

**WITHOUT PAPERS:
LEGAL IDENTITY, LEGAL CONSCIOUSNESS, AND PERFORMANCE**

by

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ABSTRACT

Without Papers: Legal Identity, Legal Consciousness, and Performance

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The undocumented immigrant is a recurring figure in the legal and cultural fields. By examining various stagings of this figure in contemporary US theatre, I analyze the intricate relationship between cultural and legal production and also observe law's capacity to shape identity and practices of belonging. My dissertation relies on developments in legal anthropology and employs concepts of legal identity and legal consciousness to consider theatre's engagement with unauthorized immigration. An explicit focus on law and its material consequences allows me to problematize theatre scholarship's privileging of ethnic/racial categories when approaching the overdetermined issue of identity. Importantly, as I investigate theatre's contribution to the immigration debates, I theorize how performance intersects with legal categorization and, in particular, how performance can counteract the legal nonexistence that characterizes life without papers.

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LIST OF FREQUENTLY CITED STATUTES

Statute	Abbreviation
Immigration and Nationality Act of 1952 (McCarran-Walter Act). Public Law 82-414, <i>U.S. Statutes at Large</i> 66 (1952), 163. Codified as amended at <i>U.S. Code</i> 8 (2010), §§ 1101 et. seq.	1952 INA
Immigration and Nationality Act of 1965. Public Law 89-236, <i>U.S. Statutes at Large</i> 79 (1965), 911. Codified as amended at <i>U.S. Code</i> 8 (2010), §§ 1101 et. seq.	INA
Immigration Reform and Control Act. Public Law 99-603, <i>U.S. Statutes at Large</i> 100 (1986), 3359.	IRCA
Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Public Law 104-208, <i>U.S. Statutes at Large</i> 110 (1996), 3009.	IIRIRA
Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001. Public Law 107-56, <i>U.S. Statutes at Large</i> 115 (2001), 272.	Patriot Act

Preface
A Short Exercise in Identity Deconstruction

A playwright comments: “When I was very young my best friend and I were walking to the corner store. My parents had warned me not to tell anyone I didn’t have ‘papers’ and to be careful walking the streets.” With this, the playwright begins to offer a short explanation for the inspiration behind the semiautobiographical play at hand. Purposefully, I will withhold specific names or the necessary footnote at this point to conduct a short exercise in identity deconstruction. What is the information offered by these two simple sentences at the start of a “Playwright’s Notes”? The author establishes that he or she is 1) an older individual reflecting on a past experience, 2) someone who once had a strong friendship, 3) an inhabitant of a place with a corner store and with potentially dangerous streets for children, 4) the child of concerned or perhaps paranoid parents, and 5) somebody without papers. Of course, the playwright offers the thoughts here in English; unless this is a translation, we might begin to make additional assumptions about the identity of the speaker. It is with the ensuing three sentences in the “Notes” that the playwright bombards us with clues that allow us to form a more coherent picture of who is behind the words: “On the way to the store we saw **‘la migra’** (INS / immigration / Border Patrol). I quickly turned to my friend and tried to ‘act white.’ I spoke in English and talked about Jordache jeans and Barbie dolls[,] hoping no one would suspect us.” Seeming indications about the writer’s race, ethnicity, gender, and language begin to surface, permitting us to categorize this author in a manner consistent with the ways in which theatre artists and their products are generally studied and produced today. Potentially, if our deductions prove correct, the play being

introduced could have been included in the syllabi for courses such as Arizona State University's "Chicana/Chicano Popular Culture," Ohio State University's "US Women Writers: Text and Context," or the University of California at Santa Barbara's "Culture Clash: Studies in US Latino Theatre." Productions of such a work might have found their way to the stages of the Fort Lauderdale's Women's Theatre Project, New York City's TeatroFestival, or the GALA Hispanic Theatre in Washington, DC. In all these cases, it did.

The play is *Real Women Have Curves* by Josefina López, the writer behind the above "Notes."¹ The piece about five women working together in a small Los Angeles sewing factory has been one of the most produced "Chicano" plays in the United States.² Especially after the release of a 2002 film version, directed by Patricia Cardoso and starring America Ferrera, *Real Women Have Curves* has become a token reference in conversations about Latina identity. A small sampling of recent academic efforts points to the inclusion of López's product in discussions of feminism, gender, sexuality, and body image.³ It is striking, then, that the remarks López offers to introduce the published

¹ Josefina López, *Real Women Have Curves* (Woodstock, IL: Dramatic Publishing, 1996), 5. Boldface in original. Subsequent references to this play will be noted parenthetically and abbreviated *RW*. Unless otherwise noted, all ellipses appear in the original.

² Jorge Huerta, "Looking for the Magic: Chicanos in the Mainstream," in *Negotiating Performance: Gender, Sexuality, & Theatricality in Latin/o America*, ed. Diana Taylor and Juan Villegas (Durham: Duke University Press, 1994), 42–43.

³ See, for example, Jillian M. Báez, "Towards a Latinidad Feminista: The Multiplicities of Latinidad and Feminism in Contemporary Cinema," *Popular Communication* 5, no. 2 (2007): 109–28; Jeff Berglund and Monica Brown, "*Sin Vergüenza*: Resisting Body Shame in *Real Women Have Curves* and *Caramelo*," in *Mediating Chicana/o Culture: Multicultural American Vernacular*, ed. Scott L. Baugh (Newcastle, UK: Cambridge Scholars Press, 2006), 62–72; María P. Figueroa, "Resisting 'Beauty' and *Real Women Have Curves*," in *Velvet Barrios: Popular Culture & Chicana/o Sexualities*, ed. Alicia Gaspar de Alba (New York: Palgrave Macmillan, 2003), 265–82; Chris Holmlund, "Postfeminism from A to G," *Cinema Journal* 44, no. 2 (2005): 116–21; Meredith A. Love and Brenda M. Helmbrecht, "Teaching the Conflicts: (Re)Engaging Students with Feminism in a Postfeminist World," *Feminist Teacher* 18, no. 1 (2007): 41–58; Deborah Schooler, "Real Women Have Curves: A Longitudinal Investigation of TV and the

script mark her first and foremost as an undocumented person and only later as a woman or a Latina. In fact, López uses the word “undocumented” five times in the four-paragraph “Notes,” referring also to immigration enforcement, immigration documents, the Simpson-Rodino Amnesty Law (IRCA), and the label of “illegal alien.” While she explains that the women with whom she worked at her sister’s sewing factory were all Latina and that the experience of female bonding is the “something special [she] wanted to show the world” with her play, López concludes her short note with a clear statement of purpose that ostensibly makes *Real Women Have Curves*, above all, a play about individuals without papers:

In the U.S. undocumented people are referred to as “illegal aliens[,]” which conjures up in our minds the image of extraterrestrial beings who are not human, who do not bleed when they’re cut, who do not cry when they feel pain, who do not have fears, dreams, and hopes...

Undocumented people have been used as scapegoats for so many of the problems in the U.S., from drugs and violence, to the economy. I hope that someday this country recognizes the very important contributions of undocumented people and remembers that they too came to this country in search of a better life. (RW 6)

Understandably, the play that celebrates a young woman’s journey to self-acceptance figures prominently in arguments about female subjectivity. But, given López’s own insistence on the significance of her characters’ and her own immigration status, we should question why such a marker of identity is so frequently discounted in discussions

Body Image Development of Latina Adolescents,” *Journal of Adolescent Research* 23, no. 2 (March 2008): 132–53; and Anahí Viladrich, Ming-Chin Yeh, Nancy Bruning, and Rachael Weiss, ““Do Real Women Have Curves?” Paradoxical Body Images among Latinas in New York City,” *Journal of Immigrant & Minority Health* 11, no. 1 (February 2009): 20–28. The celebrated film version received high honors at Sundance Film Festival and won the 2002 Humanitas Prize (Josefina López and George Lavoo, *Real Women Have Curves*, DVD, directed by Patricia Cardoso [New York: HBO Video, 2003]).

about *Real Women Have Curves*.⁴ For that matter, we should question why the film version of the play does not even engage with the subject of undocumented immigration.

I will endeavor, in chapter 2, to address these questions, bringing into focus the ways in which López has positioned herself as a Latina artist as well as the ways in which US theatre has been produced and studied in a changing socioeconomic and political environment. However, I have chosen López's remarks to *Real Women Have Curves* as my dissertation's starting point because they call attention to the crucial role that legal status can play in shaping a person's sense of self. That López was without papers proves both the key entry point into her description of who she is and also an integral part of the composition of her characters. The women in *Real Women* structure their lives around their immigration status and, upon receiving legal residency, struggle to transition into a new way of existing within the US borders. Indeed, one of the central points of conflict in López's play revolves around one of the character's continued lack of papers.

⁴ Alicia Arrizón, for one, examines *Real Women Have Curves* exclusively as a celebration of Latinidad, as a "symbol of hope for young Latinas" (Alicia Arrizón, *Queering Mestizaje: Transculturation and Performance* [Ann Arbor: University of Michigan Press, 2006], 36). While her focus is predominantly on the 2002 film, Arrizón's treatment of the play is troubling. "It is obvious," she writes, "that in adapting her play to film, Josefina López and her co-screenwriter made some compromises by changing the main protagonist. Focusing on Ana rather than Estela draws in the younger crowd, and turns the play into a cross-generational success story" (38). Never does Arrizón explain that part of the compromise is to legalize all of the characters, and that, in doing so, the celebration at hand is partly at the expense of the undocumented. Although Christie Launius attempts to move beyond strict questions about gender and ethnicity and into a discussion about class, she too admits to "de-emphasiz[ing] the text's focus on immigration politics, something that deserves much more time to in the classroom" (Christie Launius, "Real Women Have Curves: A Feminist Narrative of Upward Mobility," *American Drama* 16, no. 2 [Summer 2007]: 26). Elizabeth Ramírez similarly seems concerned predominantly with the "border of female identity" in her exploration of López's play (116). While Ramírez certainly pays some attention to the issues of immigration law inherent in the piece, these become almost secondary to or metaphoric of the exploration of "the female as subject on display" (Elizabeth C. Ramírez, *Chicanas/Latinas in American Theatre: A History of Performance* [Bloomington: Indiana University Press, 2000], 118). I am interested in what happens when we approach López's work as one that places an *illegal* female immigrant subject on display.

Within the group, Estela remains the sole *illegal*, as the women refer to themselves (RW 15).

Undocumented immigration offers a situation in which “legal identity” is acutely recognizable and charged, and thus serves to propel this study about the law’s crucial participation in shaping both individual and group identities. Focusing explicitly on questions of law allows us to reengage with and problematize the emphasis placed on gender and sexuality and particularly on ethnicity and race that structures most identitarian studies of theatre and performance. When we consider the ways in which institutional mission statements, production seasons, festivals, academic departments, course offerings, library stacks, and journals in the United States are organized, it becomes readily apparent that gender/sexual and ethnic/racial categories dominate the manner in which our field is motorized.⁵ But how useful are divisions like “Latina/o theatre” or “Asian American performance”? How can we continue to scrutinize the challenging nature of Pan-Latino/a or Pan-Asian identity and cultural categorizations? Although such broad-stroke labels have certainly helped to garner much-needed recognition and representation, they have also blurred, if not completely obscured, critical differences and prevented potentially productive coalitions across the lines such

⁵ The examples of the US cultural field’s organization structures are, of course, too many to detail here. There are myriad performing arts institutions across the country dedicated to promoting the work of artists grouped along ethnic/racial and gender/sexual lines. In New York City alone we can count among many the Irish Repertory Theatre, the Jewish Theater of New York, Ma-Yi Theater Company, the National Black Theatre, the Pan Asian Repertory Theatre, the Puerto Rican Traveling Theatre, Repertorio Español, the Ridiculous Theatrical Company, TeatroStageFest, Split Britches, and the Women’s Project. Institutions focused on less narrow groupings have often supplemented their “American” work with particularized festivals or season slots, such as the Taper’s Latino Theatre Initiative, the Goodman Latino Theatre Festival, or the Public Theater’s Festival Latino. The Association for Theatre in Higher Education (ATHE), following and also engendering the organization of academic departments and academic publication, is tellingly organized into identity-based focus groups that include Asian Performance, Black Theatre, Latino/Latina, LGBT, and Women and Theatre.

groupings construct. An exploration of legal identity can pave the way for innovative treatment of artists and cultural products so often (mis)understood in the context of such institutionally and academically perpetuated groupings.

Specifically, by homing in on the figure of the unauthorized immigrant as portrayed in various contemporary US theatre pieces, I seek to call attention to what a legal identity might mean and to examine how performances of such a phenomenon participate in the continuing and changing imaginings of community and nation.⁶ In an increasingly globalized world, where information, goods, capital, and images travel quickly and with relative ease across borders, the legal restrictions placed on human bodies to enter, inhabit, and exit nations become a productive base from which to question twenty-first-century notions of nationhood. Portrayals of what it means to be an undocumented immigrant, juxtaposed inevitably with what it means to be a legal resident or a citizen, reflect, maintain, and, in some cases, challenge such notions. At the risk of creating yet another taxonomic cubbyhole, I see much potential in exploring a type of identity that can cut across certain divisions that have, by now, been naturalized in theatre and performance studies.

Alicia Arrizón's *Queering Mestizaje: Transculturation and Performance* and Jon Rossini's *Contemporary Latina/o Theater: Wrioting Ethnicity* illustrate some of the ways in which legal categories can often be sidelined in today's scholarship. While Rossini certainly calls attention to both undocumented immigration and to issues of criminality, he nonetheless marginalizes the law, failing to see it as a central, guiding

⁶ I follow here Benedict Anderson's well-known conception of nation as a cultural artifact: "an imagined political community—and imagined as both inherently limited and sovereign" (Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. ed. [London: Verso, 2006], 6).

force around which identity and ethnicity can be understood. In discussing the complexity of Latina/o racial identity, for example, Rossini draws attention to scholarship that stresses “social class, language, phenotypic variation within families, and neighborhood socialization.”⁷ Legal issues are therefore only treated implicitly and are not deemed fundamental to the construction of Latina/o identity. Arrizón similarly overlooks law as a phenomenon requiring explicit attention: her project revolves around “racialized, gendered, and sexualized identities.”⁸ As in her earlier study of Latina performance, Arrizón misses an opportunity to engage directly with the ways in which *legislated* identities participate integrally in the dynamics at play, leaving unexamined a crucial aspect of the manner in which individuals and communities understand and construct themselves. For example, she writes that “[o]ne striking aspect of the Puerto Rican migration is its ‘circular’ character,”⁹ a not-so-striking characteristic when one considers the particular immigration history and legal status that Puerto Rican nationals have had in the United States. That the words “law,” “legal,” “illegal,” or “undocumented” do not appear once in David Román’s editorial introduction to *Theatre Journal*’s 2000 special issue on Latino Performance perhaps begins to highlight the lack of direct engagement with questions of law in “the latest developments in the field.”¹⁰ I believe it critical to include “legal differences” in a question that, as Alberto Sandoval-Sánchez suggests, haunts the “Latino/a” construct: “How do you constrict identity to a

⁷ Jon Rossini, *Contemporary Latina/o Theater: Wrighting Ethnicity* (Carbondale: Southern Illinois University Press, 2008), 3.

⁸ Arrizón, *Queering Mestizaje*, 3.

⁹ Alicia Arrizón, *Latina Performance: Traversing the Stage* (Bloomington: Indiana University Press, 1999), 11.

¹⁰ David Román, Editorial Comment, *Theatre Journal* 52, no. 1 (March 2000): iv.

label when there are huge class, ethnic, and racial differences in the Americas?”¹¹

Scholars of Asian American performance fall into similar traps. In *About Face: Performing Race in Fashion and Theater* (to offer just one example), Dorinne Kondo first proposes that “[r]acial, gender, class, sexual, and national identities, among others, should be thought through together, as mutually constitutive and defining.” But soon after, she reduces her list and stresses that “[g]ender, sexuality, and race may condition the degree to which we are conscious of the ways we perform ourselves in everyday life, or the ways fashion and theater perform *us*.”¹² I argue in this dissertation that the law quite fundamentally conditions our consciousness as well and that more explicit attention to such a process can refine the manners in which we approach questions of identity, questions that often propel how performance and theatre are examined and produced today, in the case of the hyphenate-US studies as well as in the larger field.

Moreover, as *Real Women Have Curves* exemplifies, theatrical performances can interrupt—and at times reinforce—the ways in which the “illegal alien” is constructed and managed in the US cultural landscape. An investigation of the various ways in which contemporary US theatre engages with undocumented immigration offers insight into how legal identities are (re)created. In fact, the undocumented character provides a recurring figure in both the legal and the cultural fields, one through which we can analyze the intricate relationship between cultural and legal production. In other words, much as cultural performances construct characters defined by legal categorization, the

¹¹ Alberto Sandoval-Sánchez, *José, Can You See?: Latinos On and Off Broadway* (Madison: University of Wisconsin Press, 1999), 14.

¹² Dorinne Kondo, *About Face: Performing Race in Fashion and Theater* (New York: Routledge, 1997), 6, 16.

law—through statutes, court cases, and the accompanying political debate—also produces identifiable figures and requires public performances and representations of such legally constructed identities.

Let me briefly offer here one case in point: In *Plyler v. Doe*, the US Supreme Court held five to four that a Texas statute denying free public education to the children of undocumented noncitizens was unconstitutional. Writing for the majority, Justice William Brennan concluded that “[w]hatever his status under the immigration laws, an alien is surely a ‘person’ in any ordinary sense of that term [and therefore] guaranteed due process of law.”¹³ While the ruling’s specific consequences are certainly important, what interests me is the manner in which Brennan creates the persons he seeks to protect:

Sheer incapability or lax enforcement of the laws barring entry into this country, coupled with the failure to establish an effective bar to the employment of undocumented aliens, has resulted in the creation of a substantial “shadow population” of illegal migrants—numbering in the millions—within our borders. This situation raises the specter of a permanent caste of undocumented resident aliens, encouraged by some to remain here as a source of cheap labor, but nevertheless denied the benefits that our society makes available to citizens and lawful residents. The existence of such an underclass presents most difficult problems for a Nation that prides itself on adherence to principles of equality under law.¹⁴

Following the strategies that Anthony Amsterdam and Jerome Bruner propose in *Minding the Law*, we can read Brennan’s influential decision not merely as legal jargon and precedent, but also as a narrative that—like all writing—“is never alien to drama,

¹³ *Plyler v. Doe*, 457 U.S. 202, 210 (1982).

¹⁴ *Ibid.*, 218–19.

designed to enliven, not simply to inform neutrally.”¹⁵ And in the drama that Brennan weaves, those without papers surface as passive victims in an agentless world. Brennan not only presents his protagonists entirely in the passive voice, he also chooses words carefully—*shadow*, *specter*, *caste*—to connote an image of a faceless, powerless mass, a lost horde that stands against a system with no clear antagonists and therefore no clear strategies. Who exactly is incapable of enforcing laws? Who are the “some” encouraging unjust labor practices? This image helps Brennan make his argument for the needed protection that may interfere and fix an unfair system. His rhetorical strategy thus supports the Court’s conclusion. Brennan constructs his undocumented according to cultural models that might elicit the support and sympathy of others. As Amsterdam and Bruner propose, “Law begins, as it were, *after* narrative.”¹⁶ Brennan must operate within the frame that cultural products—like *Real Women Have Curves*—serve in part to create, establishing the narratives that writers/performers and readers/audiences share.

López’s Estela and Brennan’s shadow population provide two points in a complex web of images and characters within which individual and group legal identities are formed, contested, and reformed. Even though they share a goal of bettering the lives of undocumented people, López and Brennan offer two very different models for performance. Brennan’s undocumented have no real course of action in a seemingly broken system. They must wait for legal protection to save them. Estela, inspired by her sister Ana, learns that “we can’t allow ourselves to be abused anymore. We have to assert ourselves. We have to realize that we have rights!” (*RW* 33–34). It is in this

¹⁵ Anthony G. Amsterdam and Jerome Bruner, *Minding the Law* (Cambridge, MA: Harvard University Press, 2000), 11.

