BEYOND COUNTERTERRORISM: Rhetoric, 9/11, and Exclusionary Policies Targeting Undocumented Latinos in the United States

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ABSTRACT

This study is an exploratory examination of the relationship between the terrorist attacks of September 11, 2001 and the subsequent introduction and enactment of federal governmental exclusionary policies specifically targeting undocumented Latinos in the United States. To address this issue, federal-level exclusionary legislation, both before and after 9/11, is qualitatively analyzed using a comparative case study method. The preliminary results indicate that anti-undocumented Latino exclusionary policies enacted after 9/11 were not significantly influenced by the terrorist attacks or related factors. However, much legislation intended to target terrorists (e.g. the Patriot Act) imposed negative collateral consequences on undocumented Latino immigrants living in the United States.

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INTRODUCTION

The study of governmental policies relating to undocumented Latinos in the United States is of utmost importance today. Latinos officially overtook African-Americans as the largest minority group in America in 2003 (U.S. Census 2003a). The promise of high-paying jobs (relatively speaking) and a government that until recently has turned a blind eye to the situation have brought millions of Latin Americans north in recent decades. Recent nation-wide protests by Latino immigrants have brought immigration and related topics to the foreground for American policy-makers and political parties, who are continually faced with the struggle of balancing the often-conflicting demands of several competing constituencies and interest groups concerning immigration policy.

In recent years surges in the level of undocumented Latino immigration have added to the pre-existing anxiety caused by terrorist threats by immigrants from other parts of the world. When it was discovered that several of the 9/11 hijackers had obtained entrance to the United States and proper documentation with relative ease, Congress acted quickly to increase border security measures and reduce the facility of obtaining documentation and identification cards for immigrants (Jenks 2001).

At first glance, there is a temptation to make a connection between the terrorist attacks of September 11, 2001 and the subsequent introduction and enactment of exclusionary policies specifically targeting undocumented Latinos in the United States. Schildkrut (2002), for example, found that one of the immediate effects of 9/11 was that “it has again become acceptable to many people to curtail the rights and opportunities of those who do not fit into the dominant cultural type” (Schildkrut 531-532). This occurred “due to the ethnoculturalistic response of the public in response to 9/11”
(Schildkraut 512). This finding suggests that public opinion could have soured against not only minorities of Middle Eastern decent (i.e. the ethnicity of the perpetrators of the 9/11 attacks), but also against Latinos and Latino immigrants, who comprise the country’s largest minority ethnic group.

Many scholars have analyzed the effect that 9/11 had on domestic Latino immigrants. Pia Orrenius and Madeline Zavodny, in a working paper for the Federal Reserve Bank of Dallas, found that Latino immigrants with less than five years in the United States experienced a net decrease of real hourly earnings and employment. Orrenius and Zavodny link these changes to the effects of 9/11 and the enactment of counterterrorism measures. “The evidence thus suggests the post-9/11 changes in the labor market and, more broadly, the national security environment, have adversely affected the job prospects of recent male undocumented immigrants from Latin America” (Orrenius 2006, 19).

Another study is an issue brief prepared by Michele Waslin, Ph.D. for the National Council of La Raza, a Latino advocacy interest group. She described how undocumented Latinos are affected by the counterterrorism measures passed in response to the 9/11 terrorist attacks. She analyzed policies such as airport security measures, tougher driver’s license requirements, etc. and concluded that “[t]he government’s counterterrorism efforts have had the most negative effects on American Muslims and Arab Americans. However, as discussed below, many of the newly-enacted policies have had a detrimental effect on Latinos as well, which will continue to be felt for many years” (Waslin 2003, 4).
Additionally, Susanne Jonas and Catherine Tactaquin wrote about the 9/11 terrorist attacks and the effect it had on Latino and immigrant rights in general. They asserted that certain policy-makers in the U.S. government purposely used the 9/11 attacks as an excuse to restrict the rights of immigrants in the United States. “In the aftermath of September 11” they wrote, “many conservative politicians, including Attorney General John Ashcroft and anti-immigrant members of Congress, were determined to use the national emergency to advance their anti-immigration projects and to publicly revive and extend a national security framework” (Jonas 2004, 72).

