying these calls for "reform" is the assumption that citizenship in the liberal state is the norm, the ideal, and the primary desire of undocumented people.

The third actor in this struggle besides the nativists and reformists, often neglected and less visible, are undocumented people themselves. As members of a local grassroots group called the Repeal Coalition, which demands the repeal of all anti-immigrant legislation in Arizona, we have had the privilege of working with many of them. What is striking to us is that the undocumented people we work with are not prioritizing citizenship, as both the nativists and immigration reform advocates assume. In our experience, some seek citizenship but many do not.

For example, Mercedes is an outspoken elderly Mexican woman who works with the Repeal Coalition in Phoenix. She attends demonstrations, does interviews with the press, and has appeared in four documentaries about the immigration movement in Arizona. When you ask her why she is in the country, she says "to work, make money, and to be with my grandchildren." If you ask her if she plans to stay, she responds with a resounding, "No. I need to be back with my people in Mexico. I miss it." When we asked her when she planned to leave, she said, "After the march and protest we have planned," finishing the sentence with a big smile. Mercedes is now in Mexico, not because she was afraid of the nativists or the ramifications of SB 1070, but because her "time in the U.S was up." Her fight was not for citizenship (which she could have achieved through her grandchildren), but for the right to live, to love, and to work wherever she pleased. Mercedes makes clear that undocumented people are fighting for the right to come and go more than they are for the right to come and stay. In other words, they are fighting for the right of locomotion.

Locomotion vs. liberalism

The Oxford English Dictionary explains that the word "locomotion" is a compound of the Latin locus, or place, and motio, or motion. Locomotion thus implies movement and place. But the conjunction of these Latin words suggests at least two places: the place where one is and the place or places one is going. Locomotion, then, implies being of multiple places and moving among them. It is ultimately a complex form of belonging. This complexity is increasingly common in a globalized world, where economic forces push and pull workers across borders.

Locomotion has long been considered a basic element of citizenship in a liberal society. "Personal liberty," noted Justice John Harlan in his famous dissent in Plessy v. Ferguson, "consists in

the power of locomotion, of changing situation, or removing one's person to whatsoever places one's own inclination may direct, without imprisonment or restraint." Yet there is a tension between locus and motio in liberal citizenship. Bound by national borders, it restricts unhampered movement to that which occurs inside the nation-state. (This problem persists even in the European Union, which merely moves the tension to the borders of the EU itself.) Political participation is likewise restricted.

This tension is exacerbated under globalization. Active political participation requires a relatively stable common space in which to act. But the global flow of humanity makes public spheres somewhat unstable due to the influx or outflow of persons. In countries such as Mexico, this instability can be found in the virtual depopulation of entire villages. In the U.S., recent immigration is transforming small Midwestern and Southern towns as well as neighborhoods in large cities. When Repeal knocked on doors throughout the working-class neighborhood of Sunnyside in east Flagstaff, for example, many of the white residents expressed unease with the growing population of Latino migrants in the trailer parks that dot the neighborhood. The movement of bodies across nation-states creates instability in the spaces of liberal citizenship. Motio disrupts locus.

Nativists seek to stabilize these spaces by prohibiting new migrants from entering them and by expelling those who are already there, through police actions (raids and deportations) and public policy ("attrition through enforcement"). Comprehensive immigration reform, meanwhile, seeks to incorporate current migrants into the public sphere through work permits and a path to legal status for some, while severely restricting the entrance of new migrants through walls, policing, and biometric identity cards.

What we are witnessing in Arizona is a third path. Undocumented workers and their allies are pushing the freedom of locomotion beyond the boundaries of the nation-state, and thus of liberal citizenship itself. Liberal citizenship, they imply, is actually an obstacle to participation in politics. Rather, they are demanding the freedom to live, raise families, and work across borders, and insisting on the right to participate in whatever public they are presently in, regardless of citizenship status. (The demand to "live, love, and work wherever you please" is the slogan of the Repeal Coalition.) Citizenship, they hold, should be no obstacle to participation in politics.