¹⁶ *Ibid.*, 283.

process of realization that the connections between the legal and the cultural fields, as well as between performance and legal identity, can be made most readily apparent.

TWO NOTES ON LANGUAGE

1. I am aware that “illegal alien” is a charged and contentious term. “Alien” today may easily connote inhumanity, with the usage of “alien” to mean extraterrestrial beginning in the twentieth century. “Illegal” harshly describes the entire person rather than actions associated with the immigration process. But “illegal alien” is firmly established legal language that speaks to a real legal entity. US statutes have used “alien” and “citizen” since the passage of the Alien and Sedition Acts of 1798. Eighteenth-century English law used “alien” in the same manner as contemporary US statutes.¹⁷ Today, “alien,” as defined in the Immigration and Nationality Act of 1952, refers to “any person not a citizen or national of the United States” (*U.S. Code* 8 [2010], § 1101[a][3]). Subsequent statutes, executive orders, and court cases have consistently used “alien” and “citizen” in their language. Although the terms “illegal alien” and “undocumented alien” are far rarer in the immigration statutory and regulatory framework,¹⁸ “illegal alien” commonly appears in judicial opinions. Both idioms are widely used in political and journalistic arenas regarding the ongoing immigration debate. The more benign term, “undocumented,” may incite less controversy but serves as an imperfect substitute for “illegal alien” as not all immigrants living illegally in the United States are without documents. In what follows, I seek to use terminology strategically to call attention to the ways in which law contributes to the building of identities. Both “illegal” and “alien” become useful terms to remind us that law constructs such a category.
2. Throughout the dissertation, I will use Spanish orthography as it appears in the sources I cite. I do not alter any spelling choices or (mis)uses of diacritic marks.

¹⁷ See, for example, William Blackstone, *Commentaries on the Laws of England*, vol. 1 (1769; Philadelphia: Lippincott, 1893), 364.

¹⁸ Gerald L. Neuman, “The Lost Century of American Immigration Law (1776–1875),” *Columbia Law Review* 93, no. 8 (December 1993): 1899.

Chapter 1

“My back is wet!”: Performances of Legal Nonexistence and the “Illegal Alien” on the Contemporary US Stage

Near the end of Richard Rodgers and Oscar Hammerstein’s *Flower Drum Song*, Mei Li confesses that she has entered the United States illegally. “My back is wet!” she admits.¹ By referring to herself as a “wetback,” the young Chinese woman claims a label that has been traditionally, and derogatorily, associated with immigrants from Mexico. But in the comedic world of *Flower Drum Song*, Mei Li’s public declaration of her illegal status serves neatly to untie the plot. As I explore below, the moment from the stage musical allows for a joint examination of performance and legal identity.

I make a case in this chapter for the examination of undocumented immigration as a site at which legal identity and performance converge. First, I draw on theories of legal consciousness to define what a legal identity might entail, both generally and in the case of undocumented immigration. Within this framework, I analyze the role that performance and cultural products share in the forging of such identities. I thus introduce theatrical treatments of illegal immigration, such as *Flower Drum Song*, as part of a larger scheme of US cultural production and consumption. In the chapter’s second section, I provide an intertwined historical context of US immigration law and onstage portrayals of undocumented figures. Such an exercise allows me to anchor each ensuing chapter and to justify the dissertation’s primary focus on post-1965 theatrical products and artists. This broad historical overview, which touches on over two hundred years of US immigration policy and theatre, is necessarily restricted. However, my

¹ Richard Rodgers (music), Oscar Hammerstein II (lyrics), and Joseph Fields (book), *Flower Drum Song* (New York: Farrar, Straus and Cudahy, 1959), 139. All subsequent references to this piece will be noted parenthetically and abbreviated *FDS*.

contextualization culminates in a fairly close reading of two widely circulated mid-twentieth-century theatrical products and their notable undocumented characters. By simultaneously considering Mei Li in *Flower Drum Song* and Rodolpho in Arthur Miller's *A View from the Bridge*, I provide a historical foundation for the rest of my dissertation project and also bring together two stage pieces that have not invited much joint attention, in part because they focus on different ethnic populations. It is through such analyses that this dissertation seeks to productively open new paths for considering questions of identity in theatre scholarship.

MAKING THE CASE: LEGAL IDENTITY, LEGAL CONSCIOUSNESS, AND PERFORMANCE

Following recent shifts in studies of law, culture, and society, legal anthropologists and sociologists have proposed “legal consciousness” as a way of understanding how lay persons think about the law, understand legal concepts and institutions, and live daily lives within and against the constructs of the law.² Legal consciousness becomes a constructive force, one that shapes the way people make sense of their world and determine their place as active agents. Sally Merry, perhaps one of the scholars most commonly associated with the concept of legal consciousness, defines it broadly as the “ways people understand and use law.” Legal consciousness, Merry proposes, provides a critical step in shaping “the way people conceive of the ‘natural’ and

² Laura Beth Nielsen, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment,” *Law & Society Review* 34, no. 4 (2000): 1058. The term “law” is ambiguous, but in invoking legal consciousness, I seek an inclusive definition. The law is certainly not a solid structure, but rather a historically varying combination of practices and of agents often resulting in contradictory and unrelated trends and actions. An act by Congress, a judge’s opinion, a sheriff’s arrest, an airport security check, a visa, a vote: all fall easily under a discussion of law. Since, the study of legal consciousness “examines the role of law (broadly conceived) and its role in constructing understandings, affecting actions, and shaping various aspects of social life,” as Nielsen summarizes (1059), I also use a wide-ranging notion of “law.”

normal way of doing things, their habitual patterns of talk and action, and their commonsense understanding of the world.”³ In her seminal study about working-class plaintiffs, Merry finds that interactions with legal agents, institutions, and procedures are influenced by “a person’s interpretation of the cultural messages provided by [various] discourses, an active process in which the person uses cultural categories to construct an awareness of self.” Patricia Ewick and Susan Silbey describe legal consciousness as our varying attitudes toward law, emphasizing that such stances need not be informed by direct interaction with official legal institutions, agents, or processes. The law, they tell us, is present in our everyday life.⁴

Cultural products, defined for my purposes as the creative output of agents working within a field of cultural production, therefore play a key part in molding our legal consciousness and guiding our engagement with the legal field.⁵ When we heed Clifford Geertz’s idea that law is “but part of a distinctive manner of imagining the real,”⁶ we necessarily consider how cultural products contribute to this same process. As I have

³ Sally Engle Merry, *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans* (Chicago: University of Chicago Press, 1990), 5. Subsequent quotation from 9. Merry acknowledges she is drawing on the work of Bourdieu and John and Jean Comaroff to develop her understanding of legal consciousness. Pierre Bourdieu, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge: Cambridge University Press, 1977); Jean Comaroff, *Body of Power, Spirit of Resistance* (Chicago: University of Chicago Press, 1985); and Jean Comaroff and John L. Comaroff, “The Madman and the Migrant: Work and Labor in the Historical Consciousness of a South African People,” *American Ethnologist* 14, no. 2 (May 1987): 191–209.

⁴ Patricia Ewick and Susan S. Silbey, *The Common Place of Law: Stories from Everyday Life* (Chicago: University of Chicago Press, 1998). Shannon Gleeson summarizes how legal consciousness has been utilized up to now in a “dizzying array of ways” (Shannon Gleeson, “Labor Rights for All? The Role of Undocumented Immigrant Status for Worker Claims Making,” *Law & Social Inquiry* 35, no. 3 [Summer 2010]: 565).

⁵ I follow Bourdieu here in conceiving of a field as a “structured space with its own laws of functioning and its own relations of force” independent of other fields (Randal Johnson, introduction to Pierre Bourdieu’s *The Field of Cultural Production*, ed. by Johnson [New York: Columbia University Press, 1993], 6).

⁶ Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983), 173.

argued elsewhere, the cultural and legal fields are deeply enmeshed, and symbols frequently migrate between their porous borders, undermining their separateness and distinctness.⁷ Ewick and Silbey's *The Common Place of Law* supports the conclusion that cultural influences can affect the development of a legal consciousness. Seeking to move beyond a study of formal or official legal agents, Ewick and Silbey note that the law operates through a "prominent cultural presence."⁸ Trials, lawyers, crimes, courts, and law are ubiquitous in US cultural production, intimately tying our experiences of law to our experiences with cultural products. Even as they differentiate between "law" and "legality," the former referring to the meanings and practices emanating exclusively from formal institutions and official agents and the latter covering a much broader range of sources, Ewick and Silbey make it clear that the law's power and significance in people's lives operate in constant collaboration with other discourses. "Legal institutions do not," they tell us, "have a monopoly over the cluster of concepts and procedures that we might recognize as legal."⁹ They urge us to broaden our definition of "legal" and to include phenomena that occur outside courtrooms, the legislature, and lawyers' offices in order to explore legal consciousness.

As Ewick and Silbey investigate the pervasiveness of legality in our daily lives, they seek to pinpoint how "our social roles and statuses, our relationships, our obligations, prerogatives, and responsibilities, our identities, and our behaviors bear the

⁷ Gad Guterman, "Field Tripping: The Power of *Inherit the Wind*," *Theatre Journal* 60, no. 4 (December 2008): 563–83.

⁸ Ewick and Silbey, *The Common Place of Law*, 16.

⁹ *Ibid.*, 22.

imprint of law.”¹⁰ Studies in various fields, many drawing from and refining Althusserian interpellation and Foucauldian subjectification and discipline, support the notion that legal processes and ways of thinking can mark individual bodies and subjectivities. Linguist Shonna Trinch, for example, posits that today’s sociolegal system, by demanding particular ways of communicating, in essence creates and maintains hierarchies of power and authority.¹¹ Tram Nguyen proposes that new categories in official National Security–speak, like “clandestine transnational actor,” drive the aims and activities of such an agency and, in so doing, engender specific responses and ways of existing for those who fall under the legal label.¹² Nancy Levit demonstrates how “[l]aw collaborates with other institutions in the creation and maintenance of gender differences, constructing and legitimizing both the separation of the sexes and the conception of gender in naturalistic terms.”¹³ And quite compellingly, Ian Haney López argues that court decisions in the early twentieth century defined and thus constituted “whiteness”; “[p]ut most starkly,” he avers, “law constructs race.”¹⁴ We can begin to conceive of a legal identity as the confluence of legal definitions imposed

¹⁰ Ibid., 20.

¹¹ Shonna L. Trinch, *Latinas’ Narratives of Domestic Abuse: Discrepant Versions of Violence* (Amsterdam: John Benjamins Publishing Company, 2003).

¹² “Clandestine transnational actor,” Nguyen writes, serves as “a catchall” in official discourse to refer to “undocumented migrants, refugees and asylum seekers, drug and human smugglers, potential terrorists—all those who cross borders and transgress national boundaries without state authorization” (Tram Nguyen, *We Are All Suspects Now: Untold Stories from Immigrant Communities after 9/11* [Boston: Beacon Press, 2005], xiv).

¹³ Nancy Levit, *The Gender Line: Men, Women, and the Law* (New York: New York University Press, 1998), 3.

¹⁴ Ian F. Haney López, *White by Law: The Legal Construction of Race* (New York: New York University Press, 1996), 10. Similarly, Suzanne Oboler traces the ways in which legal policies contributed directly to the creation of “Hispanics” in the United States (Suzanne Oboler, *Ethnic Labels, Latino Lives: Identity and the Politics of (Re)Presentation in the United States* [Minneapolis: University of Minnesota Press, 1995]).

upon an individual (e.g., “criminal,” “minor,” “domestic partner,” “Hispanic,” “illegal alien”) and the manner in which the individual lives and thinks with, through, against, and around those impositions. A legal identity must take into account how the subject fits into, is created by, and behaves according to a legal apparatus, as well as the individual agency that allows for the manipulation, use, and resistance of the law.

Given that a legal consciousness is necessarily variable and always in a process of development, a legal identity, too, is a powerful but ever-changing phenomenon. As Merry summarizes when considering identity vis-à-vis the law, “[c]onsciousness develops through individual experience. But this experience takes place inside structures which define people’s lives.” She adds, however, that “people have the possibility of creativity and resistance, of changing their consciousness as they test it against the experiences of everyday life.”¹⁵ With this possibility for agency, a legal identity need not be the strict result of ideological indoctrination, and it serves as a useful theoretical construct to navigate the contradictions and connections between an individual and a group or social identity. In their study of people with disabilities, David Engel and Frank Munger, convincingly posit identity as “protean,” a “concept of self” that necessarily changes through interpersonal and group interaction and that inevitably functions in reaction to cultural influences. Identities, they tell us, “are the products of already familiar images and stereotypes, and they also emerge spontaneously from surprising acts of creativity and struggle.”¹⁶ These identities, Engel and Munger remind us, must be understood above all within the context of an individual’s perception of boundaries. In

¹⁵ Merry, *Getting Justice and Getting Even*, 5.

¹⁶ David M. Engel and Frank W. Munger, *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities* (Chicago: University of Chicago Press, 2003), 41.

particular, one's consciousness of rights—a pivotal structural component of individual identity—depends not only on explicit knowledge of the law or access to legal institutions, but also, and perhaps more importantly, on general recognition of inclusion and exclusion.

To continue with my example from the preface, López's alter-ego in *Real Women Have Curves*, Ana, understands her need to assert particular rights because of an awareness of membership within a legal system. The new position that her "Temporary Residence Card" brings—a fact she shares with the audience as soon as *Real Women* begins (*RW* 10)—prompts a process of discovery and self-evaluation, even if Ana does not immediately experience radical life changes. The other workers in her sister's factory all struggle to make sense of a new immigration status, negotiating the shift out from legal noninclusion. This transition, although neither smooth nor coherent, leads to moments of self-recognition and assessment, attesting to the difficult shift that a change in legal identity can catalyze.¹⁷

Following Ewick and Silbey's proposal that stories are "expressions and forms of legal consciousness,"¹⁸ we find in López's characters not only insight into the playwright's own sense of legality, but also an example of the available cultural models through which individuals forge their own legal identities. As dramatic creations, Ana and her sister Estela might productively be approached using techniques emanating from the Law and Literature movement, which in the last two decades or so has developed considerably in both the literary and the legal academies. After the groundbreaking work

¹⁷ I discuss this transition in more depth in the following chapter.

¹⁸ Ewick and Silbey, *The Common Place of Law*, 29.

of Richard Posner, Law and Literature scholarship has predominantly focused on law in literature and law as literature and, to a lesser degree, literature as law and the legal regulation of literature.¹⁹ Nevertheless, these studies, produced mostly by law professors and centered on the novel as the preeminent example of “literature,” often tend to downplay the power of cultural products, and especially of performance, to participate in the forging of an individual’s legal consciousness and identity. Posner himself insists that law in literature is predominantly metaphoric, that authors choose legal themes and plots merely to illuminate and comment on the “random, arbitrary, menacing, and ‘unfair’ light in which life appears to us in some moods.”²⁰ While many have challenged Posner’s notions, there remains in Law and Literature a nagging insistence that the legal field is ultimately isolated, that, to borrow law professor Paul Gewirtz’s simple words, “law is not literature.”²¹

Still, when we extend Merry’s contention that “[l]egal consciousness is [not only] expressed by the act of going to court [but also] by talk about rights and entitlements”²²

¹⁹ Richard A. Posner, *Law and Literature*, 3rd ed. (Cambridge, MA: Harvard University Press, 2009). For other representative texts in the Law and Literature movement, see Ian Ward, *Law and Literature: Possibilities and Perspectives* (Cambridge: Cambridge University Press, 1995); and Richard H. Weisberg, *Poethics and Other Strategies of Law and Literature* (New York: Columbia University Press, 1992).

²⁰ Posner, *Law and Literature*, 33.

²¹ Paul Gewirtz, “Narrative and Rhetoric in the Law,” in *Law’s Stories: Narrative and Rhetoric in the Law*, ed. Peter Brooks and Gewirtz (New Haven: Yale University Press, 1996), 5. For more on the legal field’s supposed separateness and power over the cultural field, see also Pierre Bourdieu, “The Force of Law: Toward a Sociology of the Juridical Field,” trans. Richard Terdiman, *Hastings Law Journal* 38 (1987): 805–53, and “The Field of Cultural Production, or: The Economic World Reversed,” trans. Richard Nice, in Bourdieu, *The Field of Cultural Production*, esp. 37–38. Although her aim is to problematize the distinction between legal and cultural categories, Naomi Mezey also carefully notes that “their necessary interconnections” do not make the two realms “indistinguishable from one another” precisely because the balance of power is not evenly distributed (Naomi Mezey, “Law as Culture,” in *Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism*, ed. Austin Sarat and Jonathan Simon [Durham: Duke University Press, 2003], 46).

²² Merry, *Getting Justice and Getting Even*, 5.

to include the “talk” produced by artists like López, we can begin connecting cultural production directly with the “production of legality,” much as Ewick and Silbey urge.²³ An immigration statute might very well wield a different kind of power than a play about immigration, but it is crucial that we note the “ongoing and mutual rupturing” between the cultural and legal spheres;²⁴ that we consider how cultural production not only absorbs and reflects legal concepts, but also produces and changes the legal sphere;²⁵ and, finally, that we extend Ewick and Silbey’s ideas and ponder how immigration law evinces the imprints of performance. Focusing on the idea of legal identities can facilitate such a process, as cultural products share an integral role in the development of legal consciousness.

Moreover, a focus on legal identity allows for a deep engagement with the phenomenon of undocumented migrants. Leisy Abrego agrees in a recent article that undocumented immigration provides a compelling context to study legal consciousness and identity.²⁶ Crossing a national border is, above all, a legal act. We simply cannot conceive of immigration without explicitly considering law. It is the law, after all, that creates the borders around which such traffic can be understood. As cultural and legal

²³ They write: “by telling stories of our lives, we not only report, account for, and relive portions of those lives, we participate in the production of legality” and “the commonplace operation of law in daily life makes us all legal agents insofar as we actively make law, even when no formal legal agent is involved” (Ewick and Silbey, *The Common Place of Law*, 30, 20).

²⁴ Rosemary J. Coombe, “Contingent Articulations: A Critical Cultural Studies of Law,” in *Law in the Domains of Culture*, ed. Austin Sarat and Thomas R. Kearns (Ann Arbor: University of Michigan Press, 1998), 21.

²⁵ Although he is studying a different time and place, I follow Luke Wilson here. He writes that “the Tudor and Stuart theater absorbed, transformed, and was itself transformed by legal language and legal conceptualizations of human action” (Luke Wilson, *Theaters of Intention: Drama and the Law in Early Modern England* [Stanford: Stanford University Press, 2000], 166).

²⁶ Leisy Abrego, “Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California,” *Law & Social Inquiry* 33, no. 3 (Summer 2008): 715.

anthropologist Susan Bibler Coutin explains, “Immigration and immigration law are almost inseparable, as law defines the legitimacy and nature of movements and persons... Without law, the movements that are deemed immigration might be perceived and characterized differently.”²⁷ It is law then that also creates the basic, albeit problematic, rupture between “citizens” and “aliens,” opposing and longstanding legal terms that can have serious material consequences for all they label. Linda Bosniak is adamant in stating that “outsider status, which the law calls alienage, shapes [noncitizens’] experience and identity within the community in profound ways.”²⁸ Indeed, it is not merely the traffic of individuals across borders or the length of their stay within a nation-state that immigration law aims to regulate. Immigration legislation today dictates labor practices and personal relationships, defines standards of right- and wrongdoing in relation to a wide range of activities (from driving to seeking medical care), and influences individuals’ sense of belonging even after a border has been crossed. Under such a system, the law inevitably creates differing statuses, a veritable spectrum of legal existence and nonexistence.