Jonas and Tactaquin also analyzed specific negative consequences that factors related to 9/11 and counterterrorism legislation have had on undocumented Latinos in the United States. They cite, among others, consequences such as increased difficulty in airline travel, slower process times for citizenship and VISA applications, and a decrease in the likelihood that Congress will pass any “permanent legalization” legislation any time in the near future (Jonas 2004, 77-79), which, at the time of this writing, has held to be true.

The general conclusions of these scholars have been roughly the same: despite the fact that post-9/11 counterterrorism legislation was designed to target terrorists from Arab and Middle Eastern countries, these measures had a collateral negative impact on undocumented Latinos in the United States.

This study will examine the situation from a different perspective, however. A distinction is herein made between counterterrorism and exclusionary measures. The goal of counterterrorism is to identify and neutralize possible threats of terrorism targeting United States citizens. Exclusionary policies are those measures which specifically attempt to negatively affect a particular ethnic or social group. These include policies that
seek to limit immigration from certain countries or to make it more difficult for certain ethnic groups to maintain themselves as residents. They will be described in more detail in the following section.

Did the nationalist spirit that engulfed the country immediately following the 9/11 attacks prompt United States lawmakers to introduce and enact exclusionary policies against foreign immigrants and, more specifically, against undocumented Latinos? The objective of this study is to begin an exploratory examination as to whether there is a significant relationship between the terrorist attacks of September 11, 2001 and the proposal or enactment of subsequent exclusionary policies specifically targeting undocumented Latinos in the United States.

**Research Design**

As was previously mentioned, a distinction is made between counterterrorism measures and exclusionary policies. Counterterrorism measures are those motivated by and designed specifically to fight terrorism. Such measures have recently included the Patriot Act, the creation of the Department of Homeland Security, the Border Security and VISA Entry Act, and the REAL ID Act.

In contrast, for the purposes of this study, “exclusionary policies targeting undocumented Latinos” include federal legislation motivated primarily by factors unrelated to terrorism that deal with the following:

- Seeks to limit or decrease the amount of immigration into the United States from Latin American countries (i.e. Mexico, Central America, South America).
- Increases difficulty for undocumented Latino immigrants to obtain access to public benefits.

- Seeks to establish English as the official language of the United States.

As it is politically incorrect to single out any one ethnic group over another, it is impossible to determine from the text or title of a proposal if it specifically targets Latinos. It is a fact, however, that Latinos are the single largest minority ethnic group, undocumented immigrant group, and non-English-speaking group in the United States (U.S. Census 2003a, U.S. Census 2003b). Additionally, those who opposed the policies which are cited later in this study were primarily Latinos. Furthermore, Latino interest groups such as the National Council of La Raza and the League of United Latin American Citizens have regularly opposed policies and proposals such as those herein cited and analyzed (League 2006, National 2006, e.g.). For these reasons it is sufficient to conclude that these policies aimed at “illegal immigrants” were specifically targeting undocumented Latinos. If this is not the case, at least Latinos unarguably perceived themselves as the targets and victims of such policies.

This study utilizes a qualitative comparative case study method which is appropriate for exploratory research (Gerring 2004). The cases, which are admittedly not comprehensive, were pieces of exclusionary legislation that were selected according to their relative prominence in public media attention and relevance to the study at hand. Given the extremely high amount of bills that are proposed in the Congress on a yearly basis, it would be a significant task to include and analyze every one of them and their corresponding amendments. The cases chosen, however, are believed to be sufficiently representative for the purposes of this study. They include policies that were proposed but
never became law. Additionally, the cases analyzed were constrained to legislation that was proposed or enacted between January 1980 and the midterm elections of November 2006.

These cases are herein qualitatively analyzed to identify the motivational and influential factors related to each selected piece of legislation. This is admittedly a difficult task. In order to correctly identify the motive of an action of any given individual or group of individuals, it would ultimately be necessary to either know of a certainty that their stated motives are an accurate reflection of their thought processes or simply to be able to read their minds. Since both are beyond our present capacities, we must rely on other indicators to deduce motives. These motives will attempt to be deduced by examining a variety of sources, which will be primarily drawn from:

- the stated objective of the legislation in the bill text itself
- the stated objective of the legislation by the lawmakers themselves, including both sponsors, supporters, and detractors
- Congressional floor debates of proposed legislation
- political context and environmental factors

This places a heavy emphasis of scrutiny on the rhetoric of congressional floor debates. Legislative deliberation allows a representative to build legislative coalitions (Calvert 1998) and have shown to be influential in the passage or rejection of a piece of legislation (Filler 2001). They also allow a representative to explain to his or her constituents the motives and justification for voting for or against a specific piece of legislation, and thus are especially useful in determining motive. Specific evidence will
be sought that lawmakers indicated 9/11 and terrorism as motives for and justification of each exclusionary measure.

