

ISSA Proceedings 2014 - Access Denied: Crafting Argumentative Responses To Educational Restrictions On Undocumented Students In The United States.

Abstract: The state of Georgia has enacted laws restricting the access that undocumented Latino/a students have to universities. The restrictions are comparable to those imposed on African-Americans in the old South. The students have formulated a set of argumentative responses to challenge the legitimacy of the restrictions. The strategies include enrolling in Freedom University. This underground university helps to both humanize the students for the public while affording them the opportunity to join an educational community.

Keywords: DREAMers, Freedom University, Georgia Undocumented Youth Alliance, immigration, public argument, and student protests.

1. Introduction

Over the last decade a number of jurisdictions in the United States have enacted laws to restrict the access undocumented college students have to in-state tuition and scholarship opportunities. While some states have pushed back against this nativist impulse and enacted laws affording undocumented students access to post-secondary education, there continue to be students who are denied educational access. The most severe educational restrictions are found in the old segregated South, and they are often part of a larger package of laws intended to control the behaviors of the entire undocumented population in that state. The states of Alabama and South Carolina have instituted a total ban on the admission of undocumented students to state-funded colleges. My home state of Georgia has banned students from attending the most competitive schools and stripped undocumented students of the right to pay in-state tuition.

The suppression of an immigrant population is not a problem confined to the United States. France, for example, has struggled with political conflict resulting

from a rising Islamic population and fear that French traditions could be lost. In the Netherlands, young immigrants have found themselves at risk of being ejected from the country, as they become adults. In France and the Netherlands, advocates for the undocumented have attempted to redefined the controversy by highlighting the ways in which restrictions would negatively impact families by tearing them apart (Nicholls, 2013, p. 176). This is consistent with a recurrent pattern employed by opponents of legislative restrictions on non-citizens - the redefinition of the conflict to focus on the values of community and family.

This essay hopes to make two contributions to the on-going immigration debate by reviewing actions take by undocumented youth in Georgia to reestablish access to public universities. The argument choices made in this local controversy could have ramifications for the larger immigration debate in both the United States and Western Europe. Against the backdrop of state restrictions, advocates have formulated a set of communicative responses that suggest that the immigration debate can be shifted to better protect the interests of the undocumented. First, by moving the dispute from a focus on border security to educational access, the argumentative ground may be tilted in the favor of those advocating immigration reform. The narrative of individual hard work leading to success is a long-standing appeal in American culture. The undocumented students themselves tell stories of aspiring to achieve professional success by chasing the American Dream. These moving stories are slowly replacing the tales of the faceless illegal immigrant skirting a fence on the border of Mexico and the United States. Second, in response to requests from undocumented students, professors have played a role in this controversy by facilitating educational opportunities for them. This paper will review local efforts, including the establishment of Freedom University and the ways in which Freedom University's communicative campaign contributes to the effort to humanize students, afford them educational opportunities, and reverse state restrictions. Additionally, Freedom University provides the students access to the rhetorical trappings of the educational system including academic garb, graduation exercises, and student protests at administrative offices to use in the conflict with state legislators.

The essay is divided into three sections. The first section traces the recent trend in the United States to impose restrictions on undocumented residents. The second section describes and assesses the argument strategies deployed by

students to push their position with both legislative decision-makers and the public. The final section suggests lessons that other groups might take from the strategies deployed by the students in Georgia.

2. History of immigration restrictions

The roots of the recent immigration debate can be traced back to a series of policy decisions made in both the Clinton and George W. Bush administrations and the ensuing political gridlock that has dominated American politics since 2005. In the 1996 Personal Responsibility and Welfare Opportunity Act, the Federal government singled out undocumented residents and precluded them from receiving food stamps and welfare benefits. The legislation legitimized the process of carving out exceptions to basic social service access and erasing undocumented residents from the social safety net. This marked the resurgence of the nativist impulse in the United States and came a decade after Democrats and Republicans joined together to pass comprehensive immigration legislation.