Coutin proposes “spaces of nonexistence” as the domains occupied by “legal nonsubjects,” individuals who are either unrecognized or disallowed by the law. Legal nonexistence—a particularity of living without papers—provides a compelling starting point for describing the legal identity of undocumented individuals. Spaces of

²⁷ Susan Bibler Coutin, *Legalizing Moves: Salvadoran Immigrants’ Struggle for U.S. Residency* (Ann Arbor: University of Michigan Press, 2000), 10. Coutin continues to “interrogate the constructs and apparatus through which immigration is conceptualized” in her ethnographic study of the Salvadoran population in the United States (Susan Bibler Coutin, *Nations of Emigrants: Shifting Boundaries of Citizenship in El Salvador and the United States* [Ithaca: Cornell University Press, 2007], 4).

²⁸ Linda S. Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton: Princeton University Press, 2006), 9.

nonexistence and their inhabitants intermittently overlap with spaces of existence. Because physical and legal presence can be simultaneously conflated and disjointed, a person can participate in multiple aspects of a community while not legally belonging to it. Likewise, a physical location, like an office or a school, can be home to legally sanctioned persons alongside those deemed illegal. Undocumented immigrants are therefore constantly negotiating their presence in the United States, fully participating in their communities in a variety of roles—as employees, friends, neighbors, family members, churchgoers, consumers—but also regularly pushed “underground,” into an “otherworld” where their existence must be either denied or falsified.²⁹ Still, for many undocumented immigrants, existence in the United States seems altogether negated: “They just get lost up there,” writes Rubén Martínez to explain how the realities of constant job-seeking coupled with avoidance of immigration authorities lead to a nomadic lifestyle that severs connections from home, family, and, therefore, self.³⁰ The undocumented are called “The Invisible People” in the seminal study *Los Mojados*, which depicts “half a life” marked by incomplete integration into any community and constant fear of apprehension.³¹ Jorge Huerta describes the condition of undocumented immigrants as “a sort of demi-world.”³² Coutin’s work, in particular, stresses the material effects of law, demonstrating the manner in which immigration law can mold the physical and psychological realities within which undocumented migrants must live.

²⁹ Coutin, *Legalizing Moves*, 40, 34.

³⁰ Rubén Martínez, *Crossing Over: A Mexican Family on the Migrant Trail* (New York: Metropolitan Books, 2001), 48.

³¹ Julian Samora with Jorge A. Bustamante F. and Gilbert Cardenas, *Los Mojados: The Wetback Story* (Notre Dame: University of Notre Dame Press, 1971), esp. 60–72, 97.

³² Jorge A. Huerta, *Chicano Theater: Themes and Forms* (Tempe: Bilingual Press, 1982), 5.

If, following Merry, we conceive of a person's legal consciousness as his or her "broad sense of rights"—rights that are contingent on that person's perceived membership in a "legally ordered society"³³—it follows that an undocumented individual's legal identity begins with the contrary assumption. *Real Women's* Estela worries about even entering a court of law—"they'll find out that I don't have any papers" (*RW* 17). She structures her interactions with both formal legal institutions and also her creditors and her contractors on a basis of fear and helplessness. This is in marked contrast to Ana, who, documented, feels liberated to deal with daily bureaucracies in an open and honest way. "Thank God, I'm legal. I will never have to lie on applications anymore, except maybe about my weight," she confesses (*RW* 15). Estela's fear proves characteristic of those living in a space of legal nonexistence.

To be sure, as Bosniak reminds us, categorical legal differences do not necessarily create cohesive or self-conscious groups. Immigration status works only through other forms of identification and social distinction. Nonetheless, she explains, "it seems clear that there are certain characteristics of alienage that structurally shape the lives of most noncitizens, usually in disadvantaging forms,"³⁴ the most powerful of which is the always-present threat of deportation. Such fears "weigh most heavily" on illegal immigrants, whose mark as lawbreakers can prove paralyzing to the assertion of the economic and civil rights that they do in fact have. With deportation—and, more recently, with long-term detention—looming over their heads, undocumented immigrants frequently fear taking any legal action or claiming any rightful due, effectively making

³³ Merry, *Getting Justice and Getting Even*, 2.

³⁴ Bosniak, *The Citizen and the Alien*, 10.

their formal rights as territorial persons “irrelevant.” Bosniak summarizes: “[t]he collateral effects of these deportation provisions on undocumented immigrants arguably structure their experience in this country more than any other single factor.”³⁵ Shannon Gleeson recommends we approach undocumented status as a “master status” that, like gender, class, or race, shapes an individual’s legal consciousness.³⁶ Coupled with the fact that residing in the country without proper papers—be it through clandestine entry, forged documents, visa lapses, and/or visa violations—necessitates a conscious stance toward immigration law, this hanging anxiety caused by potential detection and removal forges a legal consciousness that fundamentally shapes the undocumented’s sense of self within and against the broader US community. Since legal status can cut deeply across certain familial, cultural, and community ties, a category like “illegal alien” might therefore prove more powerful today in determining who a person is and how he or she acts than a label like “Mexican,” “Chinese,” or “Irish.”

To paraphrase Eithne Luibhéid, the “illegal immigrant” surfaces as a recognizable and distinct sociological category that defies particular “types.”³⁷ It is therefore critical to consider how the resulting legal identity can indeed create cohesive groups, both to raise visibility and to bolster political agency. Examining together deliberately grouped performances that illuminate undocumented immigration and that defy traditional ethnic groupings offers a step in that direction and heeds Bosniak’s call to make visible law’s crucial participation in the subordination of noncitizens. Because alienage is so often

³⁵ Ibid., 69–70.

³⁶ Gleeson, “Labor Rights for All?,” 563.

³⁷ Eithne Luibhéid, “Immigration,” in *Keywords for American Cultural Studies*, ed. Bruce Burgett and Glenn Hendler (New York: New York University Press, 2007), 128.

relegated to “mere proxy for other forms of oppression,” she explains, the legal identity that immigration spawns can be overlooked.³⁸ The distinction between alien and citizen thus remains considerably understudied and implicit. Certainly, in today’s theatre and performance studies, cross-ethnic connections and overlaps that can call direct attention to legal status and (non)citizenship are most often relegated to footnotes or afterwords, if they are made at all.

Importantly, the legal identity of the undocumented serves as the dark side of a mirror that reflects the ostensible legitimacy of legal residents and citizens. Coutin writes: “The illegality of deportable aliens is the necessary counterpart (and ‘outside’) to the legality of U.S. citizens. There is thus a sense in which illegal aliens bring law, sovereignty, and the nation into being.”³⁹ As such, (il)legal identity results from a combination of material and symbolic violence that persistently casts illegal aliens as, following Karen Shimakawa, “potential threats to the geographic and ideological borders of Americanness.”⁴⁰ Coutin is adamant: “Spaces of nonexistence are spaces of violence.”⁴¹ Unfair working conditions, subpar wages, and limited access to public services exacerbate lives that are commonly marked by separation from loved ones,

³⁸ Bosniak, *The Citizen and the Alien*, 134.

³⁹ Coutin, *Nations of Emigrants*, 26.

⁴⁰ Karen Shimakawa, *National Abjection: The Asian American Body Onstage* (Durham: Duke University Press, 2002), 161.

⁴¹ Coutin, *Legalizing Moves*, 38. Drawing from Diana Taylor’s *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina’s “Dirty War”* (Durham: Duke University Press, 1997), Coutin depicts violent spaces of nonexistence for undocumented immigrants both in the United States and in their countries of origin. Coutin explains that for many Central American immigrants “the legal nonexistence conferred by entering the United States without authorization is merely the latest in a series of violent erasures of personhood” (35). It is important to understand that a legal identity forged in a space of nonexistence does not germinate wholly out of experiences in the United States; it can stem, in fact, from a dual frame of reference. However, I focus on the experience of nonexistence once inside US borders and look to different immigrant populations precisely to draw attention to the power of legal categorization in processes of identity formation.

economic instability, and, as described above, fear. What is of key interest here, because it directly involves cultural production, is the manner in which those without papers are subjected to symbolic violence. Pierre Bourdieu describes such violence as a process of “legitimat[ing] distinctions by forcing all other cultures (designated as sub-cultures) to define themselves by their distance from the dominant culture.”⁴² By defining and then reproducing certain categories—like “citizen”—as natural, constant, and pure, the dominant members of a society force the dominated to view themselves through and against these definitions. The result is that the dominated must think of and construct themselves as aberrant, unnatural, and impure (and let us remember that the very process by which one becomes a citizen is called “naturalization”).⁴³ Merry observes that law can operate as a powerful symbolic mechanism that “encompasses the ability to determine the thinkable and the unthinkable, the natural and the cultural way of doing things.”⁴⁴ Cultural performances such as those I examine throughout this dissertation can challenge but also perpetuate these limits, figuring the undocumented immigrant alternatively as an obvious or ordinary consequence of immigration and as a social aberration. Such productions of the undocumented immigrant are pervasive in US culture today. While illegal immigration functions through a kind of necessary invisibility, the undocumented have become quite visible staples in a broad range of media.

⁴² Pierre Bourdieu, *Language & Symbolic Power*, trans. Gino Raymond and Matthew Adamson (Cambridge, MA: Harvard University Press, 1991), 167.

⁴³ According to the *OED*, the use of “natural” in reference to one’s social status derives from Latin and French law.

⁴⁴ Merry, *Getting Justice and Getting Even*, 9.

“Step into the shoes of an immigrant,” dares ICED, a video game designed by the human rights organization Breakthrough to educate students about paths to citizenship and governmental abuses of noncitizens.⁴⁵ An advertisement for the game warns, “If you make the wrong moves, you go straight to detention.”⁴⁶ I choose to play as Javier, an undocumented student from Mexico who has resided in the US most of his life. My avatar navigates the streets of a virtual city, and I encounter a series of choices: Do I register to vote? Do I contribute to charity or donate blood? Do I steal a car? Tidbits of information scattered throughout the relatively empty urban landscape help me to make decisions to keep my undocumented status safely concealed and thereby score enough points to become a citizen. I use the GPS-like inset on the upper-right hand corner of the screen to avoid any immigration officers. Ultimately, the game is slow and unexciting. I feel guilty about my boredom, given the realities ICED aims to highlight. Still, I am struck by the game’s underlying element of role-playing performance. If I act a certain way, if I act as an ostensibly good citizen acts, then I will be rewarded.

ICED might reduce a complicated and intensely painful experience to a game of cat-and-mouse, but it effectively underscores the function that performance holds in the immigration process. Coutin argues that law “puts boundaries around unauthorized migrants’ bodies, enabling them to simultaneously embody both law (juridical

⁴⁵ The game’s title plays both with the slang term “iced”—to be immobilized, hindered, or murdered (see Urban Dictionary, www.urbandictionary.com [accessed 22 November 2009])—and with the acronym ICE (Immigration and Customs Enforcement). The federal law enforcement agency, established as part of the Department of Homeland Security in 2002, is responsible for the tasks previously charged to the Immigration and Naturalization Service (INS), the United States Customs Service, and the United States Federal Protective Service.

⁴⁶ See Breakthrough’s homepage, www.breakthrough.tv (accessed 23 June 2009).

personhood) an illegality.”⁴⁷ With this in mind, I propose we investigate more deeply how performance allows individuals to navigate the contradiction. The playwright’s introduction to *Real Women Have Curves* that I interrogated in the preface attests to the potential power that performance offers when the legal identity of an undocumented individual stems from a place of fear. “Acting white” becomes a survival strategy, a choice to endure through a moment of panic. Performance, as a deliberate, self-conscious, embodied action encompassing both doing and re-doing,⁴⁸ underlies much of the undocumented experience. Coutin herself introduces a certain “art of not existing.”⁴⁹ This combination of practices, which can include inventing biographies, tricking authorities, falsifying identities, and forging documents, proves a necessary “tactic” to withstand and survive the space of nonexistence. I choose the term—tactic—to invoke the types of actions, of “guileful ruse[s],” that de Certeau proposes serve “the weak” to take advantage of certain opportunities.⁵⁰ Precisely because the space of nonexistence is inherently outside the law, it offers the possibility for subversion of the legal system, for the creation of a reality that might ease some of the stress and violence associated with nonexistence, and for innovation and creativity. Given the various opportunities to perform granted by immigration policy, the legal system that dictates immigration status might, at times, be transgressed through tactical maneuvers.

⁴⁷ Coutin, *Nations of Emigrants*, 102.

⁴⁸ Like “law,” the term “performance” is open to multiple and often contradicting interpretations. I choose Marvin Carlson’s definition here as it reflects the kind of self-conscious phenomena that I am investigating. Carlson, *Performance: A Critical Introduction* (New York: Routledge, 1996), 195.

⁴⁹ Coutin, *Legalizing Moves*, 43–46.

⁵⁰ Michel de Certeau, *The Practice of Everyday Life*, trans. Steven Rendall (Berkeley: University of California Press, 1984), 37.

Today, crossing a border in the first place (with or without papers) requires an embodied performance. Those seeking entry into the United States must either prove that they are who their documents claim or, alternatively, must disappear their bodies so as to cross undetected.⁵¹ And undocumented or not, the very category of “immigrant” is conceived as a performance of sorts, even beyond the physical border. Javier/Gad presumably wins his game by acting the part of respectable citizen, a phenomenon that Coutin addresses when she explains that the current immigration system encourages migrants to “imitate citizens.” They find jobs, live in communities, shop, and attend schools, “act[ing] on the rights” that citizenship ultimately promises.⁵² Although US law today might be shifting away from seeing immigrants as citizens-to-be or “Americans in waiting,” as Hiroshi Motomura has suggested,⁵³ it is still imperative to highlight the many ways in which an immigrant’s life under US immigration law requires purposeful performances—the kind of “radical rewriting of the self” to manage the divide between citizens and noncitizens that Hector Amaya describes.⁵⁴ As Ellen MacKay proposes in “Auditioning for the Role of a Lifetime,” even the final step in the naturalization process—the interview—is necessarily a performance, one for which there are increasing

⁵¹ I pursue these ideas in depth in chapter 2, drawing especially on the work of Sophie Nield to conceive of border crossings as performances. Nield, “On the border as theatrical space: Appearance, dislocation and the production of the refugee,” in *Contemporary Theatres in Europe: A Critical Companion*, ed. Joe Kelleher and Nicholas Ridout (London: Routledge, 2006), 61–72; and “The Proteus Cabinet, or ‘We Are Here but Not Here,’” *Research in Drama Education* 13, no. 2 (June 2008): 137–45.

⁵² Coutin, *Legalizing Moves*, 41.

⁵³ Motomura suggests that pre-1952 policies favored a view of permanent immigrants as citizens-in-waiting, deserving of many of the rights that would eventually be accorded. Increasingly, Motomura explains, immigration policy has shifted toward viewing immigration as a contract (immigrants must ostensibly accede willingly to unjust terms) and/or as an affiliation (immigrants must prove their membership before gaining full acceptance). Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* (Oxford: Oxford University Press, 2006).

⁵⁴ Hector Amaya, “Performing Acculturation: Rewriting the Latina/o Immigrant Self,” *Text and Performance Quarterly* 27, no. 3 (July 2007): 195.

numbers of coaches and training videos. Like actors preparing for a “high-stakes audition,” immigrants must ready a convincing and compelling character for full and final acceptance as citizens.⁵⁵ For some, then, performance surfaces as a tool (or weapon) with which the legal system can be navigated and maneuvered.

In addition to being intrinsic to the immigration process, performance is also a crucial tool—both practically and theoretically—to tackle the condition of nonexistence. Coutin challenges students of theatre and performance to question how enactment and representation create spaces of existence, albeit fleeting ones. What power does performance hold to interrupt and even modify such gradations of existence? What role do such performances play in shaping not only an individual but also a collective legal identity? As undocumented status generates invisibility, how do performances make illegal immigrants visible—for both those with papers and those without? Coutin very briefly discusses how the 2003 Immigrant Workers Freedom Ride, in which immigrants and their advocates converged in Washington, DC, after traveling cross-country, helped to combat images of the undocumented as “shadows.”⁵⁶ However, she does not meaningfully engage with cultural products that depict undocumented immigrants (she does frame *Nations of Emigrants* with a poem and the lyrics to a song). I am interested in the role that cultural products generally, and theatre pieces specifically, play in bringing the undocumented out of the shadows and, in so doing, transforming spaces of nonexistence.

⁵⁵ Ellen MacKay, “Auditioning for the Role of a Lifetime: Performing Self-Translation at the American Immigration and Naturalization Service,” *Canadian Theatre Review* 102 (Spring 2000): 20.

⁵⁶ Coutin, *Nations of Emigrants*, 197.

Here, Joseph Roach's conception of performance as a process of surrogation proves helpful, as performances of the undocumented can offer an embodied substitution for the subjects whom the legal system endeavors to banish or erase. But, as Roach makes clear, surrogation is inherently imperfect and incomplete, and the performances of absences can call forth what is now nonexistent only through (re)invention, so that what is made manifest inevitably alters that which it replaces.⁵⁷ The possibilities that arise from this gap are significant; performance surfaces as an opportunity for change. In particular, the potential for theatricality that performances of surrogation allow can offer the types of poses, presumptions, projections, and futurity—to borrow Martin Puchner's conception of theatricality⁵⁸—that may lead to a radical reconceiving of immigration law and the legal identities it produces.

ICED is just one drop in a vast sea of US cultural products that increasingly center around and in various ways call into existence the undocumented. Typing “illegal immigration” in Amazon's book search function yields thousands of volumes. Fictional novels like *Across a Hundred Mountains* by Reyna Grande and works of nonfiction like *Enrique's Journey* by reporter Sonia Nazario, both released in 2006, illustrate a growing trend in publications that focus on the plight of undocumented immigrants and endeavor to humanize and personalize a mass problem.⁵⁹ Playwright David Ives's newly published *Voss*, to offer another example, introduces young adult readers to the adventures of

⁵⁷ Joseph Roach, *Cities of the Dead: Circum-Atlantic Performance* (New York: Columbia University Press, 1996), esp. 2–4.

⁵⁸ Martin Puchner, *Poetry of the Revolution: Marx, Manifestos, and the Avant-Gardes* (Princeton: Princeton University Press, 2006), 26.

⁵⁹ Reyna Grande, *Across a Hundred Mountains: A Novel* (New York: Atria Books, 2006); and Sonia Nazario, *Enrique's Journey* (New York: Random House, 2006).

Vospop Vsklwczdztwczky, a “15-year-old illegal immigrunt Slobovian boy who got into dipp, dipp trobble” while living in the United States.⁶⁰ That the now-iconic southern Californian traffic sign depicting the silhouettes of a man, woman, and pigtailed girl in mid-run has become a broadly reproduced image—on cheap t-shirts as well as on the walls of the Smithsonian—attests to the participation of the visual arts in the ongoing conversations about illegal immigration.⁶¹ Movie studios, too, have in the last few years produced and broadly distributed films that attempt to concretize the controversial issue of illegal immigration through individualized and emotionally charged narratives: most recently, the Spanish-language *Sin nombre* (Without a Name) and Hollywood feature *Crossing Over* (starring action superstar Harrison Ford as an ICE officer) have kept the immigration debate alive in multiplexes across the country; *The Visitor* and *Frozen River* both won their leading performers Academy Award nominations in 2008, and, importantly, offered portraits of the undocumented removed from the US-Mexico border; and *Under the Same Moon* (*La misma luna*) proved a surprise financial and critical hit in 2007.⁶² This film, about a young Mexican boy’s search for his mother in the US, featured the music of and a cameo appearance by Los Tigres del Norte, a Mexican group with worldwide sales and visibility known for their ballads, rancheras, and corridos as

⁶⁰ David Ives, *Voss: How I Come to America and Am Hero, Mostly* (New York: G. P. Putnam’s Sons, 2008), unnumbered front page.

⁶¹ See Scott Gold, “The artist behind the iconic ‘running immigrants’ image,” *Los Angeles Times*, 4 April 2008, www.latimes.com/news/local/la-me-outthere4apr04,1,7251622.story?page=1 (accessed 16 July 2009), for an interesting introduction to John Hood and the continuing long life of his graphic design.