[ insert Table 1 ]

The findings of each case will then be separated into pre-9/11 and post-9/11 groups and then compared. Were the post-9/11 exclusionary proposals motivated by the same factors that prompted the pre-9/11 proposals? If so, we can preliminarily conclude that the occurrence of 9/11 had little to no impact on the introduction of exclusionary legislation. If not, we can conclude the two are related. Even then, however, were they entirely or in part motivated by factors related to 9/11? The goal will be to discover whether a pattern exists in the motives of undocumented Latino exclusionary policies in the United States that will provide indications that the post-9/11 policies were either entirely or significantly influenced by factors related to that incident.

**FINDINGS**

**English-only legislation**

[ insert Table 2 ]

**Pre-9/11.** The first proposed amendment to the U.S. Constitution that would make English the official national language came in 1981. Its main sponsor was Senator S. I. Hayakawa of California. In defending his proposed amendment, Senator Hayakawa explained that bilingual education and the translation of government documents into other languages are drains on the national budget. He also claimed that Latinos in our country feel that they have a “destiny … separate from … the rest of us” and that “the
ethnic chauvinism of the present day Latino leadership is an unhealthy trend in present-day America” (Crawford 98).

Senator Hayakawa’s bill failed to pass. Indeed, it never made it out of committee. This did not hinder the proposal of three new amendments in 1983, 1987, and 1989 (Crawford 113). California Representative Norman Shumway, who sponsored the 1989 Official English amendment, testified before a House committee that he was introducing this bill because we, as Americans, need to “[continue] our heritage as a unilingual nation” and “prevent the divisiveness that is bound to result from a plurality of languages” (Crawford 123, 124). This amendment, like its predecessors, failed to pass.

Post-9/11. In 2005, Representative Steve King of Iowa introduced an Official English amendment to the U.S. Constitution. He explained his proposed amendment by saying, “[t]he need for official English appears in our newspapers every day – injuries in the workplace, mistranslations at hospitals, people who are unable to support themselves and their families – all because they could not speak English” (Cong. Rec. 2005b, E355). He was careful to note that this amendment was not discriminatory, that it would not affect bilingual education programs, it would not affect the speaking of foreign languages at home or at work, and that it would provide an incentive for immigrants to learn English. King made no mention of the events of September 11, 2001 or to anything related to terrorism.

It is worth mentioning, however, that Representative King is one of the most vocal supporters of anti-immigrant policies and legislation in the House of Representatives. He is quick to link immigration policy with fighting terrorism. “We already have a human
that is piled onto every day. Searching for terrorists that are trying to enter our country is like looking for needles in that haystack” (Johnson 2006).

In May 2006 the Senate took up debate on the Comprehensive Immigration Reform Act. Two amendments were added to this bill, both of which dealt with the concept of a national language for the United States. Oklahoma Republican Senator Inhofe proposed a successful amendment which would make English the “national language” of the United States (U.S. Senate, 2006, S.AMDT.4064). It resembled previous official English proposals by enforcing the use of English in all official government communications and publications. This proposal received greater attention than its predecessors, however, and passed the Senate by a vote of 62-35. Senate Democrats offered their own version of an official English amendment. Colorado Senator Ken Salazar offered an amendment that would make English the “common and unifying language of America” (U.S. Senate, 2006, S.AMDT.4073). This amendment was purely symbolic and deliberately made no efforts to curb the use of any language other than English in either the public or private sphere. This amendment also passed by a vote of 58-39.