In the 1990s, there was an on-going struggle in the United States between groups with divergent views of immigration. On one hand, there were political advocacy groups lobbying for in-state tuition for undocumented students; on the other hand, there were think tanks calling for stricter rules for undocumented residents. A rhetorical characteristic shared by both sides of the debate was that the youth did not rhetorically represent their own interests in the dialogue (Nicholls, 2013, p. 48). In many cases, both Democrats and Republicans lobbied on behalf of comprehensive immigration legislation that would both secure the Mexican/U.S. border and liberalize the patchwork of laws that drove the undocumented underground. The extension of rights for the disenfranchised was justified by discussion of what immigrants would do for the citizenry and the economy. The rhetorical turn to argumentation that justified the extension of personal rights based on the potential benefits to the voting public and the economy was a legacy of the Reagan revolution and permeated the discourse of policy advocates (Aguirre & Simmers, 2011, p. 15). These lines of argument have been found in the debates about the Development, Relief, and Education for Alien Minors (DREAM) Act dating back to August of 2001. The DREAM Act would provide resident status to undocumented graduates of high schools who are in good legal standing.

The DREAM Act and other policies intended to benefit the undocumented have suffered from political complications arising from the War on Terror. Immigration

policy was rolled into the jurisdiction of the Department of Homeland Security following the 2001 terror attacks. The Mexican/US border was redefined as a site that was susceptible to border crossings by Islamic terrorists and the militarization of the border was enhanced. The politics that subordinated immigration policy reform to national security interests was followed by rapid changes in the political climate. Despite the support of George W. Bush, immigration legislation that would have further strengthened border security and liberalized immigration rules for non-citizen residents did not make it through the Congress. The last effort, the Comprehensive Reform Act of 2007, was stalled by a series of procedural votes in the Senate. The DREAM Act was attached to this comprehensive policy, and this was the last time the act was debated in a serious fashion by the government in Washington D.C.

While the DREAM Act remains a promise unfulfilled for undocumented students in the United States, it has played a rhetorical role in the struggle for student rights. The act had the effect of constituting the largely Hispanic undocumented youth in the United States into a defined rhetorical community. While legislators and public policy advocates formulated the legislation, the proposed act effectively established the undocumented youth as a distinct political force. Those youth built upon the framework articulated by others and took on their own fight to attain the American Dream.

The pattern of national legislative failure also left conservatives in border-states concerned about border enforcement and security. As early as 2007, states began to pass legislation making it more difficult for employers to hire undocumented residents. A burgeoning population of undocumented workers in conjunction with federal inaction led the Arizona legislature to expand its role in enforcing immigration statutes. The appropriation of immigration enforcement by Arizona became a full-blown international controversy with the passage of SB 1070 in 2010. After the law was tested in court, the state was allowed to check the legal status of anyone involved a law enforcement stop, including routine traffic stops. The pattern of passing aggressive anti-immigrant statutes in Arizona was modeled by a number of states. In the case of Georgia, legislation and rules passed by the state have targeted undocumented college students and pushed this group to aggressively advocate their case in the public sphere.

While Arizona provided a model, additional political conditions led to Georgia to pass Board of Regents (BOR) Rule 4.1.6, which restricts the ability of

undocumented students to attend select universities, and the Georgia Illegal Immigration Reform and Enforcement Act of 2011 (HB 87), which imposes significant penalties on prospective employers. First, the 2008 recession and ensuing economic insecurity led many to assert that the undocumented were a drain on the economy by reducing the employment opportunities available to Georgians. The neo-conservative line of argument used to pass the immigration legislation of 1986 was rendered ineffective by the recession and the fear of job loss. Additionally, Georgia's demographics were changing quickly. The Hispanic population increased from 8% of the population in 2000 to 16% of the population in 2010. Fewer job opportunities in conjunction with a spike in the Hispanic population led politicians to use statutes to protect voters. The anti-immigrant climate worked in conjunction with the restrictive policies to drive immigrants from the state.