⁶² *Sin nombre*, DVD, directed by Cary Fukunaga (Universal City, CA: Universal Studios Home Entertainment, 2009); *Crossing Over*, DVD, directed by Wayne Kramer (New York: Weinstein Company, 2009); *The Visitor*, DVD, directed by Tom McCarthy (Troy, MI: Anchor Bay Entertainment, 2008); *Frozen River*, DVD, directed by Courtney Hunt (Culver City, CA: Sony Pictures Home Entertainment, 2009); and *Under the Same Moon* (*La misma luna*), DVD, directed by Patricia Riggen (Los Angeles: 20th Century Fox Home Entertainment, 2008).

well as for their advocacy. Many of their songs address the experience of Latina/o undocumented migrants in the US and epitomize the powerful role that music and radio have in creating the contours of life at the border.⁶³ Undocumented immigration features prominently in the narrative of the very recently premiered opera *To Cross the Face of the Moon/Cruzar la cara de la luna*.⁶⁴ Even reality television seems to have entered the action. ABC's *Homeland Security USA*, through thirteen hour-long episodes, gave viewers in early 2009 "an unprecedented look" at the work of Department of Homeland Security patrol officers and the attempts of many to enter the United States through various points.⁶⁵ The even more recent *Cops & Coyotes* promises more intense action, with cameras following Arizona's "elite police units as they battle to protect America against a Mexican crime wave flooding across the fragile border."⁶⁶ Finally, should one seek hands-on experiences, there are more and more role-playing activities centered on the crossing of borders surfacing throughout the United States and beyond. Blurring lines between entertainment and activism, between education and indoctrination, these

⁶³ For a fascinating discussion of "the US-Mexico border as a field of sound, a terrain of musicality and music-making, of static and noise, of melodic convergence and dissonant clashing" (2), see Josh D. Kun, "The Aural Border," *Theatre Journal* 52, no. 1 (2000): 1–21. See also Richard D. Pineda, "Will They See Me Coming? Do They Know I'm Running? Los Lobos and the Performance of *Mestizaje* Identity through Journey," *Text and Performance Quarterly* 29, no. 2 (April 2009): 183–200.

⁶⁴ Premiered by the Houston Grand Opera, the world's "first mariachi opera" features the music of José "Pepe" Martínez and a libretto by Leonard Foglia (Houston Grand Opera, Press Release, 24 August 2010, www.houstongrandopera.org/uploads/2010-11_season/PressReleases/ToCrossTheFaceOfTheMoon_PR.pdf [accessed 20 December 2010]). The less recent opera, *I Was Looking at the Ceiling and Then I Saw the Sky*, also relies on undocumented immigration as part of its narrative (John Adams and June Jordan, *I Was Looking at the Ceiling and Then I Saw the Sky*, libretto [New York: Scribner, 1995]).

⁶⁵ Homeland Security USA homepage, abc.go.com/primetime/homelandsecurity/index?pn=about (accessed 6 June 2009).

⁶⁶ Discovery Communications Press Web, "Cops & Coyotes," press.discovery.com/us/id/programs/cops-coyotes/ (accessed 20 December 2010).

embodied pursuits offer participants opportunities to step into the shoes of both immigrants and immigration authorities.⁶⁷

Yet, even as they seem to be gaining increased attention, the undocumented remain a flattened and predominantly distorted image.⁶⁸ Lou Dobbs's alarmed references to "broken borders" epitomize the type of vilification that drives portrayals of illegal immigrants in today's mass media. (Mr. Dobbs entered the frenzy over the question of Barack Obama's birth certification by coyly suggesting that the President is himself an undocumented immigrant, what the commentator deems the most injurious insult possible.)⁶⁹ Although there is no easy means to ascertain the direct correlation between media treatment of immigration and legislation (is there a "talk radio effect"?), certain trends in the media have served to mobilize multiple voices in the debate. New media

⁶⁷ The Explorers program, for example, an affiliate of the Boy Scouts of America, trains teenagers to chase illegal immigrants in elaborate simulation settings (see Jennifer Steinhauer, "For Explorer Scouts, Good Deeds Have Whole New Meaning," *New York Times*, 14 May 2009, A1, A24). In university classrooms, mock ICE raids startle unsuspected students to ponder and debate governmental strategies used against the undocumented (Patricia Ybarra from Brown University discussed her experience with such a simulation at the Latino/Latina Focus Group ATHE post-conference, New York City, 2009). And the Parque EcoAlberto in central Mexico offers adventurous tourists the opportunity to "feel like a true *pollito*" (literally, chick, and the term used for the charges of smugglers, or *coyotes*) and partake in a simulated illegal border crossing (Parque EcoAlberto official website, www.parqueecoalberto.com.mx/caminata.html [accessed 18 July 2009], my translation). Even though it is not strictly a performance occurring in the United States, I include it here because it both caters to US tourists and because it simulates the US border. I first learned about the "Caminata Nocturna" (night expedition) from Tamara Underiner's enthralling presentation, "Disciplining Difference: Latin American Theater in the United States," at the annual Association for Theatre in Higher Education conference in New Orleans in 2007. Not surprisingly, Parque EcoAlberto draws much criticism, both from those who claim it makes light of a dire situation and from those who see it as a training camp to perfect methods of illegal entry into the United States.

⁶⁸ See Leo R. Chavez, *Covering Immigration: Popular Images and the Politics of the Nation* (Berkeley: University of California Press, 2001), and *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford: Stanford University Press, 2008).

⁶⁹ In his 15 July 2009 radio program, Dobbs grumbled, "I'm starting to think we have a document issue. You suppose he's un... no, I won't even use the word undocumented, it wouldn't be right" (Lou Dobbs website, www.loudobbsradio.com/programhighlights [accessed 1 August 2009]). Dobbs's anti-immigration views draw constant criticism. In November 2009, he left CNN two years before his contract with the news network was to expire ("Lou Dobbs to Quit CNN," *New York Times*, Media Decoder, 11 November 2009, mediadecoder.blogs.nytimes.com/2009/11/11/lou-dobbs-to-depart-cnn/?hp [accessed 26 December 2010]).

especially serve to exaggerate these trends. A 2008 Brookings Institution panel reported three major tendencies of present-day media in regards to immigration: 1) the subject receives only episodic attention, giving the phenomenon an aura of crisis; 2) illegality becomes the focus of reports; and 3) stories center predominantly on immigrants and somewhat on official policy enforcers, rather than contextualizing immigration generally in a politico-economic system in which all US residents and citizens partake.⁷⁰ In short, the media attention given to immigration not only compresses an incredibly complex issue into facile categories and speaking points but also leave the more powerful players—employers—“out of the narrative.”⁷¹

A survey of YouTube clips categorized under “illegal (or undocumented) immigration” reveals both multiple examples of these trends in major media outlets as well as a plethora of homemade songs, skits, cartoons, and ranting soliloquies attacking migrants and mocking both illegal crossers and an ineffective border patrol. A window into populist views about immigration,⁷² the majority of these clips rely on Mexican stereotypes. Regardless of their particular stance toward immigration, the collection perpetuates the ideas that undocumented migration predominantly, if not exclusively, involves the US’s southern border and that such a border is beyond the government’s control. YouTube allows one to watch ostensibly authentic footage as well as

⁷⁰ “Democracy in the Age of New Media: A Report on the Media and the Immigration Debate,” transcript from 25 September 2008 presentation in Washington DC available at Brookings Institute website, www.brookings.edu/events/2008/0925_media_immigration.aspx (accessed 21 September 2009), 13–16.

⁷¹ *Ibid.*, 50.

⁷² Mark Krikorian, Executive Director of the Center for Immigration Studies, noted during the Brookings Institution discussion that the immigration debate has, especially because of the media’s treatment, ceased to be the concern of elites and become an important populist topic (*ibid.*, 53–54).

reenactments of illegal border crossings throughout the Southwest—the daytime and nighttime varieties. Online games provide for a virtual means to regain control. If your goal is to stunt illegal immigration, you might play Border Patrol instead of ICED. This horrifyingly racist and violent online game charges players to “shoot Mexicans crossing the United States border”: “there is one simple objective to this game, keep them out...at any cost!”⁷³

It is in the context of these multiple sites of production that theatrical treatments of illegal immigration must be considered. Across US stages today, undocumented figures also participate in the process of defining and problematizing what it means to be an illegal alien. I believe that, together, these theatrical portrayals offer a more complex, subtle, and effective understanding of what the legal identity of an undocumented immigrant and, by extension, of legal residents and citizens might entail. These performances also tell us something about the power of performance to engage with and alter legal nonexistence. From success stories to melodramatic victims, from protagonists to passing references, the illegal immigrants staged in contemporary US dramas provide a varied range of stories and representations offering insight into a changing national legal consciousness. US audiences have seen not only Latin American and Chinese undocumented characters but also Irish (in Janet Noble’s *Away Alone*), Ugandan (in Ntare Mwine’s *Biro*), Moldovan (in Saviana Stanescu’s *Aliens with Extraordinary Skills*), and extraterrestrial (in Miguel González-Pando’s *The Great*

⁷³ Border Patrol, nerdnirvana.org/g4m3s/borderpatrol.htm (accessed 6 July 2009). Ellipsis in original.

American Justice Game), to offer only a few examples.⁷⁴ Illegal aliens have been central to performances in the fringes of US theatrical production—tiny theatre companies and spaces across the nation—as well as in commercial, Broadway fare. They have been staged in fourth-wall realistic plays, melodramas, docudramas, musicals, plays for young audiences, one-person shows, performance art pieces, farces, romances, and a surreal “spectacle with stories” by Dan LeFranc.⁷⁵ They speak the words and languages of theatre artists who live in the United States as well as the translated words of playwrights who reside elsewhere.⁷⁶ At times, they have been but absences, as in Naomi Wallace’s *The War Boys*, a play that focuses on three young men playing a disturbing game along the border.⁷⁷

⁷⁴ Janet Noble, *Away Alone* (New York: Samuel French, 1990); Ntare Guma Mbaho Mwine, *Biro* (Seattle: Amazon Digital Services, 2010); Saviana Stanescu, *Aliens with Extraordinary Skills* (New York: Samuel French, 2009); and Miguel González-Pando, *The Great American Justice Game*, in *Cuban Theater in the United States: A Critical Anthology*, ed. Luis F. González-Cruz and Francesca M. Colecchia (Tempe: Bilingual Press, 1992), 78–108.

⁷⁵ Dan LeFranc, “In the Labyrinth,” cover page to unpublished manuscript (draft date 2 May 2008).

⁷⁶ For example, Hugo Alfredo Hinojosa Díaz’s “Desiertos,” which recounts a violent history along the US-Mexico border, was translated into English by Caridad Svich for the 2007 US/México Playwright Exchange Program. (Neither has yet been published.) Victor Hugo Rascón Banda’s docudrama about a Tarahumara woman living in Kansas, *La mujer que cayó del cielo*, was treated by translator Rosario Giner Rey despite the original’s already trilingual nature in order to “incorporate more English” and thus “reach a wider audience” (Bill Blankenship, “Trapped by Language,” *Topeka Capital-Journal*, 28 February 2003, cjonline.com/stories/022803/wee_lamujer.shtml [accessed 26 December 2010]). Only the Spanish original has been published (Rascón Banda, *La mujer que cayó del cielo* [México, DF: Escenología, 2000]). Of course, some pieces travel to the United States and are not performed in translation. Peko Andino’s 2001 *Medea llama por cobrar* (*Medea Calls Collect*), which imagines a twenty-first-century woman banished by her homeland into an undocumented nonexistence in New York City, received its US premiere in 2008 after touring several Latin American stages (Andino, *Medea llama por cobrar* [Quito: Tribal Editores, 2005]); and Saulo García has been traveling through various US cities for the last couple of years with his one-man Spanish-language comedy about the experiences of a Colombian illegal immigrant in the United States (García, *El insomnio americano*, DVD [Miami: Saulo García Inc., 2007]). García’s new show, *La vida en los Esclavos Unidos* (*Life in the United Slaves*), began a US tour in late 2010.

⁷⁷ Naomi Wallace, *The War Boys*, in *In the Heart of America and Other Plays* (New York: Theatre Communications Group, 2001), 144–96.

Importantly, undocumented workers are not only the subject of theatrical fare, but also increasingly active participants in the making of theatre. Several writers and actors, like Carlo Albán and Josefina López, entered the United States without documents. Their work onstage often directly engages that personal history. Groups like Teatro Jornalero Sin Fronteras in Los Angeles, a partnership between the National Day Laborer Organizing Network and Cornerstone Theater Company, are comprised of day laborers of various legal statuses. San Francisco's El Teatro Jornalero!, under the direction of Roberto Varea, similarly has been creating performances since 2002 for and by Latin American immigrant workers, regardless of "employment status."⁷⁸ Varea is adamant about the group's mission: "far from providing a 'social good' or a 'therapeutic space' for individual expression, ETJ! has developed a 'poetics' in which the use of symbols, stage metaphors, and social identity conflate in order to redefine the playing space as a political sphere, to restore the actors' human dimension, and to insert their collective voice into the social narrative of the community."⁷⁹ This *poética mojada* [wetback aesthetics], as Varea calls it, attests to the need for performance and cultural production in the life of migrant workers, particularly undocumented ones. The *poética*'s major tenets offer performance as a creative act of restoration, empowerment, resistance, solidarity, memory, and hope, a "territory that we enter to self-define, and where we make the rules."⁸⁰

⁷⁸ Roberto Varea, "Poética Mojada's basic principles," unpublished manifesto shared with me via email correspondence, 31 August 2009.

⁷⁹ El Teatro Jornalero! Official Blog, <http://www.teatrojornalero.com/search?updated-max=2008-10-25T09%3A28%3A00-07%3A00&max-results=7> (accessed 8 January 2009). My translation.

⁸⁰ Varea, "Poética Mojada's basic principles."

We must also take into account the ways in which undocumented labor participates generally in theatrical production in the United States. After all, the making and consuming of theatre occurs within a broader capitalist system. If, as David Bacon emphasizes, unauthorized immigrants are part of “an army of available workers that has become an integral part of the U.S. economy,” how does US theatrical production bear the imprints of undocumented labor?⁸¹

Performances of and by undocumented workers, finally, occur beyond the walls of theatres proper; laws and regulations often makes these spaces unfriendly to workers without papers. We must consider these performances alongside proper theatrical examples in order to examine the relationship between legal identity and performance. Events like the “Day without an Immigrant,” staged in cities across the US on May 1 for the last several years, offer opportunities for undocumented workers and their advocates to use performance as a means of countering legal nonexistence.

In *Performing Asian America*, Josephine Lee surveys a group of theatre artists whose work she believes “participate in a common project: the reconsideration of identity as it is linked both to social representation and to artistic presentation.” She examines how the plays and performances at hand simultaneously present and challenge ethnic and racial categories, seeking in the process to understand what denotes an “Asian American” play.⁸² In a similar manner, I believe that, by inspecting together the work of artists who have created characters sharing the status of undocumented as well as performance

⁸¹ David Bacon, *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants* (Boston: Beacon Press, 2008), 67. I tackle the question directly in chapter 3.

⁸² Lee predominantly examines the work of Arthur Aw, Jeannie Barroga, Frank Chin, Ping Chong, Philip Gotanda, Velina Hasu Houston, David Henry Hwang, Momoko Iko, Gladys Ling-Ai Li, Charlotte Lum, Darrell H. Y. Lum, Elizabeth Wong, and Wakako Yamauchi. Josephine Lee, *Performing Asian America: Race and Ethnicity on the Contemporary Stage* (Philadelphia: Temple University Press, 1997), 4.

opportunities calling attention to the issue, we can gain access to the phenomenon of legal identity and to the ways in which cultural products serve to maintain and confront legal categorization—both for the documented and the undocumented. An examination of theatrical characters and particular performances will thus offer a window into the law’s power to mold our sense of identity.

I see Ewick and Silbey’s proposal that stories are “expressions and forms of legal consciousness” as an invitation to consider performances in a similar manner.⁸³ As a group, the performances that I analyze in the subsequent chapters—spanning a wide range of production styles, conditions, and trajectories, and engaging with different aspects of US immigration policies—illuminate both an individual and a collective understanding of what it means to be “illegal” under current law. Given that today’s conception and legal treatment of undocumented migrants rests predominantly on the foundations laid by the 1965 Immigration and Nationality Act, my major examples belong to a period that starts in the early 1970s, when the material effects of Congress’s Act began to arise, and that brings us to the present day.

My analysis and organization of these examples seek in some way to follow the logic of US immigration law. Rather than opting for an arrangement based on chronology (of laws, of plays, of dramatized subjects), geography (of productions, of play settings), or ethnicity (of playwrights, of characters), I have created a dissertation structure that parallels the manner in which immigration law has operated and continues to operate to define and constrain both individual and collective identity. In post-1965 legislation, questions of movement, of labor, and of family take precedence over

⁸³ Ewick and Silbey, *The Common Place of Law*, 29.

questions of national origin or ethnicity. How the law differentiates between citizens and noncitizens living within the US borders is also critical.

In selecting examples of cultural products to investigate, I have relied on three major criteria. First, of course, I have chosen pieces that foreground the issue of undocumented immigration and of legal identity through a range of theatrical styles. This has led me predominantly to works produced by and staged at not-for-profit theatre organizations in major US cities. Second, I have gravitated toward material with varied performance trajectories and considerable reach, helping me make a stronger case for the connections between cultural production and legal consciousness. Third, I am endeavoring to bring into the same project theatre pieces that, due to the centrality of ethnicity and race studies in our field, are not typically examined together. Even with a majority of my examples falling under a Latina/o label, I have tried to ensure that different histories and contexts of migration are included in my discussion.⁸⁴ For every example I have chosen, another theatrical work could probably have proven productive. This is not a study of *all* the instances of illegal immigration on the US stage. My concern is not to be all-inclusive, but rather to offer examples that display how legal identity might fit into a conversation about recent US theatre and how theatrical performances—as expressions of legal consciousness—actively “participate in the production of legality,” to echo Ewick and Silbey.⁸⁵

⁸⁴ At the same time, this means that I must necessarily set aside certain histories and groups, given their particular immigration histories. For example, pieces treating Puerto Rican and Cuban immigration tend not to focus on undocumented migrants due to the unique status that citizens from those countries have had in entering the United States.

⁸⁵ Ewick and Silbey, *The Common Place of Law*, 30. While the writers explain that “the commonplace operation of law in daily life makes us all legal agents insofar as we actively make law, even

In the remainder of this introduction, I provide the necessary historical context of immigration law as well as of theatrical treatments of illegal immigrants out of which the post-1965 works are to be understood. Chapter 2—focused on Genny Lim’s *Paper Angels*, Culture Clash’s *Bordertown*, and López’s *Real Women Have Curves*—examines the ways in which performance serves to manage and to disrupt legally defined borders, both those that define one nation from another as well as those that divide citizens from noncitizens.⁸⁶ My interest in the second chapter is the way in which the illegal immigrant has been and is staged as a border crosser. Additionally, I consider the borders—some seemingly impenetrable—created within the field of US cultural production that propel the productions at hand as specifically “Latina/o” or “Asian American,” questioning how such labels affect the conversation about immigration law.

I move in chapter 3 to discuss the illegal immigrant as a worker and to delve into issues of labor and class. Specifically, I concentrate on the theatrical representation of a well-worn character, the illegal maid, and her necessary antagonist, the wealthy, privileged homemaker. By studying Milcha Sánchez-Scott’s *Latina*, Lisa Loomer’s *Living Out*, and the recent *Lydia* by Octavio Solis,⁸⁷ I explore a set of interrelated questions: How do the plays reproduce, but also challenge, a conception of class relations in which, as Bosniak hypothesizes, “first-world women’s citizenship [might come] at the

when no formal legal agent is involved” (20), I am particularly interested in the ways that artists and their products serve as legal agents.

⁸⁶ Genny Lim, *Paper Angels*, in *Unbroken Thread: An Anthology of Plays by Asian American Women*, ed. Roberta Uno (Amherst: University of Massachusetts Press, 1993), 11–52; and Culture Clash, *Bordertown*, in *Culture Clash in America* (New York: Theatre Communications Group, 2003), 1–64.