Proponents of these two measures cited similar nationalistic rhetoric to support their amendments. No references were made to terrorism or 9/11. It is very interesting to note, however, that opponents of these amendments cited the events of 9/11 and the War on Terror extensively to denounce the official English amendments. Hawaii Senator Daniel Akaka linked the War on Terror to defeating the official English amendments by saying, “After the terrorist attacks of 9/11, we sought out these individuals to help with our translation efforts; however, now we are telling them that we do not value their language enough to provide them with essential services in their languages. The ability to speak a
foreign language is critical to our national security, and we should not discourage that in any way” (Cong. Rec. 2006a. S4756). Massachusetts Senator Edward Kennedy struck a similar tone. “What did the 9/11 Commission say? It said we lacked sufficient translators. It also had a provision in the 9/11 Commission report that we ought to give emphasis to other languages and that that was in our national security interest. … Do you think that is consistent with the Inhofe amendment? Of course, it is not consistent with the Inhofe amendment” (Cong. Rec. 2006a. S4764).

It is also interesting to note that the nation’s largest pro-official English interest group, U.S. English, Inc., makes no reference on their website to the 9/11 terrorist attacks in support of their cause (U.S. English 2005). The events of 9/11 thus far seem to have no discernable influence on the proposal or passage of official English legislative proposals.

**Immigration Policy**

[ insert Table 3 ]

**Pre-9/11.** Post-1980 legislation dealing with immigration began in earnest in 1986 with the passage of the Immigration Reform and Control Act (IRCA). This act accomplished two things. On one hand, the hiring of those without legal permission to work in the United States was made illegal. On the other hand, amnesty was granted to all undocumented immigrants who had worked in the country for at least six months.

IRCA passed the Congress largely thanks to the support of then-President Ronald Reagan. In calling for Congress to pass an immigration bill, he stated that “both the United States and Mexico have historically benefited from Mexicans obtaining employment in the United States. … Illegal immigrants in considerable numbers have
become productive members of our society and are a basic part of our work force” (Daniels 223). This bill was also enacted at a time when public opinion was beginning to swing in favor of decreasing the amount of immigration into the country. In 1986, 49% of the population said that they believe immigration should be decreased, up from 33% in 1965 (Daniels 233).

Over the next ten years, federal immigration legislation aimed to decrease the levels of illegal immigration while making life more difficult for undocumented immigrants already within the country. The 1994 Violent Crime Control and Law Enforcement Act, made famous by the provision to ban certain types of assault rifles, included a minor provision that provided federal funding to increase control of and enforcement along the U.S.-Mexican border.

In 1996 the Illegal Immigration Reform and Immigration Responsibility Act (IIRAIRA) became law with the signature of President Bill Clinton. This law made it easier for the government to deport immigrants and permanently removed any possibility of naturalization for those who had previously claimed U.S. citizenship using falsified documents. Additionally, any infraction of the law, no matter how minor, could be used as basis for deportation, whereas before the infraction had to carry a sentence of a minimum of five years in prison. It also committed to increase border control and build more border fences (Daniels 246).

The IIRAIRA bill came at a time when public sentiment against immigration was stronger than it had been in several decades. In mid-1995 a full 65% of Americans surveyed said that they believed immigration should be decreased (Daniels 233). National politicians sought to capitalize upon the anti-immigration sentiment and use it to produce
electoral victories in the 1996 elections. The Republican Party platform for the 1996 elections included statement that “illegal aliens should not receive public benefits other than emergency aid” and further supported a Constitutional amendment that would not extend citizenship to children of illegal immigrants that were born on U.S. soil. On September 29, 1996, then-Senate Majority Leader Trent Lott explained in an interview on the News Hour with Jim Lehrer program that the Republican Congress would be passing the IIRAIRA bill to effectively show the public that they were fit to govern. “You can’t have governance if you can’t control your borders,” he said.

During the last half of the 1990s, the economy continued booming and the world was at relative peace. Public opinion regarding immigration began to lessen in its hostility. By June 2001 only 42% of American said that immigration should be decreased, and even 14% said that immigration should be increased (Daniels 233). Consequently, many of the harsh provisions of the IIRAIRA bill of 1996 were reversed with several statutes that came in 1997 and 1998 (Daniels 247).

Post-9/11. Congress moved quickly after the terrorist attacks of September 11, 2001 and within a year had passed the Patriot Act, the Enhanced Border Security and VISA Entry Act, and the Homeland Security Act. Each of these laws was focused on facilitating the government’s ability to control who enters the United States, keep better track of immigrants once they arrive, and to give the President and Congress the tools they need to effectively fight the War on Terror. For the first time in several decades, immigration legislation was not focused primarily on immigrants from Latin America, but from anywhere in the world, especially from Middle Eastern or Arab countries. The Immigration and Naturalization Service was eliminated and immigration enforcement
was placed under the jurisdiction of the Department of Homeland Security. The Patriot Act gave law enforcement officials the ability to more easily apprehend and deport immigrants and foreign visitors. This all had a significant impact on the process of immigrating to the United States, both legally and illegally, from any part of the world (Daniels 265). As explained by other scholars in other works, these counterterrorism measures indeed had a negative effect on undocumented Latinos, despite not specifically targeting them.