In October of 2010, BOR Rule 4.1.6 was approved and it prohibited undocumented students from attending colleges that had rejected qualified citizens of Georgia in the preceding two years. The adoption of the rule was followed by a broader set of restrictions outlined in HB 87. This law made it illegal to transport or harbor undocumented residents. The law also created an obligation for employers with more than ten employees to use an electronic verification system to certify a worker's legal status. It crippled agricultural sectors of the Georgia economy and drove undocumented residents into the shadows (Peña, 2012, p. 247).

The students responded in a more assertive fashion than others in their community. They risked arrest and deportation and spoke in the public sphere. The risk was magnified by the repeated stories found on social network sites that reported deportation checkpoints in and around the city of Atlanta. The students organized into a number of groups, including the Georgia Undocumented Youth Alliance (GUYA), a group that used both traditional local networking techniques and contemporary social networking sites to push back against the restrictions. During the 2011-2013 period, GUYA was the immigration group with the most active Facebook presence in Georgia. While other groups, including the Georgia Dreamers Alliance, have pushed against the laws in Georgia, it was the GUYA that led the initial charge for student rights. GUYA organized and participated in marches, protests, and delivered speeches in public space. The students protested their political dislocation by occupying areas reserved for citizens. Nicholls has

labeled the use of distinctive public space, born of legislative restrictions, as the strategy of creating niche-openings to establish rhetorical opportunities for the undocumented (Nicholls, 2013, p. 11).

Undocumented students in the United States were constituted into a group by the anti-immigrant policies, and their identity was cemented with the drafting of the DREAM Act. Nationally, the group is commonly referred to as the 'Dreamers.' The policy advocates portrayed the students as the best and the brightest who embodied the cultural values that made the United States great. The phrase "the best and the brightest" is a long-standing term in American culture with roots in 18th century British literature. The youth were differentiated from other immigrants in an effort to move political moderates to support the act. The students were young, intelligent, and hardworking. And, most importantly, they were in the United States illegally due to no fault of their own.

In the period immediately following the constitution of the Dreamers, some students followed the rhetorical path of their advocates and worked to distinguish themselves from other undocumented residents. This had two important effects on their argument patterns. First, by narrowing the scope of the controversy to providing educational opportunities for students, the appeals were more likely to be considered by moderates and conservative citizens. The students were motivated and smart, and as such, they could make positive contributions to society. Second, the narrowing of the issue to education had the unintended negative effect of providing a marker to distinguish deserving from undeserving immigrants. The deserving population aspired to improve themselves through education. The undeserving worked as domestic labor in hotels and restaurants. In many cases, these undeserving who knowingly broke the law to enter the country were the parents of the 'deserving' students.

The public argument strategy of the students has evolved over time and is more sophisticated than it was when the Dream Act was formulated in 2001. The early representations have been replaced by a more sophisticated approach that celebrates the entire immigrant community. By looking at the ways the students redefine the controversy to include more than a narrow set of legal definitions of citizenship and student, one can observe the role that youth play in empowering a subjugated community (Anguiao & Chávez, 2011, p. 82). While there have been a number of research projects in the communication field attending to the development of discourse in the Latino/a population, there has been limited

attention paid to the rhetorical approaches of the youth in this oppressed community. Specifically, the undocumented students are a distinctive population. They have been defined as having no 'legal' rights, which traditionally eviscerates a group's opportunity to mobilize support for political reform (Anguiano & Chavez, 2011, p. 81). Yet, today they are an influential political group in Georgia.

3. Rhetorical responses in Georgia

The students used a variety of communicative tactics in their fight to re-establish their right to education in Georgia. The rhetorical devices reflect a merger of 1960s protest strategies and the use of social media, as well as a commitment by students to advocate their own case in restricted public space.