Throughout the state, undocumented people have marched in protests, spoken at public events, and participated in meetings by grassroots groups such as the Repeal Coalition, Puente, Tierra y Libertad, Border Action Network, and Interfaith Councils. At these events they are often open or indifferent about their undocumented status. The risks, they judge, are outweighed by their need to participate. "I just can't stop going to every protest and meeting I can," an undocumented member of the Repeal Coalition told one of us. "I just can't get enough of politics." She is determined to be a political being, regardless of SB 1070 and regardless of the restrictions of liberal citizenship.

This insistence on the freedom to move from place to place regardless of borders and to participate in the politics of wherever one resides presents a much more democratic resolution of the tension between locus and motio than that proposed by nativists and immigration reformists. It suggests that citizenship, or the right to belong and participate in a public realm, should be less a matter of where you were (born) than where you are. This is significantly different from the demand for dual citizenship because it essentially disregards the regime of national citizenship rather than seeking legal status in two states. (Dual citizenship is rarely offered to those who enter another country seeking a better life, anyway.) The demand for mobility is primarily a

struggle of migrants and their families now, but if nativists are successful in undermining the Fourteenth Amendment's guarantee of birthright citizenship, it will stretch for generations as it transforms from a problem of migrants to a problem of permanently stateless people.

This demand for global mobility and local participation flatly contradicts the national sovereignty underpinning liberal citizenship. The result is an antinomy of "right against right," as Marx puts it. The right of the state to control citizenship is pitted against the individual's right of locomotion. The right of the capitalist to move her business to whichever country has the cheapest labor is pitted against the right of workers to move to whichever country has the best labor practices and to organize across borders. And as Marx writes: "Between equal rights force decides."

But just as the worker demanding the right to a "normal" working day in Capital exceeds the structure of bourgeois right, demands by undocumented people for the "right" to locomotion exceed the boundaries of liberal, territorial citizenship. It is true that such claims employ the discourse of rights. They also typically start out as demands on the liberal state rather than against it, such as when undocumented Flagstaff residents demand the city council sue on their behalf. Such claims almost immediately challenge liberalism, however, because they surpass the boundaries of liberal citizenship itself. The "right" of locomotion asserted by undocumented people—the right to participate in multiple public spheres and to freely move among them—challenges the regime of rights even as it employs its discourse.

The outcome of this struggle cannot be predicted. Perhaps undocumented workers will lose. Perhaps a victory would ultimately be absorbed into liberalism. But presently it points to a challenge to the liberal state and global capitalism that is utterly radical. It is simply a matter of recognizing it.

To what extent do Mexicans want to be U.S. citizens rather than Mexicans who live and work in the U.S.? What we are witnessing in our work against nativism in Arizona is that migrants are less interested in becoming U.S. citizens than they are in exercising the freedom of locomotion. To the extent that they do seek U.S. citizenship, it is to facilitate locomotion rather than vice versa. They are thus demanding both less and more than liberal citizenship.

The story of SB 1070 and Arizona nativism, then, is not just a story of repression, or even of the effort to reform a "broken" immigration system. In moving to where the opportunities are in a global economy, undocumented workers are constituting a new subjectivity that goes beyond place-based citizenship. And in their struggle for the freedom of locus and motio, these "victims of globalization" articulate a new idea of freedom for all. This new politics of locomotion insists on the freedom to belong to more than one locale and not to be rendered an outsider from any of them. It combines global locomotion with the ability to participate in local affairs.

This new conception of liberty, we believe, is the radical potential of the struggles against the SB 1070s of the world. It suggests that liberal citizenship has become a burden as well as an objective in a global economy. The struggle regarding this burden portends the unraveling of all that seems solid today about the nation-state and capitalism. It deserves further study and theorization.

In a global economy, locomotion must complement belonging. Locus needs motio. As undocumented Arizonans struggling against SB 1070 show, in a world in which goods, services, and ideas already respect no borders, the freedom to participate in politics must be accompanied by the freedom to live, love, and work wherever you please.

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