The first major development in non-counterterrorism immigration legislation directly targeting undocumented Latinos in the post-9/11 era came on December 16, 2005 when the House of Representatives passed H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. This law intended to create a sweeping change to the country’s immigration policy. Residing in the United States unlawfully would become a federal felony, as would providing assistance or aid to any such persons. A fence along the entire U.S.-Mexican border would be mandated and for the first time state and local law enforcement officials would be authorized to enforce federal immigration laws and policy (U.S. House, 2005, H.R. 4437).

On December 15, 2005 the House debated H.R. 4437 for several hours. Those who were in favor of passage of the bill cited various reasons for their support, including the rule of law, protecting the nation’s borders, and the drain that illegal immigrants have on government services. Several lawmakers linked the passage of the anti-immigration bill to fighting terrorism. The bill’s sponsor, James Sensenbrenner of Wisconsin, claimed that the bill would “bar aliens who are terrorists … from being naturalized U.S. citizens.” Robert Aderholt of Alabama: “Since September 11, 2001, we as a Nation have had to
reevaluate our willingness to have among us so many noncitizens that are here illegally.”

Pete King of New York: “In addition to whatever social issues there are with immigration or whatever criminal issues there are with immigration, there are now, since September 11 brought home to us dramatically, the terrorism aspects of illegal immigration.”

Finally, Michael McCaul of Texas warned that, “It is our duty, indeed it is our responsibility as Members of this distinguished body, to do everything in our power to ensure that another 9/11 never occurs in this country again. This vital piece of legislation will greatly advance our efforts towards preventing terrorists from entering our shores” (Cong. Rec. 2005a, pgs. H11800-H11819).

Despite these very emotional appeals to national security and terrorism, what is even more relevant to the current study is that these were the only five Congressmen that mentioned 9/11 or terrorism in their floor speeches. More than a dozen representatives spoke out in favor of this law, along with just as many who spoke against. Those five who used 9/11 to support the anti-immigration bill mentioned it only once, using the bulk of their time to focus on economic, cultural, or legal arguments. Despite the fact that the official name of H.R. 4437 included the word “antiterrorism,” there seemed to be little focus by lawmakers on how the bill would actually reduce the amount of terrorism in the United States.

At the urging of President Bush, the Senate spent two weeks in May 2006 debating and passing the Comprehensive Immigration Reform Act of 2006. In its final form, this bill, among other things, would have drastically increased border security measures, created a temporary guest worker program, as well as created an “earned citizenship” program for those undocumented immigrants who had been in the country for more than
five years. (U.S. Senate, 2006, S. 2611). With the exception of the border security provisions, this bill was arguably very friendly and hopeful for undocumented Latino immigrants. It would not objectively be considered “exclusionary,” but will be analyzed to contrast it with the House version of the immigration bill.

When examining the floor debates, one finds numerous references to both terrorism and 9/11 made by the Senators. Most of the references are made in connection with the border security provisions of the bill. Texas Senator John Cornyn explained, “let me say that national security demands that we know who is living within our borders, especially since 9/11” (Cong. Rec. 2006a. S4540). North Dakota Senator Byron Dorgan: “Yes, we have to try to keep terrorists from coming across the border. That is something that is very important. Terrorists wish to do harm to the American people. We need to keep terrorists from coming across this border and trying to kill American citizens” (Cong. Rec. 2006a. S4546). West Virginia Senator Robert Byrd: “It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks, and the pending proposal would shove many tens of millions of legal and illegal aliens – many of whom have never gone through a background check – through our border security system over the next decade” (Cong. Rec. 2006a. S4734).