The group affirms the values of protest and civil disobedience found in the struggles of the 1960s. Given that Georgia was a segregated state, the students draw heavily from the civil rights movement when crafting public argumentation. In a reference to the segregationist Jim Crow laws of the 20th century, the students describe educational policies as "Juan Crow" laws on the GUYA Facebook page. In November of 2001, their page highlighted a panel the group co-hosted with the Georgia Latino Alliance to describe the modern resegregation of the South. According to Lovato, Juan Crow is the "matrix of laws, social customs, economic institutions, and symbolic systems" used to impose psychical and psychological isolation on the undocumented (Lovato). The Jim Crow laws similarly called for racial separation in education, housing, public businesses and transportation. African-Americans were often met, for example, with signs indicating that they were not welcome guests in even the poorest of businesses.

The use of the phrase "Juan Crow" is a powerful rhetorical device in the effort to decriminalize the status of being "undocumented" in the United States. Both the African-Americans of the 1960s and today's Latino/a's have been made to feel like criminals by laws and statutes passed in Georgia. A dominant theme is that the undocumented Latino/a residents have violated the law and should be categorized as criminals. This illegal/legal dualism has focused the debate on the question of whether the undocumented immigrants have broken the law. This framework obscures racial undercurrents and limits civic dialogue about immigration. For example, this debate does little to uncover the motives for migration from Central America. Proponents of a secure border do not discuss the reasons why someone might flee their home country. The dominant rhetoric works to perpetuate a society in which nonwhites are "controlled, marginalized and disciplined"

(Lawston & Murillo, 2009, p.50).

The GUYA Facebook page also has several posts and pictures of undocumented students meeting in 2011 with the civil rights icon John Lewis, further drawing the comparison to the civil rights battle. Since the Lewis-GUYA meeting, Lewis has called for the reversal of the educational restrictions on undocumented students. Lewis remains a force in American politics, and those with even a cursory awareness of the civil rights movement have seen the picture of a bloodied John Lewis on the Pettis Bridge. His support of GUYA reminds the public that the struggle of the undocumented shares many of the characteristics of the civil rights battle. And, this relationship benefits the curators of the civil rights legacy by reminding people that the civil rights battle is part of a larger human rights struggle that includes the undocumented student movement in Georgia.

GUYA protests have taken the form of the marches of the 1960s. For example, GUYA, just like the activists of the 1960s, protest at the Arch at the University of Georgia and regularly find themselves on the steps of the President's office protesting their exclusion from the campus. Prior to rallies, posts on networking sites call for marchers to dress in academic robes. The students celebrate their academic performance and their language reflects the values we hope to see in any young person in society. The use of the Arch is particularly significant. It is a cultural symbol at the University of Georgia. When constructed in the 1850s, the Arch was part of a fence and gate built to secure the campus from the town. The gate disappeared shortly after the structure was built and the border between the town and the campus was open to all. To this day, the Arch is a location where people from the university and the town express political viewpoints.

A tradition at the university is that a student should not pass through the Arch until completing the requirements for graduation. Students continue to step around the Arch more than 100 years after the tradition was initiated. Each year, graduates line up in their caps and gowns to have a picture taken as they first walk through the Arch. GUYA members and other students graduating from Freedom University appropriated that tradition with the graduation of their first class in 2012. More than twenty students dressed in caps and gowns and marched through the Arch to celebrate their academic progress. This is an interesting case study in how the Latino/a population crosses a border in the struggle to craft a political identity (Cisneros, 2014, p. 20).

The Arch also has been a site of some of the more painful moments in the history of the University. The use of the Arch by the graduates of Freedom University recalls the protests of the early 1960s in the United States. For example, in 1961 some in the UGA community protested the admission of two African-American students at the Arch. The Arch was a place where the struggle between the Jim Crow South and an integrated University played out in 1961. The symbolism of that moment echoed as the graduates of the Freedom University and victims of Georgia's Jim Crow laws paraded through the Arch to celebrate their accomplishments.

Drawing a further parallel to the civil rights movement, GUYA has promoted the use of non-violent protest techniques. In 2011, for example, members of GUYA participated in a panel on the use of non-violent protest techniques by contemporary protest movements at the King Center. The students pushed the boundaries of citizenship by embracing the notion of educational citizenship as defined by classroom performance, and this type of tactic is something espoused by advocates at the King Center. The meeting was held in the King's Center Freedom Hall. The use of the King's Center location for the GUYA panel is interesting; it is both a monument to the bravery of the 1960s civil rights movement and a national park that is policed by the Federal National Park Service. The students navigated the conflicted space in their effort to craft better messages.