⁸⁷ Milcha Sánchez-Scott, with Jeremy Blahnik, *Latina*, in *Necessary Theater: Six Plays About the Chicano Experience*, ed. Jorge Huerta (Houston: Arte Público Press, 1989), 76–141; Lisa Loomer, *Living Out* (New York: Dramatists Play Service, 2005); and Octavio Solis, *Lydia* (New York: Samuel French, 2010).

expense of the citizenship of their household workers”?⁸⁸ How does an undocumented legal identity structure the experience of work? What is the role of undocumented migrants as workers, both on and off the stage? Although in this chapter I rely entirely on playwrights and characters of Latin American descent, I do so with the awareness that the “invisible and disregarded” labor of housecleaners, nannies, and housekeepers—disproportionately conducted in the United States today by undocumented women from Latin America⁸⁹—epitomizes practices involving other industries, immigrants from other regions, and hiring patterns from other decades.

La víctima by the collective El Teatro de la Esperanza, *Deporting the Divas* by Guillermo Reyes, and Noble’s *Away Alone* anchor the discussion in chapter 4, which reflects on the illegal alien as a family member.⁹⁰ As Robert Lee reminds us, “the family unit has been a key entry point for state intervention in every area of daily life.”⁹¹ I turn to the plays to build a discussion about the ways in which immigration law, in particular, keeps some families together and breaks others apart. To that end, I approach US immigration law as a disciplinary system that compels certain ways of performing “family.” My three theatrical examples allow me to contemplate both how stage narratives can sustain categorical distinctions that immigration law seeks to protect and how performances potentially problematize such familial categories.

⁸⁸ Bosniak, *The Citizen and the Alien*, 116.

⁸⁹ Pierrette Hondagneu-Sotelo, *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* (Berkeley: University of California Press, 2001), ix.

⁹⁰ Teatro de la Esperanza, *La víctima*, in Huerta, *Necessary Theater*, 316–65; and Guillermo Reyes, *Deporting the Divas*, in *Asking and Telling: A Collection of Gay Plays for the 21st Century*, ed. John M. Clum (Garden City, NY: Stage & Screen, 2000), 113–87.

⁹¹ Robert G. Lee, *Orientalists: Asian Americans in Popular Culture* (Philadelphia: Temple University Press, 1999), 8.

In view of policies and debates that increasingly focus on illegality, I dedicate chapter 5 to stagings of the illegal immigrant as a criminal. Mwine's *Biro*, Yussef El Guindi's *Back of the Throat*, and Michael Garcés's *Los Illegals* serve my consideration of the ways in which all sorts of daily activities are legislated, disciplined, and often criminalized through immigration and citizenship policies.⁹² Against this background, I ponder how the plays illuminate processes of activating rights. I am interested in this final chapter in looking at ways in which performance successfully interrupts nonexistence, even if only for a moment. Focusing on this possibility, I journey from an introduction dealing with *nonexistence* to an examination of the kinds of presence and existence for which performance allows. My dissertation concludes with a short review of recent developments in US policies and theatre about unauthorized immigration. I also offer a personal reflection on the role that theatre has played in my own understanding of legal categorization.

SETTING THE STAGE: A HISTORICAL CONTEXT FOR US IMMIGRATION LAW AND PERFORMANCES OF THE UNDOCUMENTED

When we remember that it is law that creates immigrants in the first place, we can more easily understand that the category of “illegal alien” has varied and continues to vary as legislation changes.⁹³ Since the seventeenth century, the British colonies

⁹² Mwine, *Biro*; Yussef El Guindi, *Back of the Throat* (New York: Dramatists Play Service, 2006); Michael John Garcés, “Los Illegals,” unpublished script from author, 2007.

⁹³ The history and practice of immigration law that I outline below is based predominantly on the following sources: Thomas Alexander Aleinikoff, David A. Martin, and Hiroshi Motomura, *Immigration and Citizenship: Process and Policy*, 5th edition (Eagan, MN: West Group, 2003); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004); Nguyen, *We Are All Suspects Now*; Michael A. Scaperlanda, *Immigration Law* (Chicago: Gilbert Law Summaries, 2008); Peter H. Schuck, *Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship* (Boulder: Westview Press, 1998); and David Weissbrodt and Laura Danielson, *Immigration Law and Procedure*, 5th edition (Eagan, MN: West Group, 2005). For more

endeavored, even if not always successfully, to prevent the entry of paupers, criminals, the diseased, and other “public charges” into the American territories.⁹⁴ Despite a generally open policy geared toward populating the various regions, European colonizers in North America believed they had the right to exclude particular individuals from setting up house in the developing settlements.⁹⁵ Such a notion stemmed in part from the general British legal consciousness that understood (and still understands) property as something that can be privately owned. A logical proposition ensues: Much as I am permitted to protect my own house from trespassers—because it is *my* house—I should be permitted by extension to dictate who comes into my neighborhood, my city, my country. For the most part, however, lack of structure and resources made immigration control nearly impossible, and only some individuals were actually deported. In fact, vagrants and paupers—also legally constructed labels—who managed to remain on this side of the Atlantic did not break the law. They simply passed an administrative hurdle without problems. There were, to be sure, unwelcomed immigrants, but there were no illegal immigrants as such.

In 1783, the United States became an officially recognized independent state. As an infant nation, it continued colonial policies seeking to keep public charges out of its

polemical accounts, I also consulted Peter Brimelow, *Alien Nation: Common Sense About America's Immigration Disaster* (New York: HarperPerennial, 1995); and Otis L. Grahams, *Unguarded Gates: A History of America's Immigration Crisis* (Lanham, MD: Rowman & Littlefield Publishers, 2004). Of course, these sources do not take into account the various histories of emigration that construct the US-bound immigrant. For the purposes of this study, I am concerned with the legal identity of the undocumented once inside the United States.

⁹⁴ I am focusing here on regulation and attitude toward ostensibly voluntary migration, without consideration of the forced migration imposed on millions of Africans through slavery.

⁹⁵ Many, of course, have commented on the brutal irony that all of these colonizers were immigrants themselves and that, as the joke goes, history would have been very different if the Native Americans had had stricter immigration laws to begin with.

borders, but, for nearly one hundred years, debates and legislation focused on questions of citizenship, not immigration itself. Several acts of Congress in the late eighteenth century, including the Alien and Sedition Acts of 1798, defined the requirements for naturalization. Questions of wealth, period of residency, and allegiance structured these increasingly stricter conditions for citizenship. As for immigration, the national government did little in the first three-quarters of the nineteenth century to restrict the influx of peoples, especially as the nation's borders were still being established. On the one hand, the young nation needed laborers. On the other, there was uncertainty over immigration control, and it was not readily apparent whether the federal government or each individual state had the right or the responsibility to manage such issues. In short, it would not be until the late 1800s that immigration law would create a category of people potentially understood as "illegal."

The administration of immigration has had various homes including the Departments of Labor, of Justice, and as of today, Homeland Security. Questions over commerce and taxation first propelled the development of a centralized and more comprehensive immigration policy. With *Henderson v. City of New York* (1875), the Supreme Court at last settled that immigration control, falling under the umbrella of foreign commerce, was strictly a federal concern. Two other Supreme Court cases in the late nineteenth century made clear that Congress had plenary power to control immigration, one of the few areas in which the national legislature has such broad and unrestricted authority.⁹⁶ Early federal attempts to restrict immigration echoed colonial

⁹⁶ *Chae Chan Ping v. United States*, 130 U.S. 581 (1889), commonly known as the Chinese Exclusion Case, and *Fong Yue Ting v. United States*, 149 U.S. 698 (1893) together set the precedent that authorizes Congress exclusively to enact restrictive immigration legislation. *Henderson v. Mayor of City of*

philosophies and sought to bar certain types of individuals from entering the country based on personal, qualitative characteristics. Thus, foreign convicts, prostitutes, lunatics, idiots, anarchists, and other such potential public charges became undesirable migrants. Subsequent acts legitimized the inspection of individuals, with medical exams for arrivals serving as a filtering mechanism to give or deny entry. For decades, legislators debated the use of a literacy test (in English or in other languages), but such a requirement was never adopted. In 1906, English-language proficiency did become a prerequisite for naturalization, although literacy standards for either entry or citizenship failed to pass in Congress. Of note, in the 1880s Congress imposed a head tax on each arriving individual. Hence, the ability to enter the country and the ability to pay a fee became then, and continue to be, intricately linked.

Crucially, in 1882, Congress passed the infamous Chinese Exclusion Act, the first broad immigration legislation that restricted entrance into the United States based on national origin. While enforcement remained difficult, the Exclusion Act did legitimize the racism that plagued a fast-growing nation.⁹⁷ With transcontinental railway lines mostly completed and an economic downturn in the 1870s, anti-Chinese sentiment intensified. The seeming need for Chinese labor had waned, and the sense that the borders should close increased. Behind the Exclusion Act lay the nativist fear that the

New York, 92 U.S. 259 (1875). To date, the federal government continues to hold plenary power over immigration issues. This is not to say that policies in individual states are irrelevant. The current legal battle over the constitutionality of Arizona's immigration law reminds us of this fact.

⁹⁷ Chinese Exclusion Act, ch. 126, *U.S. Statutes at Large* 22 (1882), 58 (repealed 1943). Of course, that anti-Chinese racism was already well legitimized in other ways: various states had land laws prohibiting Chinese immigrants (among others) from owning land, and cases like *People v. Hall* (4 Cal. 399 [Cal.Sup.Ct.1854]) forbade Chinese immigrants as well as Chinese Americans from testifying against white individuals in court. Before the passage of the Exclusion Act, the Page Act of 1875 (*U.S. Statutes at Large* 18 [1875], 477) attempted to restrict immigration from China and Japan by setting up processing centers in Asia to grant or deny entrance to potential immigrants.

Chinese were somehow inassimilable, that, to quote an 1876 report by the California State Senate, they “fail to comprehend our system of government; they perform no duties of citizenship ... [and are] not amenable to our laws.”⁹⁸ Ironically, while no statistics from the late nineteenth century support the notion that the Chinese in the US were somehow more prone to commit illegal acts, the Exclusion Act made it a crime to be Chinese (of a certain social class) in the United States. No Chinese laborers were to enter the United States until at least 1892 and no Chinese individual already in the country was to become a citizen. In essence, the Exclusion Act fulfilled the fears that the Chinese somehow lived outside of US law by turning them into illegal subjects, threats to be blocked at ports and borders.⁹⁹

Also ironically, as Dave Williams has pointed out, while the Exclusion Act severely curbed the influx of Chinese men and women into the country, Chinese characters began to surface more and more frequently in the work of Euroamerican playwrights in the late nineteenth century.¹⁰⁰ Most of these were gross stereotypes that, in fact, helped to fuel anti-Chinese sentiments and justify legal exclusion (a powerful example of cultural production bolstering activity in the legal field). Still, the first illegal border crossers represented on the US stage served also to question the practicality of immigration law, as stages could be populated with crafty trespassers. Frank Powers’s

⁹⁸ Excerpt from Select Commission on Immigration and Refugee Policy (SCIRP), *US Immigration Policy and the National Interest*, Lawrence H. Fuchs and Susan Forbes Martin, principal authors, Staff Report, 161–216 (1983), as reprinted by Aleinikoff, Martin, and Motomura, *Immigration and Citizenship*, 152.

⁹⁹ Samora and his colleagues argue that early-twentieth-century concerns for securing the US-Mexico border centered on barring entrance to Chinese immigrants. While they acknowledge that the appellation gained recognition predominantly in the 1920s, they offer the observation that “[i]n the eyes of immigration authorities, the Chinese were the first ‘wetbacks’” (Samora, *Los Mojados*, 6, 34).

¹⁰⁰ Dave Williams, introduction to *The Chinese Other, 1850–1925: An Anthology of Plays*, ed. Williams (Lanham, MD: University Press of America, 1997), xii–xiii.

The First Born, for instance, boasts among other figures “the excellent” Duck Low, a savvy traveler who proudly enters the United States by first landing in Canada and then “cross[ing] over into this country disguised as an Indian, a savage race much favored by the white devils.” Once in San Francisco’s Chinatown, Duck Low is able to shed his costume, but it is clear he is entering into a life of constant struggle against the laws of these white devils. His first onstage action, after relating his tale, is learning of new and innovative ways to trick US officials: “Let me hear of anything that has deceived these barbarous people.”¹⁰¹ Though a small role in the play, Duck Low does manage to win some sympathy; at the very least, Powers allows him to succeed in his unlawful crossing. Even though the figure then reinforces an image of the Chinese as criminal, Duck Low’s creativity and resilience combat the mostly powerless and emasculated Chinese characters so prevalent in the period. More to the point, Duck Low’s presence onstage¹⁰²—Duck Low as a surrogate—rebels against the nonpresence the Exclusion Act sought to enact.

Following the model set by the Exclusion Act, US law continued to focus on restricting immigration based on nationality. The “new immigrants” of the early twentieth century, who came increasingly from southern and eastern Europe, exacerbated nativist xenophobia. Congress responded to pressure from both organized labor (which worried about competition for jobs and wage depression) and “100 percenters” (who

¹⁰¹ Frank Powers, *The First Born*, in Williams, *The Chinese Other*, 168.

¹⁰² I mean here the presence of a Chinese character, even if such a figure were played by a white actor in yellowface, as was common in the nineteenth century. After all, Duck Low, the character, reminds audiences that total exclusion is an impossibility, unlike some of the more emasculated and ineffective “nonreproductive unit[s]” on which Sean Metzger builds his argument about yellowface performances. Metzger, “Charles Parsloe’s Chinese Fetish: An Example of Yellowface Performance in Nineteenth-Century American Melodrama,” *Theatre Journal* 56, no. 4 (December 2004): 650.

sought to maintain an ostensibly unpolluted US culture) with a series of acts designed to curb particular waves of immigrants. The Quota Laws, beginning in 1921 and remaining in effect until 1965, aimed to maintain open borders but to shape more stringently the ethnic composition of incoming immigrants. Yet, with the passing of the Johnson-Reed Immigration Act of 1924, US immigration policy undertook a major change, one that remains constitutive of immigration policy today.¹⁰³ Whereas previous restrictions to entering the country had all been of a qualitative nature, the quotas imposed for the first time a ceiling to the number of ostensibly desired immigrants. Hence, many potential entrants, who otherwise fit the qualitative criteria for coming into the United States, now became undesirable. As Mae Ngai convincingly explains, this quota-based immigration policy in essence created undocumented immigration and the “illegal alien” by severely restricting the number of people allowed to settle in the country, by inventing hierarchies of racial and ethnic difference, by insisting on passport and visa controls, and by drawing increasing attention to the idea of the US border as a space in need of protection and patrolling (the Border Patrol was established in 1924). Ngai describes this “*new legal and political subject*,” as one “whose inclusion within the nation was simultaneously a social reality and a legal impossibility—a subject barred from citizenship and without rights.”¹⁰⁴ The “impossible subjects” of her title became, and in many ways still are, both welcomed and unwelcomed in the United States, needed and in need of removal, distinguishable from citizens and legal immigrants and also indistinguishable, powerless

¹⁰³ Immigration Act of 1924 (Johnson-Reed Immigration Act), Public Law 68-139, *U.S. Statutes at Large* 43 (1924), 153 (repealed 1965).

¹⁰⁴ Ngai, *Impossible Subjects*, 4. Emphasis in original.

but not altogether unprotected by the law. In short, the illegal alien surfaced as “a person who cannot be and a problem that cannot be solved.”¹⁰⁵

Alterations to the immigration policies of the United States throughout the first half of the twentieth century attest to the difficulties of managing these contradictions. On the one hand, the economic pressures of the Great Depression and the subsequent boom from the United States’ participation in World War II required a patchwork of policies that could satisfy the needs of a changing labor market. A 1930s repatriation campaign in the Southwest, for instance, aimed to return Mexican Americans and Mexican nationals back to Mexico, succeeded in reducing that population by nearly twenty percent. By 1948, however, the Southwest was in such dire need of cheap labor that Congress authorized the Bracero Program, a vast experiment in having the federal government contract “guest workers” for a growing agricultural sector. On the other hand, participation in World War II placed the US government in a moral quandary, exacerbating the clash between the two ideological poles most prevalent in shaping immigration policy: is a society obligated to aliens to whose presence it did not consent, or is it fundamentally obligated to them because of their humanity?¹⁰⁶ The realities of the Holocaust, in particular, prompted a shift from the increasingly restrictionist approach that the Johnson-Reed Act had ushered, and measures like the “War Brides Act” of 1946, the Displaced Persons Act of 1948, and the Refugee Relief Act of 1953 bypassed quota laws to accommodate a large influx of immigrants in need of a new nation. (The Internal

¹⁰⁵ Ibid., 5. Coutin likewise proposes several contradictions that continue to make illegal immigrants a contradiction: “the immigration system *creates* the very disjunctures that seem to undermine it[, and] these disjunctures can be key to the immigration system’s coherence” (Coutin, *Nations of Emigrants*, 5).

¹⁰⁶ Schuck, “The Transformation of Immigration Law,” in *Citizens, Strangers, and In-Betweens*, 24.

Security Act of 1950, simultaneously, amended a 1918 Anarchists Act to bar Communists from entering the US.) The sweeping 1952 Immigration and Naturalization Act (McCarran-Walter Act) attempted to reconcile some of these contradictions. It abolished the racially based conception of naturalization, creating a color-blind system for citizenship and establishing a preference for skilled workers and relatives of residents and citizens to enter the US. It provided for fairer deportation hearings. However, the 1952 INA maintained, over President Truman's veto, the ostensibly racist national quotas, and it called for stricter expulsion regulation that could possibly protect the United States from Communists.

To be sure, throughout the period, the illegal immigrant surfaced as a perceived threat or problem largely in certain regions of the United States, particularly in the Southwest; and up to the late 1940s, the Immigration and Naturalization Service (INS) concerned itself predominantly with apprehending illegal border crossers and human smugglers only at the moment of entry. These ostensible trespassers were, of course, a most blatant signal of the INS's inability to do its job. Calls for curbing the presence of undocumented workers in the US labor force were weak at best, and the "drying out of wetbacks" became a prevalent practice. Indeed, authorities often yielded to the demands of politically powerful farmers and in essence converted illegal aliens into legal immigrants, sometimes through the symbolic performance of having them put one foot on the southern side of the border so that they could then "return" to the United States. Despite a short-lived Operation Wetback in the 1950s, under the direction of former military general Joseph F. Swing, illegal immigrants remained virtually invisible to a broader national public. In fact, a nine-hundred-page report on immigration prepared by

the Senate Judiciary Committee in 1950 did not even mention illegal immigration at the Mexican border. With these mid-century measures and policies, the meaning of both immigrant and illegal alien necessarily fluctuated, and, as Ngai carefully explains, preferential treatment for certain groups coupled with a stringent consulate bureaucracy in Mexico ensured that Mexicans, above all, “emerged as iconic illegal aliens” with “the construction of the ‘wetback’ as a dangerous and criminal social pathogen [feeding a] general racial stereotype ‘Mexican.’”¹⁰⁷

Ngai demonstrates how immigration law not only reflects and reacts to social and cultural trends but also participates actively in the constitution of society. Law naturalizes relations and routines; it normalizes social practices. The various quota laws, in particular, constructed the illegal alien as well as the “alien citizen”—born in the United States and granted formal citizenship but perceived by most as alien due to his or her ethnicity. While Ngai considers the law at three distinct levels—legislative and political discourse, court cases, and the practical or everyday articulation of the law—she pays only passing, if any, attention to cultural products, limiting her examination of “everyday articulations” predominantly to political discourse and press coverage of such. Still, legal issues and the immigrant experience did take center stage in various cultural performances, participating in the development of individual and collective legal consciousness so integral to formulating one’s position in society and, by extension, one’s identity. Theatrical treatments of illegal immigration during the period that Ngai examines attest to and help produce or maintain a legal imagination in which the

¹⁰⁷ Ngai, *Impossible Subjects*, 58, 149. She explains that “[j]ust as restriction and deportation ‘made’ illegal aliens, administrative discretion ‘unmade’ illegal aliens” (57). Perhaps unsurprisingly, European and Canadian immigrants came under lesser scrutiny, so that “the exercise of administrative discretion served to racialize the specter of the illegal alien” (90).

undocumented are simultaneously problematic and completely normalized—in short, impossibly possible.