Some Senators used the events of 9/11 to support their position for the immigrant-friendly guest worker and earned citizens programs. Colorado Senator Ken Salazar (one of the Senate’s few Latino members) said, “If one thinks about what happened in the days after 9/11, our Government ought to know who is living in our society. We cannot know that when we have 11 million people living in the shadows” (Cong. Rec. 2006a. S4578).
It is to be noted, however, that as with the House version of the immigration bill, the token references to 9/11 were infrequent and comprised a small amount of the actual arguments. Additionally, as with the English-language proposals, Senators used 9/11 and terrorism to support both exclusionary proposals and immigrant-friendly proposals.

The final case in the immigration category is H.R. 6061 which passed both houses of Congress in September 2006. This bill, entitled the “Secure Fence Act of 2006,” provided for the construction of 700 miles of fence along the U.S.-Mexican border. Having failed to find a compromise between the House and Senate immigration bills, the Secure Fence Act was widely seen as a “last-ditch” effort by congressional Republicans to pass some sort of immigration-related legislation before the 2006 midterm elections.

The text of the bill itself contains no references to terrorism. Examination of the opening arguments in favor of this bill, however, would lead one to suspect that terrorism was the primary impetus for this bill. Republican Representative Edward Royce of California began with a frightening example: “So we see people coming over the [U.S.-Mexican] border illegally from Afghanistan, Angola, Jordan, Qatar, Pakistan, Yemen. … I will give you one example. Mohammed Karani is the brother of a commander of Hezbollah in south Lebanon. He came over the border in my State in the trunk of a car. … He is a member of Hezbollah. He was in the process of securing funds and resources for Hezbollah in the United States” (Cong. Rec. 2006d. H6541).

In the Senate, Republican Majority Leader Frist opened arguments with the following: “We share a 1,951-mile border with Mexico. It doesn't take much creativity to imagine how terrorists might seek to exploit that border. It is time to secure that border with Mexico” (Cong. Rec. 2006c. S9685).
One Congressman referenced terrorism in *opposition* to the fence bill. Democrat Lloyd Doggett of Texas claimed, “[T]he attempt to confuse our people and make them think that Osama bin Laden is headed north in a sombrero and that we face a great invasion of terrorists across the Rio Grande is also appealing to fear and the unknown rather than appealing to the reality of how we secure our borders” (Cong. Rec. 2006b. H6586).

Further perusal of the floor debates, however, reveals exceptionally few references to 9/11 or terrorism. In fact, it seems that after opening statements were concluded the topic of terrorism was completely ignored. Republican arguments in favor of the fence bill focused on several topics unrelated to terrorism including responding to popular demand of the American people and decreasing the amount of drugs entering the country from Mexico. Democratic arguments in opposition to the fence bill focused on the high estimated cost of constructing the fence, how it would do little to actually solve the immigration situation, and that it was little more than a ploy to win votes for the upcoming midterm election (Cong. Rec. 2006. pgs. H6540-61, H6581-96, S9685, S9739-76, S9884-6, S10115-7).

The evidence from these various pieces of legislation shows that in the post-9/11 world, terrorism and the 9/11 attacks were used both to support and oppose exclusionary immigration reform legislation. More important to the study, however, the vast majority of the arguments and rhetoric for or against these policies were *not* focused on terrorism or 9/11. Those who did mention them did so only in passing, seemingly as merely a token gesture, and usually only as an addendum to their other arguments that focused on social or legal arguments.
Public Benefits

[ insert Table 4 ]

**Pre-9/11.** The United States federal government since 1980 has generally been amenable to facilitating the reception of public benefits by undocumented immigrants. The IRS goes so far as to offer non-resident aliens the ability to get an Individual Taxpayer Identification Number (ITIN) for purposes of filing taxes. They are specifically available only to those who do not qualify for Social Security Numbers (including undocumented immigrants). These numbers are also often commonly used to get loans and purchase homes. Public services such as housing assistance, Medicaid, WIC, and food stamps are also commonly available to undocumented immigrants.

The first swipe the federal government took at limiting these public benefits was a provision contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This act aimed primarily at reforming the welfare program in the United States. It contained many provisions, however, which barred illegal immigrants from any public benefits such as food stamps, Medicaid, and public housing programs. It also placed severe five-year restrictions on *legal* immigrants from receiving these same benefits (U.S. House, 1996, H.R. 3734). Like the IIRAIRA Act of 1996, many of the provisions of this program were eventually overturned with various statutes in the late 1990s as public opinion began to soften in regards to immigration and immigrants (Daniels 247). Just as with the IIRAIRA Act, this law was most likely a reaction to the rising anti-immigration public opinion of the mid-1990s and a President and Congress who wanted to secure favorable public approval ratings for reelection.
Post-9/11. Since the September 11, 2001 terrorist attacks, there have been no significant or successful efforts to either curb the use of ITIN numbers or to restrict access to public benefits for undocumented Latino immigrants at the federal level.