While the student's adapted tactics used by other groups, an important characteristic of their campaign was the willingness to speak on their own behalf. While politicians and policy advocates constituted the undocumented students as a political force with the drafting of the DREAM Act, it is the students themselves who serve as the most effective advocates today. The students have delivered speeches in hostile situations and exhibited a willingness to put themselves at risk. The work of Keish Kim, a long time student advocate, highlights the forceful nature of student rhetoric.

In November of 2011, Keish Kim was granted the opportunity to speak against Rule 4.1.6. She affirmed that the undocumented were hard working students who came from tax paying families who made great sacrifices to come to the United States. She and her supporters attended the meeting wearing a scarlet U to signify their compromised legal position. Her speech contained many of the arguments found in the rhetoric of other undocumented students. The students

suffer from hardship as children. In some cases, that hardship takes place in their country of origin. In other cases, the hardship is tied to struggling in the United States. The work and determination of the students to advance in society is recognized and celebrated. An important change in the narrative over the years is the role that parents are prescribed in the story. In early iterations, some claimed that the students were victims of decisions made by their parents and should not be held accountable for the illegal actions of their parents (Nicholls, 2013, p. 128). Students, like Keish Kim, now regularly celebrate the sacrifices that parents made to afford them the chance to live in the United States.

Having a student speak before the Board of Regents was an important moment for the movement. The students have availed themselves of the opportunity to speak at public meetings and in public locations, sometime at genuine personal risk. Ms. Kim spoke before a packed room at the Atlanta meeting. She told the group that at a time in life that students should aspire to great things, Rule 4.1.6 made the students feel naive for believing in the American Dream. In this speech, the position of the opposition is reduced to nothing more than a set of numbers. The technicality of the rule and the lack of a nine-digit social security number were all that prevented these worthy students from attending the college of their choice (Kim). In addition to the reference by Kim to the Regents' rule in this speech, the students in their campaign regularly used Rule 4.1.6. On the GUYA Facebook page there is a set of pictures in which a diverse group holds signs with 4.1.6 posted with a red slash through the numbers.

A recurrent element of the rhetorical campaign is the repeated use of the phrase "undocumented and unafraid." There are a number of blog posts, leaflets, posters, and YouTube videos, in which the students declare they will no longer be found in the shadows, rather they are undocumented and unafraid. This is an important statement in light of the risk of deportation, especially in the years 2011 and 2012. The phrase plays a role in the rhetorical redefinition of citizenship from simply a legal construct that excludes the undocumented residents to a cultural one in which they fight for their educational rights. The students are unafraid because they are citizens of an intellectual community and are demanding the state recognize their place in that community.

The students are aware the risks involved in the strategy of public protest and the necessity of inhabiting public space. The social network sites that posted upcoming marches and protests regularly post stories about police roadblocks

and of college age residents being deported. They regularly demand a place at the table at the annual Board of Regents meeting while simultaneously engaging in protests outside the meeting. They also protest on the campuses to which the law denies them access. Students engaged in self-risk in ways that recall the protests of the 1960s when the youth protested while risking being drafted into the Vietnam War.

In 2010, the GUYA inspired a small group of faculty at the University of Georgia to establish an educational program for them (Peña, 2012, p. 246). Freedom University opened its door in October of 2011 in Athens and initially serviced thirty-three students. The school took its name from the Freedom Schools of the 1960s that provided educational opportunities for young African-Americans in the segregated South. The students met in an undisclosed location and enrolled in one class during the first semester (Gutierrez & Tamura, 2011). By 2013, the university added a campus for students in Atlanta at the King Center. The college has an impressive array of activists and scholars on the board of directors. While the university received limited media coverage when it first opened, it received a burst of publicity when board member and Pulitzer Prize winner Junot Diaz discussed the program in a 10-minute segment of the Colbert Report. At the end of the interview, Stephen Colbert presented Professor Diaz with a Freedom University sweatshirt shirt he designed with FU prominently displayed on the shirt (Colbert). The dual meaning of the abbreviation was not lost on Freedom University supporters. Since that time, many have embraced the FU moniker and its implied message to state policy-makers.