Nicolás Kanellos describes, for example, a rich tradition of Spanish-language theatre in the early-twentieth-century United States that regularly tackled the subject of immigration and, more specifically, the legal challenges faced by immigrants.¹⁰⁸ Plays like Gabriel Navarro’s *Los emigrados* (The Émigrés), Antonio Helú’s *Los mexicanos se van* (The Mexicans Are Leaving), and Eduardo Carrillo’s *El proceso de Aurelio Pompa* (Aurelio Pompa’s Trial) epitomize the concerns and experiences of 1920s Mexicans and Mexican Americans facing an increasingly strict and unfriendly US justice system in the nation’s Southwest. Frank Martínez’s *Sucedió en Harlem* (It Happened in Harlem) similarly treats the experience of Puerto Ricans in a New York City courtroom during the 1930s. These titles testify to the concern for legal themes in portrayals of immigrant narratives. Indeed, since the Chinese Exclusion Act, courtrooms have regularly fielded the battles over immigration status, a contradictory phenomenon demonstrating how a challenge to the US legal system requires a simultaneous deference toward and participation in that very system.¹⁰⁹ As plaintiffs and defendants, as court winners or losers, immigrants on and offstage take part in that most cherished American tradition—litigation—and so assert their “Americanness” perhaps more than in other arenas when they join full force the most litigious society in the world. Appearing in such law-

¹⁰⁸ Nicolás Kanellos, *A History of Hispanic Theatre in the United States: Origins to 1940* (Austin: University of Texas Press, 1990).

¹⁰⁹ I adapt Sally Merry’s ideas about Hawaiian colonization here. She describes law as an essential form of colonial control, as a “marker of the seductive idea of ‘civilization.’” Law, however, also offers a tool for resistance, “but only for those who [have] mastered its forms and language, who [are] already incorporated within the system of ‘civilization’” (Merry, *Colonizing Hawai’i: The Cultural Power of Law* [Princeton: Princeton University Press, 2000], 8). Chapter 5 expands on these ideas.

centered roles was, however, limited mostly to restricted types of productions and venues on the margins of cultural production, ones catering to relatively narrow audience groups. So-called Hispanic characters, generally, would not become a palpable presence on non-Spanish-language stages until later in the century.¹¹⁰ Likewise, Asian American figures began to lose the type of visibility described above. Contrary to the phenomenon noted by Dave Williams, the Johnson-Reed Immigration Act managed to push Asian American characters off US stages. Esther Kim Lee's study of Asian American theatre suggests that while many so-called oriental shows in the United States regularly presented "alien residents" before the 1924 legislation, the Act inaugurated new treatment. Asian figures in US theatre ceased to represent US residents and were increasingly confined to Asian settings: "It was as if the Immigration Act of 1924 erased Asian Americans from the national domestic imagination."¹¹¹ I realize these are but brief and few examples, but they help confirm the connections that exist between immigration law and cultural production. On the one hand, the plays offer models of the immigrant vis-à-vis the legal system. On the other, as Lee proposes, immigration law serves not only to control the population of the nation; it also manages to alter the demographics of its theatrical characters.

Relatively invisible to most US citizens, illegal immigrants nonetheless became central characters—surrogates—in two mid-century commercial theatrical pieces.

¹¹⁰ Sophie Treadwell "was among the first American playwrights to [introduce] a range of Hispanic characters well before Chicano literature was politically correct," reports Miriam López Rodríguez. While I must disagree with her use of "American," López Rodríguez does alert us to the fact at hand. López Rodríguez, "Sophie Treadwell, Jung, and the Mandala: Acting a Gendered Identity," in *Codifying the National Self: Spectators, Actors and the American Dramatic Text*, ed. Barbara Ozieblo and María Dolores Narbona-Carrión (Bruxelles: P.I.E.-Peter Lang, 2006), 123.

¹¹¹ Esther Kim Lee, *A History of Asian American Theatre* (Cambridge: Cambridge University Press, 2006), 14.

Perhaps because they each treat a distinct ethnic population (and because one is a musical comedy while the other a tragic play), the two have not invited serious joint consideration. I discuss them here as a unit, because, together, they well attest to the impossible subjectivity and effective nonexistence of the undocumented that resulted from immigration policies of the first half of the twentieth century as well as to a legal consciousness that made these impossible subjects in fact quite possible. To date, Rodolpho in Arthur Miller's *A View from the Bridge* and Mei Li in Richard Rodgers and Oscar Hammerstein's *Flower Drum Song* remain some of the most broadly performed and circulated undocumented figures on US stages.¹¹² As such, they actively participate in the tri-part conversation about law that Ngai proposes—among court, legislative and political, and everyday discourses—since they help to construct a national legal consciousness that can sustain the category of illegal alien.

On the surface, *A View from the Bridge* and *Flower Drum Song* propose that immigration laws are inherently unfair. Rodolpho is in the United States to “work, that’s all” (*VB* 627) and Mei Li has “no papers” (*FDS* x) only because “com[ing] in under the quota would take another five years,” thus making her “too old to get married” (*FDS* 24). Beatrice’s defense of her undocumented cousins, “Who’re they hurtin’, for God’s sake,

¹¹² *A View from the Bridge* premiered in the United States as a one-act verse drama in 1955. A year later, Miller rewrote the play into a prose, full-length play that opened in London under Peter Brook’s direction. It is that production’s script which has endured and which has been regularly revived. Given that the substantive changes to the original script did not much alter Rodolpho’s role, I reference the full-length script throughout my discussion. Arthur Miller, *A View from the Bridge* (two-act version, 1956), in *Arthur Miller: Collected Plays 1944–1961* (New York: Library of America, 2006), 569–636. Further references to the play will be noted parenthetically and abbreviated *VB*.

Flower Drum Song, based on a novel by C. Y. Lee and directed by Gene Kelly when it premiered on Broadway in 1958, was Rodgers and Hammerstein’s third collaboration to treat an exoticized Asia, following *South Pacific* (1949) and *The King and I* (1951). Although not as commercially successful as some of their other musicals, *Flower Drum Song* nonetheless led to a London production, a national tour, and a film version within just three years of its premiere.

what do you want from them?” (VB 627), aptly captures the attitudes toward Rodolpho and his brother Marco as well as toward Mei Li and her father, if I may apply one play’s line of dialogue to the other. Indeed, Rodolpho and Mei Li quite easily fit into their new respective communities despite their illegal status. Little separates them from those already living in the depicted Italian American Red Hook or in San Francisco’s Chinatown. Such portrayals support and reflect the common mid-century practice of unmaking illegal status via administrative policies.¹¹³ The portrayals could thus point to the limits of exclusionary immigration legislation. As Coutin explains, the “ability to legalize the illicit suggests that there is something lawful within illegality, and that the illegal can exist within law.”¹¹⁴

Still, the undocumented condition propels much of the action in both theatrical pieces precisely because illegality can engender fear and mistrust. Quickly, Rodolpho learns that if he “were not afraid to be arrested [he] would start to be something wonderful here!” (VB 614). The law seemingly curbs his possibilities, his dreams, even as we witness his success. Despite consistent employment and despite a blossoming relationship with Catherine, his time in the US can end at any moment. His romantic

¹¹³ In the case of *Flower Drum Song*, the fetishized portrayal of San Francisco’s Chinatown complicates the reading of Mei Li’s acceptance into US society. After all, she is accepted only into an exoticized version of the US. Nonetheless, her acceptance, and especially Rodolpho’s, suggests the relative ease with which illegal immigrants could join communities in the US. Ngai describes how administrative discretion, particularly through a pre-examination process, suspension of deportation, and the Alien Registration Act (*U.S. Statutes at Large* 54 [1940], 670), catered to European immigrants and unmade their illegality, supporting the notion that there was little difference between them and legal immigrants from the same countries (Ngai, *Impossible Subjects*, 84–90). For further discussions about the exoticism in *Flower Drum Song*, see Lee, *A History of Asian American Theatre*, ch. 2; Lee, *Orientalism*, ch. 5; David Palumbo-Liu, *Asian/American: Historical Crossings of a Racial Frontier* (Stanford: Stanford University Press, 1999), 156–70; and Karen Wada, afterword to Richard Rodgers (music), Oscar Hammerstein (lyrics), and David Henry Hwang (book), *Flower Drum Song* (New York: Theatre Communications Group, 2003), 99–115.

¹¹⁴ Coutin, *Nations of Emigrants*, 71.

intentions, especially, become suspect. Is Rodolpho after Catherine's heart or her citizenship? "Purposely," Miller has confessed, "we are left to wonder about [Rodolpho's feelings]." ¹¹⁵ Although there is less to doubt about the earnest Mei Li, and although her time in the US seems less explicitly threatened, her illegal condition crucially serves to construct her identity as an active agent.

And it is the cultural production of such an illegal identity that sparks a moment of recognition for Mei Li. She emulates the heroines of television movies to woo her preferred partner and fulfill the American Dream. One such figure, a "Mexican girl," provides Mei Li with a definitive solution to the mismatches of partners around which the musical's plot revolves. "Señor Sheriff, I must give myself up!" pleads the girl in the television movie Mei Li watches. "I came to the United States illegally across the Rio Grande—I am a *wetback!*" she confesses to the authorities and thus realizes that she "cannot marry with Rodriquez [*sic*]. He is in love with another woman, and he is a wetback too!" (*FDS* 137). The overly melodramatic delivery makes little legal sense; the girl's problem is unrequited love and not her or Rodríguez's immigration status. But recognizing herself in the performance, Mei Li finds in her illegal status an exit strategy from her impending nuptials to Sammy Fong, a man she does not love and who clearly loves another. Just one scene later, Mei Li confronts Sammy, his mother, and the rest of the community with the supposedly awful truth: "I came into this country illegally—across the Pacific Ocean. It is for that I cannot marry with your son. My back is wet!" What has not mattered before now becomes critical, and Madame Fong insists that her

¹¹⁵ Miller, interviewed by Christopher Bigsby (Bigsby, *Arthur Miller: A Critical Study* [Cambridge: Cambridge University Press, 2005], 192).

son “cannot marry a wetback!” This is a term used multiple times within the production’s final minutes and one that thus sticks to Mei Li. Madame Fong suddenly remembers—and reminds the audience—that such a wet back is dangerous, problematic, and lowly. The perfect leading man, Wan Ta offers at this last moment that he will “gladly marry a wetback!” (*FDS* 139–40). A plot convenience, Mei Li’s illegal status serves predominantly to untie all the knots. Almost.

Wan Ta’s eagerness to wed an illegal alien does not fully satisfy the musical comedy’s necessary ending. The true happily-ever-after here is possible only because, through marriage, Mei Li’s illegal status will be undone, just as Rodolpho’s is when he marries Catherine. In the world of each piece, what we may call “undocumentedness” cannot possibly be sustained. Indeed, there are no illegal immigrants left on either stage at play’s end.¹¹⁶ But the “naturalization” of Rodolpho and of Mei Li fails to be transgressive in either case, as the only seeming solution to their condition is to accept a system in place and become a citizen. This they do through marriage—at a time when “there’s no law, [when] the law is not interested” (*VB* 603) in the substance of a marital relationship in relation to immigration status.¹¹⁷ Heteronormative unions manifestly

¹¹⁶ Following the family-ties logic of the 1952 McCarran-Walter Act, Wan Ta’s proposal means not only that Mei Li will gain citizenship through marriage but also that Dr. Li—the only other illegal immigrant in *Flower Drum Song*—becomes a candidate for legal residence and eventual naturalization. The riddance of illegal immigrants in *A View from the Bridge* proves even more sweeping. Rodolpho will gain legal status through marriage. His brother, we gather from Marco’s conversation with the lawyer Alfieri, has no prospects of staying in the country (*VB* 630–31). Furthermore, Eddie’s informing the immigration authorities about Marco’s and Rodolpho’s illegal status results, from the audience’s perspective, in the arrest of *all* the known illegal immigrants. The two nonspeaking “strange men” (*VB* 627), whom both audiences and characters perceive to be undocumented, must also endure the roundup and are removed altogether from the stage by the Second Immigration Officer (*VB* 629). With Marco’s insistence that Eddie’s betrayal has robbed and killed his children back in Italy, we could surmise as well that a new generation of potential immigrants dies within the world of the play.

¹¹⁷ The 1986 Immigration Marriage Fraud Amendments severely alter Alfieri’s description of the situation in the 1950s. I explore some of the repercussions of this legislation in chapter 4.

solve the problem of illegality, using one legal label—“wife,” “husband”—to naturalize the unnatural “wetback” or “submarine.”¹¹⁸

The seeming correction of Rodolpho’s and Mei Li’s status then results, in both cases, because the fulfillment of individual desires requires legalization, not, to be sure, because the system is inherently flawed. The two portrayals just prior to a period of drastic immigration reform suggest a broad legal consciousness that very much can accept the illegal status as natural. They each depict a community—albeit a relatively isolated (and, especially in the case of *Flower Drum Song*, exoticized) community—in which the undocumented can easily exist. They both suggest that the exit strategy out of undocumented status—created by a logic of quantitative restriction—rests strictly on individual qualitative conditions and individual agency. Mei Li and Rodolpho, at bottom, should not be illegal aliens, because they simply do not fit the bill. He can become “something wonderful here” and she will “like it here” (*FDS* 47), because neither appears threatening to the “here” at hand. Of course, such an argument comes with a tacit dark side, an implication that someone else, or other personal qualities, be those physical prowess or Mexicanness, can and should be deemed illegal and alien.

On multiple levels, Rodolpho and Mei Li defy mid-century notions of “the wetback”; their exit from undocumentedness can therefore maintain stereotypes even as it critiques an unfair legal system. As he seemingly pushes the boundaries of traditional

¹¹⁸ “Submarine” was waterfront slang for illegal entrant. David Palumbo-Liu compellingly suggests that Mei Li’s “*doubly* efficacious” identification with the television character allows her a clean break from Sammy and a promise of erasure of her illegality. Again, as with *A View from the Bridge*, a romantic union offers here the “ideal process for the socialization and reproduction of Americans.” Mei Li and Wang Ta “present the ideal balance of ‘Chinese tradition’ and American individualism, which will stand as a model for both Asian Americans and Americans in general” (Palumbo-Liu, *Asian/American*, 166, 159, 165).

masculinity (at least in Eddie's and his fellow longshoremen's view), Rodolpho also queers the role of submarine. Much attention has been paid to the question of Rodolpho's sexuality,¹¹⁹ but less has been made of the fact that it is precisely this more feminized and more Nordic-looking figure that gains legal acceptance into the United States. Richard Davalos, cast as Rodolpho in the 1955 premiere of *A View from the Bridge*, helped to underscore the difference of the particular undocumented immigrant at hand and laid a baseline of sorts for all Rodolphos to come.¹²⁰ Compared to his über-masculine castmates Jack Warden (Marco) and Van Heflin (Eddie), a preppy, platinum blond Davalos, known to the 1955 audiences predominantly as "the sweetheart of Brother Aron"¹²¹ in the film *East of Eden*, presented a candidate for legalization who lacked his brother's roughness and explicit manliness. Even the biographies in the program prepared the audiences for this distinction: Warden, spectators read, is a "former professional boxer and baseball player"; Heflin, "[a] mixture of college-bred gentleman and two-fisted sailor," "had desires of only traveling the seas [... and shipped] on a coastwise cargo boat for New York via the Panama Canal"; Davalos, instead, "acted with the Chapel Theatre Group, which presented plays for children at various schools in New

¹¹⁹ See Bigsby, *Arthur Miller: A Critical Study*; Donald P. Costello, "Arthur Miller's Circles of Responsibility: *A View from the Bridge* and Beyond" and Arthur Epstein, "A Look at *A View From the Bridge*," both reprinted in *The Critical Response to Arthur Miller*, ed. Steven R. Centola and Michelle Cirulli (Westport, CT: Praeger, 2006); and Jeffrey D. Mason, *Stone Tower: The Political Theater of Arthur Miller* (Ann Arbor: University of Michigan Press, 2008). The play also receives insightful attention from Thomas P. Adler, *American Drama, 1940–1960: A Critical History* (New York: Twayne Publishers, 1994); from Bigsby, *A Critical Introduction to Twentieth-Century American Drama*, vol. 2 (Cambridge: Cambridge University Press, 1984); and from David Savran, *Communists, Cowboys, and Queers: The Politics of Masculinity in the Works of Arthur Miller and Tennessee Williams* (Minneapolis: University of Minnesota Press, 1992).

¹²⁰ As Marvin Carlson points out, "the memory of an actor seen in a previous role or roles remain[s] in the mind to haunt a subsequent performance." Carlson, *The Haunted Stage: The Theatre as Memory Machine* (Ann Arbor: University of Michigan Press, 2003), 10.

¹²¹ Bosley Crowther, "The Screen: 'East of Eden' Has Debut," *New York Times*, 10 March 1955, 33.

Jersey [and] learned dancing from Martha Graham and Erick Hawkins.”¹²² Accordingly, Miller creates a submarine with “bright lights in his head” (VB 597), lights that potentially blind him to the realities and responsibilities by which a “regular slave” (VB 594) like Marco lives, lights that figuratively illuminate a way of existing without papers that displaces the norms of what that might mean, both within the world of the play and for the audience that watches. Rodolpho knows, for example, that he must not sing, a more than symbolic reminder that he must not call attention to himself. But Rodolpho quickly becomes a center of attention both on the docks and in the Carbone home with his song and sense of humor. He proves an active lover and an active entertainer of sorts; he succeeds in areas not conventionally associated with the invisible undocumented laboring population to which his brother more fittingly belongs.

Mei Li surfaces also as a queered illegal alien. She presents no physical threat to anyone and is not ostensibly in the United States to work. Despite her cartoonish accent, Mei Li speaks English quite fluidly. Even if this is merely a theatrical convention (why would she speak English to her father?), the use of accented language follows the same model as *A View from the Bridge*, offering “fresh off the boat” characters who communicate effortlessly in their new environment and whose speech blends quite easily with that of others around them. The casting of Miyoshi Umeki as the original Mei Li, much like the casting of Davalos, further highlighted the frailty and meekness of the undocumented figure. As the production’s press release promised, the “Japanese singing

¹²² Copies of various programs for the production, both for its out-of-town and its Broadway engagements can be found in the clippings files for the play and for the actors in the New York Public Library for the Performing Arts. While Davalos’s career seemed to peak with *East of Eden*, Heflin and Warden both continued to distinguish themselves for portrayals of traditionally masculine figures. Heflin carved a successful Hollywood career working mostly on westerns and war films. Warden’s *New York Times* obituary (22 July 2006) summed up in its title that the actor was “known for tough-guy roles.”

doll” was a “petite and lovely 22-year-old singing actress [...] whose first name means ‘beautiful life,’ [and who] single-handedly stole the hearts of the United States military forces in Japan with her lilting voice and demure smile.”¹²³ Mei Li and Rodolpho, crucially, are not of Mexican origin. In this, they certainly defy prevalent stereotypes, then and now, about illegal aliens and corroborate the position of European and later of Asian immigrants as “model minorities.”¹²⁴ The two cultural products thus serve to reinforce and naturalize, even as they criticize, the idea that immigration can be deemed systematically illegal.

The 1965 amendments to 1952 INA attempted in some manner to address the ambivalences in US immigration policy captured by *Flower Drum Song* and *A View from the Bridge*. Born in part from the momentum of the Civil Rights movement, the new immigration policies abolished the system of national quotas that had increasingly been criticized as racist. It thus abolished a hierarchy of immigration based on national origin and replaced it with a system of preference based predominantly on family reunification and labor skills. While a more liberal policy on the surface, the 1965 INA did curb immigration in serious ways and, more than before, called national attention to the “problem” of illegal immigrants, especially by conceding that migrants from the Western

¹²³ Press Release from Michel Mok, for 4 August 1958, in “Flower Drum Song” Clippings File, New York Public Library for the Performing Arts. Umeki was certainly a recognizable actor, having just won an Academy Award for her role as the similarly demure Katsumi in *Sayonara* and an Emmy for “being the top female television personality” on the West Coast. As the press release suggests, Umeki was “a much sought-after star of recordings, television, and supper clubs.” Of course, there is much to say about the casting of a Japanese actor to play the “Chinese” role, but my point here is to call attention to the non-threatening nature of Mei Li.