CONCLUSIONS

The preliminary evidence presented in this paper seems to indicate that the terrorist attacks of 9/11 on the whole have had little to no influence on the anti-undocumented Latino exclusionary policies that were proposed in the United States at the federal level after that incident. While analyzing the legislation considered in this study, references to 9/11 and terrorism were found, but they were infrequent and marginal. Those who did reference terrorism did so just as often to negatively criticize exclusionary proposals as to support them. This leads to the conclusion, therefore, that the events of 9/11 did not strongly influence the proposal of such policies. The events of 9/11 did, however, lead to an increase in counterterrorism legislation (which included changes in laws related to immigration, government documents, etc.) The anti-terrorism laws had, in turn, a negative collateral effect on undocumented Latinos living within the United States, which agrees with Jonas and Tactaquín (2004), Waslin (2003), and Orrenius and Zavodny (2006).

The cases in the pre-9/11 group show us that these exclusionary policies are nothing new. The United States has always enacted laws and policies to limit immigration and the rights of undocumented immigrants, and especially so in the last few decades in regards to those from Latin American countries. Americans seem able to make a distinction between Latino immigrants and Middle Eastern terrorists and tailor their exclusionary
policy preferences accordingly. Senator John McCain (R-AZ) stated as much when he explained to his colleagues in the Senate: “we must also find some way to separate those who have come here for the same reasons every immigrant has come here from those who are driven here by their hate for us and our ideals” (Cong. Rec. 2006a, pgs. S5183).

LIMITATIONS AND OPPORTUNITIES FOR FURTHER RESEARCH

This study represents a “first step” in analyzing the connection (or lack thereof) between the terrorist attacks of 9/11 and anti-undocumented Latino exclusionary policies. Analysis consisted primarily of an exploratory qualitative comparative case study of the context, rhetoric, and congressional floor debates surrounding these proposals. Because of the limited nature of such an analysis, the results of this study must be treated with caution. Future studies could expand these findings through a more in-depth content analysis of floor debates or through a quantitative analysis of public surveys and other relevant data. This subject could also be approached from the unit of analysis of the voters instead of the lawmakers.

Additionally, exclusionary policies are not the jurisdiction of the national government alone. State and local governments can and have enacted dozens, if not hundreds, of anti-undocumented Latino exclusionary policies over the last several years since September 11, 2001. There are also other policy areas that can be studied at the state and local level that are not within the jurisdiction of the federal government. These include those that affect the facility in obtaining driver’s licenses or sanctions against employers who hire undocumented workers. Further research is necessary to shed additional light on the subject and to help us come to a more complete and comprehensive conclusion.
WORKS CITED


Congressional Record. 2006c. SECURE FENCE ACT OF 2006--MOTION TO PROCEED. 109th Cong. 2nd sess., pg. S9685.


### Table 1

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### Table 2

**English-Only: Featured Legislation**

- **1981 SJ Res 72** – English as the official language of the United States
- **1989 HJ Res 81** – English as the official language of the United States
- **2005 HR 997** – English as the official language of the United States
- **2006 S AMDT 4064** – English as the “national language” of the United States
- **2006 S AMDT 4073** – English as the “common and unifying language”

### Table 3

**Immigration Policy: Featured Legislation**

- **1986 Immigration Reform and Control Act** – hiring of undocumented immigrants illegal and amnesty for those already here
- **1994 Violent Crime Control and Law Enforcement Act** – increased border security
- **1996 Illegal Immigration Reform and Immigration Responsibility Act** – increased ease of deportation and strengthened border patrol
- **2005 HR 4437** – undocumented presence in U.S. a federal felony, increases border security, etc.
- **2006 S 2611** – increases border security, creates a guest worker and earned citizenship program
- **2006 HR 6061** – construction of a 700-mile fence along the U.S.-Mexican border

### Table 4

**Public Benefits: Featured Legislation**

- **1996 Personal Responsibility and Work Opportunity Reconciliation Act** – restrictions of public benefits for both legal and illegal immigrants