Freedom University plays a role in the struggle to provide educational opportunities for its students. For example, the instruction the program offers students serves as a way for colleges across the nation to determine if a student is a good fit for their college. The school provides hope for students who fear that the restrictions have robbed them of their chance to attend college. The school also provides the students with a sense of community and an aspirational cohort to work with on assignments. While college admissions offices do not officially recognize the coursework, it does help the students make their case for admission.

Once a student is accepted into a college, Freedom University engages in fundraising to help that student pay for college. The sacrifices made by the students are described in the fundraising efforts of Freedom University. Hugo M's

story is a representative one. He talks about the ways in which his time at the University prepared him for college and the fact that the scholarship program allowed him to overcome educational obstacles and aspire to a college degree. He is a student holding down two jobs who is seeking a medical assistant degree. Other students Freedom University has placed at regional and national institutions have similar compelling personal stories and need for financial support.

In addition to these service-based commitments, Freedom University plays an important rhetorical role in framing the on-going immigration debate. First, the campus and its proximity to the University of Georgia help to alter the nature of the immigration border debate. Stories about Freedom University move the immigration debate from the securitized Mexican/US border to a focus on deserving students who find themselves at the border of a university. This locates the students as educational citizens based on their drive and intellect while highlighting their exclusion from the traditional university community by an unjust policy.

Second, Freedom University provides the students with a site that allows them to better challenge the exclusionary policies of the state. They share the local Athens community with the members of the University of Georgia community. While their classroom is a segregated one, they are members of the local intellectual community. They are receiving instruction from a gifted faculty and motivated volunteers. By continuing to pursue their education, these students are able to better deploy the symbolic trappings of the educational system in protests. The fact that students continue their struggle to achieve their educational goals adds to the story they share with others in a way that would be diminished if they were labeled dropouts.

4. Conclusion

While some immigrants have fled communities due to restrictive legislation and a hostile political climate, the youth in Georgia have stayed to fight for their rights. They engage in effective public protests and stand in public to stake their claim to a college education while continuing to advance themselves educationally. The students have worked to network with a number of groups in Georgia and beyond when pressing their case. The rhetoric of the group has highlighted the ties to the civil rights movement that played out in Georgia in the 1960s. Additionally, they have reached out to student groups in other states with educational restrictions to

share stories and communicative strategies. In Alabama and South Carolina students also are excluded from colleges and universities. In a number of Midwestern and Southern states, undocumented residents pushed for eligibility to in-state tuition rates. Undocumented students across the United States struggle to attain full legal and educational citizenship.

The locally based student movement in Georgia was a response to the restrictions imposed by state policymakers. With national action on a variety of public policy issues unlikely in the near future, local responses may be the best path forward for advocates of progressive politics. The narrow approach to the extension of rights and privileges used by the undocumented students in Georgia have some applicability to undocumented individuals in both the United States and in Western Europe. Governments have become better at restricting the effectiveness of large-scale protests. And, there are recurrent claims by the protesters that the traditional media outlets have been ineffective in sharing the stories of the undocumented in newspapers and on television. This condition when coupled with the inability of the national government to act has moved the students to engage in a targeted local approach. The tactics used by the Georgia students provide a potential pathway forward for the undocumented struggling for their rights in the United States and Western Europe. Specifically “in countries as diverse as France, the Netherlands, the United Kingdom, Belgium, Spain, and the United States, undocumented immigrants have launched high-profile campaigns for greater rights, less repression, and the legalization of their status (Nicholls, 2013, p.176).” In each case, the undocumented are stepping into the public sphere to assert their claims.

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