¹²⁴ Palumbo-Liu, for one, believes *Flower Drum Song* “makes an unproblematized and absolute differentiation between illegal Chinese, whose illegality is excused because of their assimilability to modern American life (facilitated by ‘traditional’ Confucian values), and Latinos, whose original racist designation, ‘wetback,’ remains an absolute obstacle” (Palumbo-Liu, *Asian/American*, 167).

Hemisphere needed for the first time to be counted among a newly established world quota. Illegal immigration—and the Mexican border more specifically—was indeed becoming a subject of broader interest, although it would still take a couple of years before it received serious academic attention, attesting perhaps to a more general legal consciousness unconcerned with the undocumented.¹²⁵ The issues of labor and family have remained structuring principles for post-1965 immigration policy, but subsequent legislation has both responded to and fueled a heightened public anxiety over the undocumented, turning illegal immigration into a pivotal—*the* pivotal?—way of conceiving immigration generally.¹²⁶ Since 2001, and with the subsequent passage of the Patriot and Homeland Security Acts, concerns over terrorism and national security have also become a crucial driving force behind the kinds of legislation and court tests that continue to amend the 1965 base upon which our immigration policy rests today. Crucially, post-1965 immigration law has had to manage the increased presence of undocumented immigrants more than in periods past—reminders that the country’s demographics are changing and that the system of law and border patrol does not always accomplish its set goals.

Theatre production in the United States also changed significantly in the wake of the 1960s. With the Civil Rights movement and the subsequent explosion of identity politics, the emergence and proliferation of so-called minority theatre companies and

¹²⁵ In their 1971 study of illegal immigration, Samora, Bustamante, and Cardenas open by explaining that the subject “has not captured the imagination of American social scientists, as have other topics” and that “[t]here are, to the writer’s knowledge, only two books on the subject” (*Los Mojados*, 3). In fact, immigration studies more generally, the “neglected stepchild in the law schools,” did not become an established field of legal study until the mid-1980s (Aleinikoff, Martin, and Motomura, *Immigration and Citizenship*, vii).

¹²⁶ I am referring namely to the 1980 Refugee Act, the 1986 IRCA, the 1990 Immigration Act, and the 1996 IIRIRA.

artists radically affected and continues to affect the performance of undocumented characters. The institutionalization and promotion of “Chicana/o,” “Latina/o,” “Asian American,” “Chinese American” artists and cultural products, for example, have ensured that illegal immigration remains an actively staged phenomenon on ostensibly specialized stages. For the most part, it has been artists of the hyphen who have treated and challenged the undocumented condition onstage, concentrating on stories about “their” illegal brothers and sisters. Although immigration statistics vary significantly, they help to underscore the fact that illegal immigration as a theatrical subject tends to attract particular attention, first and foremost, from artists with ties to Mexico and other Latin American countries, and then from those with ties to Asia.¹²⁷ Throughout the 1970s and 1980s, prominent Latina/o and Asian American playwrights and theatre collectives set a precedent for “artists of color” to create theatre pieces calling attention to the undocumented condition, whether head-on or more subtly.¹²⁸ Into the 1990s, theatre

¹²⁷ Since the 1970s, undocumented immigrants have come predominantly from Mexico and from other Latin American countries. Immigrants from Asia comprise the next largest—although significantly smaller—group. In 2008 Mexican nationals made up approximately 59 percent of the total undocumented immigrants entering the United States, with individuals from Central and South American countries comprising 18 percent. Nearly 11 percent are from Asia, 4 percent from the Caribbean, less than 2 percent from the Middle East, and the remaining 6 percent from the rest of the world (Jeffrey S. Passel and D’Vera Cohn, “A Portrait of Unauthorized Immigrants in the United States,” Pew Hispanic Center Research Report, 14 April 2009, 21, pewhispanic.org/files/reports/107.pdf [accessed 30 December 2010]).

¹²⁸ I use the highly problematic “artists of color” following Roberta Uno, who describes two trends: artists whose treatment of race and ethnicity is positioned as different, as a “reaction against a dominant norm”; and artists who “amplify issues of race, ethnicity, and aesthetics within a specific cultural and ethnic perspective” (Uno, “The Color of Theater,” introduction to *The Color of Theater: Race, Culture, and Contemporary Performance*, ed. Uno with Lucy Mae San Pablo Burns [London: Continuum, 2002], 6). For examples of theatre works, see Frank Chin, *The Year of the Dragon* (Seattle: University of Washington Press, 1981); Rodrigo Duarte-Clark, *Brujerías*, in *Nuevos Pasos: Chicano and Puerto Rican Drama*, ed. Nicolás Kanellos and Jorge A. Huerta (Houston: Arte Público Press, 1989), 8–17; David Henry Hwang, *FOB*, in *FOB and Other Plays* (New York: Plume, 1990), 1–50; Lim, *Paper Angels*; Estela Portillo Trambley, *Sun Images*, in Kanellos and Huerta, *Nuevos Pasos*, 18–42, and *Puente Negro* and *Sor Juana*, in *Sor Juana and Other Plays* (Ypsilanti, MI: Bilingual Press, 1983); Dolores Prida, *Beautiful Señoritas*, in *Beautiful Señoritas & Other Plays*, ed. Judith Weiss (Houston: Arte Público Press, 1991), 17–45; Sánchez-Scott, *Latina*; Luis Valdez (for Teatro Campesino), *Quinta Temporada* and *Los Vendidos*, in *Early Works*:

artists challenged audiences more directly to consider the phenomenon of illegal immigration in the United States.¹²⁹ In the face of legal media circuses like Zoë Baird's 1993 "nannygate," in which President Clinton's derailed nominee for Attorney General brought unprecedented national attention to undocumented domestic workers without ever engaging Baird's chauffeur and child-care provider as anything other than an invisible, nameless abstraction, theatre artists sought more aggressively to surrogate the humanity erased in such debates. John Leguizamo, as the undocumented Pepe in *Mambo Mouth*, charges: "What are you so afraid of?"¹³⁰ The question well encapsulates how many of the performances of the period endeavored to challenge audiences and their legal consciousness, even if the respective works maintained and help sustain conceptions of illegal immigration as a specifically ethnic rather than a national or global phenomenon.

The specific focus on (il)legal status has allowed in some cases for productive movement across ethnic lines that highlights the specific power of law to shape identity. Some artists have endeavored explicitly to collapse different immigration histories and

Actos, Bernabé, and Pensamiento Serpentino (Houston: Arte Público Press, 1990), 28–39, 40–52; and Teatro de la Esperanza, *Guadalupe* and *La víctima*, in Huerta, *Necessary Theater*, 208–57, 316–65.

¹²⁹ Some examples: Guillermo Gómez-Peña, *Warriors for Gringostroika: Essays, Performance Texts, and Poetry* (St. Paul, MN: Graywolf Press, 1993), *The New World Border: Prophecies, Poems, & Loqueras* (San Francisco: City Lights, 1996), and *Dangerous Border Crossers: The Artist Talks Back* (London: Routledge, 2000); González-Pando, *The Great American Justice Game*; Velina Hasu Houston, *Tea*, in Uno, *Unbroken Thread*, 161–200; John Leguizamo, *Mambo Mouth*, in *The Works of John Leguizamo* (New York: Harper, 2008), 161–248; Josefina López, *Real Women Have Curves*, as well as *Simply María or the American Dream*, in *Shattering the Myth: Plays by Hispanic Women*, ed. Linda Feyder (Houston: Arte Público Press, 1992), 113–41; Cherríe Moraga, *Watsonville: Some Place Not Here* (Albuquerque, NM: West End Press, 1996, 1995) and *The Hungry Woman: A Mexican Medea*, in *The Hungry Woman* (Albuquerque: West End Press, 2001), 1–101; Kabu Okai-Davies, "In Another Man's Name" (unpublished script held by New York Public Library, 1990); Edit Villarreal, *My Visits with MGM (My Grandmother Marta)*, in Feyder, *Shattering the Myth*, 143–207; and Teatro Raíces, *E. T.—The Alien*, in *Teatro Chicana: A Collective Memoir and Selected Plays*, ed. Laura E. Garcia, Sandra M. Gutierrez, and Felicitas Nuñez (Austin: University of Texas Press, 2008), 229–40.

¹³⁰ Leguizamo, *Mambo Mouth*, 220.

experiences into a single stage event.¹³¹ While such efforts can reinscribe particular stereotypes even as they intend to critique a cruel immigration policy, the bringing together of different groups productively interrupts the kind of cultural and political isolation that can result when illegal immigration is treated, especially in the field of cultural production, predominantly through ethnic categorization. Other interesting and effective interruptions can also occur through adaptation and casting. A 1978 production of *A View from the Bridge* by the Four Seas Players in New York City, for instance, transferred the tragedy from Red Hook to Chinatown, changing little of the submarines' story. The altered setting served less to universalize the mythic piece than to pinpoint the crucial role that US immigration law plays in constructing a hostile environment and a fragile identity for those without papers.¹³² Likewise, for David Henry Hwang, who rewrote the book for the musical in 2001, what is at the core of *Flower Drum Song* is the clash of cultures coming together in a century marked by increased movement of people across national borders. Theatre and film historian Laurence Maslon supports Hwang and offers the view that the piece depicts "the complete spectrum of what it means to

¹³¹ See, for example, JoAnne Akalaitis, *Green Card*, *Theater* 18, no. 2 (1987): 38–64; Mary Gallagher, *¿De dónde?* (New York: Dramatists Play Service, 1991); Elizabeth Wong, *Letters to a Student Revolutionary*, in Uno, *Unbroken Thread*, 261–308; Chay Yew, *A Beautiful Country*, in *The Hyphenated American: Four Plays by Chay Yew* (New York: Grove Press, 2002), 167–275; and Oliver Mayer, *Conjunto*, in *Oliver Mayer: Collected Plays* (South Gate, CA: No Passport Press, 2007), 159–225.

¹³² See Barbara Crossette, "From a Chinese Bridge," *New York Times*, 7 July 1978, and *The CAAC: Chinese American Art News* 3, no. 8 (August 1978), both in "View from the Bridge" clippings file at the New York Public Library for the Performing Arts.

Miller commented once about another production of the play at City College in the late 1970s: "The Eddie Carbone character was played by a Korean; his wife was Jewish; the young people were all Chinese. The cast was terrific—and not one resembled the other! I thought it was inspiring" (Miller, accepting Finley Award in December 2001, quoted in City College website, www1.cuny.edu/events/cunymatters/2001_december/miller8.html [accessed 9 July 2009]). Similarly, a 1995 production directed by Darryl V. Jones at the Source Theatre Company in Washington, DC, offered a Dominican community at the center of the play (see Enoch Brater, "A Dominican View: An Interview with Darryl V. Jones," in *Arthur Miller's Global Theater*, ed. Brater [Ann Arbor: University of Michigan Press, 2007], 87–95).

live” in the United States as an immigrant, with the “smuggled” Mei Li and her father occupying an extreme pole: these characters are “archetypes for anybody in any city in America. Whether they’re Chinese or Jewish immigrants or Irish immigrants or whatever. They represent all the different aspects of trying to come to grips with what it means to live in this country.”¹³³

Even if it could speak to a universal immigrant experience—always a dangerous and difficult claim to make—*Flower Drum Song*’s trajectory into the twenty-first century demonstrates how the meaning of legal status has shifted and how the occupants of the pole Maslon describes adjust with it. As a film in 1961 (directed by Henry Koster), the piece heightened the audience’s awareness of Mei Li’s illegality by adding an opening sequence that detailed her and her father’s surreptitious entry into the San Francisco port. But when the show was reconceived by Hwang, Mei Li’s back was no longer wet. A self-proclaimed “refugee,” the character is explicitly escaping a violent Communist regime and is presumably legally permitted into the new country. While Hwang writes a darker piece in which the immigrant experience is far more painful than in the original musical comedy, his narrative no longer has room for an undocumented protagonist.¹³⁴ Viewed alongside the film version of *Real Women Have Curves*, which also premiered in

¹³³ Hwang and Maslon, interviewed for “A Classic Evolves: From Print to Stage to Screen,” DVD release of 1961 film (*Flower Drum Song* [Universal City, CA: Universal Studios Home Entertainment, 2006]).

¹³⁴ Rodgers, Hammerstein, Hwang, *Flower Drum Song*, 60. Hwang’s character list and stage directions consistently refer to refugees as well as to “new immigrants”; there are no indications that the characters are illegal immigrants. On a related note, NBC/Universal, which released the DVD of the 1961 film in 2006, chooses to describe Mei Li in its synopsis as a “young Chinese girl who travels to the United States as part of an arranged marriage.” *Flower Drum Song* is thus officially advertised today without reference to immigration status, despite both the 1958 Broadway musical’s and the movie’s insistence on such plot point. See NBC/Universal Store website, www.nbcuniversalstore.com/detail.php?p=12796 (accessed 31 July 2009).

the early 2000s, the revised *Flower Drum Song* suggests that an illegal immigrant might no longer prove as viable a protagonist for a major commercial endeavor as might have been the case in the late 1950s. Indeed, at the extreme edges of the commercial pole of theatre production, the undocumented remain today virtually invisible. The 2008 Broadway hit *In the Heights*, which focuses entirely on the Latina/o immigrant community in New York City's Washington Heights, celebrates the neighborhood without tackling the subject of law. While songs like "96,000" and "Blackout" comment on the general disenfranchisement of immigrants and on the increasingly racist tones of governmental policy, Lin-Manuel Miranda's musical avoids dealing with illegal immigration per se.¹³⁵

Glimpses of the varying ways in which Rodolpho and his brother Marco have been introduced in *New York Times* reviews of major productions of *A View from the Bridge*, from the premiere in 1955 to a 2010 Broadway revival, indicate a similar trend toward identifying undocumented figures on commercial stages. Brooks Atkinson writes in 1955 that the play involves "two Italians smuggled in aboard a cargo ship," a phrase he repeats twice. Atkinson does not once use the word "illegal" (or "submarine" or "undocumented").¹³⁶ Rodolpho and Marco, seemingly, are not the subjects of their actions, but rather victims of a system. Richard Coe chose to introduce the brothers in a review of a 1956 transfer from London without any mention of their immigration

¹³⁵ The book to *In the Heights* has not been published, but a cast album for the original Broadway production has been released. Lin-Manuel Miranda (music, lyrics, and original concept) and Quiara Alegria Hudes (book), *In the Heights*, CD recording (New York: Ghostlight, 2008).

¹³⁶ Brooks Atkinson, "Theatre: 'A View From the Bridge,'" *New York Times*, 30 September 1955, 21.

status.¹³⁷ Nearly a decade later, as immigration reform was very much in the air, an off-Broadway revival earned John Voight as Rodolpho the label of “illegal Sicilian immigrant” in Howard Taubman’s critique.¹³⁸ By the early 1980s, reviews of a new Broadway production more consistently referred to Rodolpho and Marco as “illegal immigrants,” dropping all qualifiers and letting the two single words tell a presumably well-known story to their readers.¹³⁹ With Ben Brantley’s 1997 review we find a totally new approach, as Marco and Rodolpho become men who “have entered the United States illegally to seek work.”¹⁴⁰ Here, they are active agents who have made a decisive choice. Brantley addresses the issue of illegality much more hesitantly in his review of the 2010 revival. He introduces “two Italian cousins of Beatrice’s—young men in need of work (and illegally in the country)—...”¹⁴¹ Thus, Brantley relegates Marco and Rodolpho’s unauthorized entry to parentheses within dashes, privileging now their necessity for employment over the condition of their immigration. Although I present different critics here, each reviewing a distinct production with his own style of writing, this short sample of articles does indicate a changing attention to the roles of the submarines and thus, perhaps, a changing national legal consciousness.

¹³⁷ Coe writes: “Gene Gross splendidly conveys the coiled-spring Sicilian vitality of the elder immigrant. Del Tenney is excellent as the equivocal lover” (Richard L. Coe, “Revised ‘Bridge’ Given in Capital,” *New York Times*, 9 November 1956, 34).

¹³⁸ Howard Taubman, “Theater: Miller Revival,” *New York Times*, 29 January 1965, 24.

¹³⁹ Mel Gussow, “Stage: Miller’s ‘A View From Bridge’ Revived,” *New York Times*, 28 December 1981, C16; and Frank Rich, “Theater: Arthur Miller’s ‘View From the Bridge,’” *New York Times*, 4 February 1983, C3.

¹⁴⁰ Ben Brantley, “Incestuous Longings On the Waterfront,” *New York Times*, 15 December 1997, E1.

¹⁴¹ Ben Brantley, “A View From Brooklyn Of Tragedy Most Classic,” *New York Times*, 25 January 2010, C1.

But as we move toward the more restricted pole of twenty-first-century cultural production, we find a flourishing variety of performances interested in scrutinizing illegal immigration. Sarah Jones, Rick Najera, and Ntare Mwine, like Leguizamo, have in recent years challenged stereotypes of the illegal alien directly in their much traveled and broadly acclaimed solo and monologue-based performances. Off-Broadway and on the regional theatre circuit, playwrights like Lisa Loomer and Octavio Solis and companies like Culture Clash and The Civilians have managed to garner attention for the topic of undocumented immigration from relatively wide-ranging audiences.¹⁴² And in community-based theatres across the United States, artists have countered the intensified anti-illegal immigration vitriol of the 1990s and 2000s—Proposition 187, English Only, Border Fence Project, Light Up the Border, Minuteman Project, Lou Dobbs, Bill O’Reilly, Tom Tancredo, Pat Buchanan, and now, Arizona SB 1070 law—with renewed interest in undocumented characters and their stories. Of eight new plays produced in 2007 and 2008 by Repertorio Español in New York City, two of them (*El vagón* [Boxcar] by Silvia González and *En ningún lugar de la frontera* [Nowhere on the Border] by Carlos Lacámara) seek explicitly to “contribute to the immigration debate.”¹⁴³

Borderlands Theater in Tucson, Teatro Luna in Chicago, Teatro Bravo! in Phoenix, and

¹⁴² Sarah Jones’s *Bridge and Tunnel* is yet to be published for general distribution; different versions of Rick Najera’s *Latinologues* are available in print (*The Pain of the Macho and Other Plays* [Houston: Arte Público Press, 1997]) and in DVD recordings (*Latinologues*, vol. 1 and 2 [Chatsworth, CA: Image Entertainment, 2005]). Mwine, *Biro*; Loomer, *Living Out*; Octavio Solis, *River Plays* (*El Otro, Dreamlandia, Bethlehem*) (South Gate, CA: NoPassport Press, 2010), and *Lydia*; *Culture Clash: Life, Death and Revolutionary Comedy* (New York: Theatre Communications Group, 1997) and *Culture Clash in America*; and Steve Cosson (The Civilians), *I Am Nobody’s Lunch* (London: Oberon Books, 2006).

¹⁴³ Repertorio Español 2007–2008 Season Report, page 1, available at Repertorio’s home website, www.repertorio.org/todownload/English/SeasonRepWeb0708.pdf (accessed 20 July 2009). I count here only new productions. García’s *El insomnio americano* (2004) played in repertoire with the other two plays, of which only *Boxcar* has been published at this time (Silvia González S., *Boxcar/El vagón*, 37–68, in *Borders on stage: Plays produced by Teatro Bravo*, ed. Trino Sandoval [Phoenix: The Lion & The Seagoat, 2008]).

the Cornerstone Theater Company in Los Angeles, to name just a few, have similarly engaged in the debate with works like *Visitor's Guide to Arivaca (Map Not to Scale)* by Evangeline Ordaz, *Kita y Fernanda* by Tanya Saracho, *14* by José Casas, *Los Illegals* by Michael John Garcés, and *No Roosters in the Desert* by Kara Hartzler. On more self-described “fringe” stages, as well as in college theatres, a post–September 11 reengagement with immigration issues has fostered a broad variety of treatments for stories about the undocumented: tear-jerkers such as Carlos von Son’s *Cruces* (Crosses), satires such as the *Refugee Girls Revue* by Jena Friedman, fantasies such as *Aliens with Extraordinary Skills* by Saviana Stanescu, documentary dramas such as *De Novo* by Jeffrey Solomon, and musicals such as *Tres Niñas* by Michael LaChiusa and Ellen Fitzhugh.¹⁴⁴

These are but some of many examples, but they serve here to pinpoint certain trends. First, at a basic level, there seems to be a growing interest in performances about illegal immigration. Second, most of these performances approach the topic from a predominantly pro-immigration point of view. It is not difficult to see that, as they participate actively in furthering a dialogue about the border more generally,¹⁴⁵ most artists seek to call attention to the unfair, problematic, and often catastrophic consequences of crossing borders without papers. Third, as each of the subsequent

¹⁴⁴ Only Casas’s, Hartzler’s, and Stanescu’s plays have been published as of yet: José Casas, *14, Borders on stage*, 69–128; Kara Hartzler, *No Roosters in the Desert*, based on the fieldwork by Anna Ochoa O’Leary (South Gate, CA: NoPassport Press, 2010); Saviana Stanescu, *Aliens with Extraordinary Skills* (New York: Samuel French, 2009). I use the term “tear-jerker” following reports of *Cruces*’s effects on audiences (Shahrazad Encinias, “Play focusing on dangers of border crossing touches audience,” *North County Times*, 24 September 2007, available at faculty.palomar.edu/cvanson/Cruces_Play_focusing_on_dangers_of_border.htm [accessed 20 July 2009]).

¹⁴⁵ See Guillermo Gómez-Peña, “The Multicultural Paradigm: An Open Letter to the National Arts Community,” in Taylor and Villegas, *Negotiating Performance*, esp. 21 (see preface, n. 2).

chapters will explore, the performances broaden the visibility of legal nonexistence. And in creating a space of existence, these performances often succeed not just in calling attention to but also subverting legal identities. At times, however, such performances can reiterate and naturalize certain legal categories and perpetuate economic and political structures that create illegal immigration in the first place. Finally, these most recent performances, together with earlier examples, attest to a common understanding of immigration law that is increasingly filtered through the issue of illegal immigration, highlighting the power of legal consciousness to shape our individual and our collective sense of self. Within this context, I turn to specific case studies in each subsequent chapter so that I can more deeply examine performances of legal nonexistence on the contemporary US stage.

Chapter 2

“Like Being Reborn”: Crossing Legal Boundaries, Border Scenarios, and Nation

Maps, Benedict Anderson has urged us to consider, allow us to imagine nations. Whether with thick, dark lines or contrasting colors or a combination of both, most standard maps today offer a visual representation of the nation, stressing its existence as an “inherently limited and sovereign” entity. The map offers the “imagined political community” that is “nation,” as Anderson has defined it,¹ a shared sense of inside and outside, of beginning and end. On a map, the nation’s dominion is concretely visible. The boldly painted borders suggest lines of consequence—cross them and something will, or at least should, change. Something *happens* when you step across those seemingly representable and perceptible national boundaries. “To cross the border is a big decision,” offers the character of Julia in Culture Clash’s interview-inspired *Bordertown*; “it’s like being reborn.”²

A quick check of weather reports or a glance at satellite images of landscapes reveals that it is neither topographic nor climatic distinction—and by extension neither geological nor atmospheric nor ecological difference—that the lines delimiting the sovereign United States seek to underscore. The often arbitrary and artificial borders that define nations dissolve when we consider natural phenomena.³ Globalization’s push to

¹ Anderson, *Imagined Communities*, 6 (see preface, n. 6). For his discussion of maps, see 170–78.

² Culture Clash, *Bordertown*, in *Culture Clash in America* (New York: Theatre Communications Group, 2003), 20. Subsequent references to this play will be noted parenthetically and abbreviated *B*. Unless otherwise noted, all italics and bold text are found in the original script.

³ Of course, national environmental policies and local consumer trends alter the natural landscape, and thus, national boundaries might very well mark radical environmental differences. A noted example is the border between Haiti and the Dominican Republic. Satellite images show how different deforestation policies have created a visible line separating the two countries (see NASA’s Scientific Visualization Studio, svs.gsfc.nasa.gov/vis/a000000/a002600/a002640/ [accessed 27 March 2010]). Man-made

move capital and information with relative ease across national borders similarly problematizes the concreteness underpinning the limitation and sovereignty that we imagine in order to see, feel, and experience “nation.” In the 2006 revised edition of *Imagined Communities*, Anderson describes a world transformed by the flow of ideas, cultural products, and money as he highlights the remarkable “travel and traffic” of his book since its initial 1983 publication. In an age of globalization, it is quite possible that the transnational movements of resources, of ideas, and especially of peoples, have “seriously undermined the nation-state as a focus of political organisation and action,” to quote Robin Cohen.⁴ Indeed, globalization in many ways ostensibly marks, borrowing Kenichi Ohmae’s evocative title, “the end of the nation state.”⁵

But if the homogeneity of the *nation-state* is, and continues to be, weakened by an increasingly globalized system of migration and exchange, the solidity of *nation* has proven much more resilient. On the one hand, as Saskia Sassen notes, structures of national sovereignty have been fundamental to the development of globalization. We

structures like walls and fences can also serve to delineate a national boundary, as is the case with the United States. Most recently, however, Homeland Security Secretary Janet Napolitano announced the scaling back of plans made during the Bush administration to expand construction of a border wall alongside the US–Mexico border, as the project has not curbed immigration flows as had been expected (Randal C. Archibold, “Budget Cut for Fence on U.S.-Mexico Border,” *New York Times*, 17 March 2010, A13).

⁴ Robin Cohen, “Diasporas, the Nation-State, and Globalisation,” in *Global History and Migrations*, ed. Wang Gungwu (Boulder: Westview Press, 1997), 135. Cohen’s ideas follow definitions of “nation-state” as a sovereign political organization home to a relatively homogeneous people. He stresses that globalization has meant “[f]orms of international migration that emphasise contractual relationships, intermittent postings abroad, and sojourning, as opposed to permanent settlement and the exclusive adoption of the citizenship of a destination country” (135). Cohen serves as one example in the growing trend of scholarship that “has been transformed in recent years by a fundamental reconsideration of the relationship between capitalism, the nation-state, and human migration spurred by the so-called transnational turn” (see David G. Gutiérrez and Pierrette Hondagneu-Sotelo, “Introduction: Nation and Migration,” *American Quarterly* 60, no. 3 [September 2008]: 503).

⁵ Kenichi Ohmae, *The End of the Nation State: The Rise of Regional Economies* (New York: Free Press, 1995).

must not mistake the global and the national as “mutually exclusive.”⁶ Neoliberalism and globalization have spread *through* national economies and administrations. While processes of globalization have certainly transformed nation-states, Joseph Nevins cautions us to remember that flows of capital, finance, services, and goods have simultaneously triggered increased boundary and immigration enforcement to guard the interests of dominant classes. In an era of globalization, national boundaries as sites in need of protection “have become relatively ‘normal,’ unproblematic, and uncontested components of the social landscape.”⁷ It is the continued power of nation as an imagined community with an us and a not-us—the US and not US—that is of interest here.

Maps may help us to conceive of a nation’s boundaries, but it is immigration law that effectively maintains the lines within which sovereignty and national limits continue to be imagined, especially given a world in which transnational flows have reached what Cohen calls “a new tempo and intensity.”⁸ Immigration law serves, as Hiroshi Motomura writes, as a most literal project of national self-definition: immigration and citizenship laws are, at their core, decisions about what “our” community is and about who “we” want to become.⁹ Despite the fact that “globalization and transnationalism characterize the present moment,” David Gutiérrez and Pierrette Hondagneu-Sotelo remind us,

⁶ Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006), 21.

⁷ Joseph Nevins, *Operation Gatekeeper and Beyond: The War on “Illegals” and the Remaking of the U.S.–Mexico Boundary* (New York: Routledge, 2010), 194. Nevins points out that “[i]ntensified policing efforts are taking place along a variety of international boundaries throughout the world—most markedly along those divides that separate widely divergent levels of socioeconomic development. These efforts are part of a war of sorts by relatively wealthy and privileged countries against unauthorized migrants” (10).

⁸ Cohen, “Diasporas, the Nation-State, and Globalisation,” 135.

⁹ Hiroshi Motomura, “Whose Alien Nation?: Two Models of Constitutional Immigration Law,” *Michigan Law Review* 94, no. 6 (1996): 1927.

“claims to rights located at a national level” continue to dominate discussions about immigrant rights. “Claims are still made on the nation,” they maintain,¹⁰ and so, the borders that immigration law seeks to define and patrol become especially significant. Immigration law, then, offers insight into why national borders remain consequential and why crossing them can drastically affect one’s identity. It is perhaps in the legal act of crossing a border, and through the performances that such an act requires, that one is reborn.

In this chapter’s first section, I consider the role that performance plays in crossing legally defined borders. I then move to investigate three plays that, together, make a strong case for viewing such crossings as integral to identity formation while simultaneously pointing to the limits of immigration law to sustain actual and imagined national borders. I begin by analyzing Genny Lim’s 1980 *Paper Angels* in conjunction with Culture Clash’s 1998 *Bordertown*.¹¹ Although they focus on different historical moments, the two pieces explore immigration law’s dependence on performance and performance’s potential to disrupt immigration law. I proceed to reconsider Josefina López’s 1990 *Real Women Have Curves* to discuss the lasting effects on identity and self-perception that crossing a legal border can prompt, as well as some of the tactics used to counter the performances demanded by immigration processes.¹² Taken together, the

¹⁰ Gutiérrez and Hondagneu-Sotelo, “Introduction: Nation and Migration,” 507.

¹¹ Genny Lim, *Paper Angels*, in Uno, *Unbroken Thread*, 11–52 (see ch. 1, n. 86). Subsequent references to this play will be noted parenthetically and abbreviated *PA*. Unless otherwise noted, all italics and ellipses are found in the original script.

¹² Josefina López, *Real Women Have Curves* (Woodstock, IL: Dramatic Publishing, 1996). Subsequent references to this play will be noted parenthetically and *RW*. Unless otherwise noted, all italics, ellipses, and bold text are found in the original script. As explained in the previous chapter, “tactics” here follows de Certeau in an effort to evoke the uneven power dynamics at play in these immigration processes.

work of Lim, *Culture Clash*, and López span the era of identity politics in US cultural production, and I move, in the chapter's end, to examining the trajectories of the theatrical products. If Anderson's observations about the travel and traffic of his own book alert us to an increasingly interconnected world, the travel and traffic of the three plays illuminate some of the repercussions of ethnicity-based identity politics. In my own effort to consider law's participation in identity-formation, I note how the field of cultural production in the US naturalizes and solidifies new kinds of borders. Ironically, as the plays criticize the power of seemingly arbitrary borders to alter the identity of individuals who cross them, they also exemplify the ease with which ostensibly artificial and imagined lines continue to divide and blind. The plays' trajectories thus complicate a simple critique of nation and of the immigration law that makes its imagining possible.

BORDER SCENARIOS AND PERFORMANCES AT THE BORDER

In *Contemporary Latina/o Theater*, Jon Rossini argues that “[d]espite the explanatory power of the border..., the ease with which it is deployed rhetorically as a description of hyphenated, hybrid, and fragmented identities has created a haunting sense of exhaustion with its metaphorical use.”¹³ He challenges us to reactivate “the border” with attention to material realities. With this in mind, I approach the legal border as not only a geographic or geographically imagined concept but also as a site that demands concrete performances from its crossers and its managers. Such performances are needed precisely because the national border, as a man-made phenomenon, does not and cannot establish its power without requiring some sort of action. As I explore below, the

¹³ Rossini, *Contemporary Latina/o Theater*, 117 (see preface, n. 7).

border's consequence lies to a great extent in its activation of material interactions between those entering a country and those charged with guarding that country's literal and metaphoric gates. When we imagine the national border as a phenomenon that operates through performance rather than as a geographic line to be drawn on a map, we can begin to understand the power, as well as the fragility, of such a legally constructed boundary.

In the case of US borders, immigration law insists on a performance of sorts if official entry into the sovereign nation is to be granted. Mae Ngai describes how the advent of 1924 immigration regulation caused a seismic shift in what was required to enter the United States as, increasingly, the US government transitioned to an inspection of papers rather than of bodies.¹⁴ In a post-9/11 environment, the new Department of Homeland Security has moved beyond the mere scrutiny of paper documents toward “biopolitical tattooing,” Giorgio Agamben’s powerful description of new technologies—like the electronic registration of finger prints, retinal scans, and subcutaneous tattoos—aimed at tracking border crossers.¹⁵ None of these so-called advancements has altered the fact that immigration processes continue to rely on face-to-face interactions. At present, the 1965 INA continues to provide that “[a]ll aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers.”¹⁶

¹⁴ Ngai, *Impossible Subjects*, 61 (see ch. 1, n. 93). Ngai reminds us that although Immigration Service did away with the line inspections of physical bodies for arrivals, the shift to paper visas merely transferred necessary medical and bodily inspections to US consulates abroad.

¹⁵ Giorgio Agamben, “No to Biopolitical Tattooing,” trans. Stuart J. Murray, *Communication and Critical/Cultural Studies* 5, no. 2 (June 2008): 201–2; and Agamben, “Bodies Without Words: Against the Biopolitical Tatoo [sic],” *German Law Journal* 5, no. 2 (2004): 168–69.

¹⁶ INA, § 235(a)(3), codified at *U.S. Code* 8 (2010), 1225(a)(3).

Penetrating the national border involves an actual or a potential face-to-face interaction with a border official. It may be papers that such an interaction will highlight, but the legally required encounter creates very much an embodied and live interface. Such an interview does not always occur at a geographic border, nor does it always coincide with the time of entry. Whether at an airport in St. Louis or at a road stop one hundred miles deep into a Texas highway, whether at the moment of arrival or months later, the border that immigration law creates is much more fluid than the Rio Grande and less precise than the forty-ninth parallel. The border can, as Linda Bosniak explains, follow noncitizens inside.¹⁷ Several interrelated questions spring from conceiving the border as an embodied performance rather than as a strictly spatial phenomenon: What kinds of performance are needed to cross a legal border? What kinds of performances might undocumented immigration require? How do these performances create new identities, shape new legal consciousness, and lead to new ways of being? How is the nation (re)imagined when the border is seen as an experience rather than as a location?

In her recent analyses of modern European national borders and the movement of refugees, Sophie Nield has explored the border's "theatricality." She offers the idea that crossing national boundaries "compel[s] certain kinds of appearance"—border crossers must present themselves physically and also represent their legitimacy—and that such appearances are not unlike the performances of stage actors, who simultaneously must be

¹⁷ Bosniak, *The Citizen and the Alien*, 4 (see ch. 1, n. 28). We have yet to see the impact of Arizona SB 1070, the legislation signed by Governor Jan Brewer on 23 April 2010. A federal judge hindered its full implementation on 28 July 2010, setting the stage for a long legal battle between Arizona and the federal government. Yet, it is evident that the law seeks to make the border scenario a palpable threat throughout the state and at all times, as it "make[s] the failure to carry immigration documents a crime and give[s] the police broad power to detain anyone suspected of being in the country illegally" (Randal C. Archibold, "Arizona Enacts Stringent Law on Immigration," *New York Times*, 24 April 2010, A1; Archibold, "Judge Blocks Arizona's Immigration Law," *New York Times*, 29 July 2010, A1).

a physical body and a representative figure. Hence, she posits that we can productively apply the “idea of the ‘theatrical’” to uncover, perhaps discover, the type of performance that the border requires. “It is a theatrical moment,” she insists in her discussion of a border encounter, “the moment at which ‘you’ are produced” for an audience of “observers, inspectors, judges” through the conjunction of actual and represented presence.¹⁸ Importantly, Nield proposes that “the theatre is a place where the issues [of crossing national borders] are framed, problematised, opened up and made accessible to analysis and critique.” She continues:

I do not say that performance and theatre fix these difficulties, but they open, I believe, an alternative form of border space in which the pieces are taken apart, not by the instrumentalities of the nation-state and its mechanisms of surveillance and control, but by the staging and exploration of questions of identity, narrative, space and embodiment, of presence and representation, and most certainly of appearance.¹⁹

Before addressing how *Paper Angels*, *Bordertown*, and *Real Women Have Curves* attempt, with limited success, to accomplish the difficult task of opening an alternate border space such as Nield sets forth, I would like to build a stronger foundation upon which to discuss the US borders as sites of performance and performances of the border as practices critical to the development of particular legal identities and legal consciousness.

Following Diana Taylor’s suggestions that we consider scenarios “as meaning-making paradigms that structure social environments, behaviors, and potential outcomes”

¹⁸ Nield, “On the border as theatrical space,” 64–65 (see ch. 1, n. 51).

¹⁹ Nield, “The Proteus Cabinet,” 144 (see ch. 1, n. 51).

and, more recently, that “[s]cenarios define us—individually and collectively,”²⁰ I see the type of face-to-face questioning that US immigration law calls for as a productive starting point for investigating imaginings not only of border crossings but also of community and nation. After all, the basic encounter between border crosser and border official functions, like Taylor’s example of a scenario of discovery, as a “portable framework bear[ing] the weight of accumulative repeats,” as simultaneous “*setup* and *action* [that] frame and activate social dramas.”²¹ Combining a textual/narrative component as well as an embodied experience, what I will call “border scenarios” offer the opportunity for repetitions and restagings that potentially disturb and subvert the power dynamics at play. Certainly, a great number of theatre pieces tackling the issue of immigration into the United States offer versions of the INA interrogation integral to the border scenario. Be it an immigrant–immigration officer encounter (*Paper Angels*, *A Beautiful Country*, *El vagón*, *¿De dónde?*, *La víctima*, *Latinologues*, *Nobody’s Lunch*, *Deporting the Divas*, *Aliens with Extraordinary Skills*, *El insomnio americano*, *Green Card*, *The Hungry Woman*, *Martínez*, *El Otro*), an immigrant–police officer run-in (*Mambo Mouth*, *Walking to America*, *Biro*), an immigrant–vigilante confrontation (*Bordertown*, *Nowhere on the Border*), or an immigrant–judge interrogation (*FOB*),²² such onstage repetitions of border scenarios provide a glimpse into the ways in which the national border, and by extension the sovereign nation, continues to be imagined. After all, it is through the “staging and embodiment” that the border scenario demands, whether “real or virtual” (to continue

²⁰ Diana Taylor, *The Archive and the Repertoire: Performing Cultural Memory in the Americas* (Durham: Duke University Press, 2003), 28; Taylor, “Double-Blind: The Torture Case,” *Critical Inquiry* 33, no. 4 (Summer 2007): 729.

²¹ Taylor, *The Archive and the Repertoire*, 28. Italics in the original.

²² I have provided bibliographic information for all of these pieces in the previous chapter.

borrowing Taylor's formulation), that the national border surfaces as a concrete and materially consequential site.²³

Focused on scenarios of conquest and ticking-bomb scenarios, Taylor boldly differentiates between scenarios and case studies, alerting us that “[s]cenarios are hypothetical” and that “rather than offer[ing] evidence or reproducible findings they [instead] reveal deep social imaginaries, fears, and desires.” Scenarios are “not what *is* but what *if*.”²⁴ However, border scenarios, particularly when they are staged in interview-based pieces like *Bordertown* and *Paper Angels*, remind us that the line between hypothesis and observation is not always clear-cut. *What if*, the stage pieces insist, very well can alert us precisely to *what was* or to *what is*. As Taylor herself has suggested, “simulation produces the new real.”²⁵ We must therefore pay attention to how representations of border interactions might not only reactivate or stage cultural imaginaries, but also guide and create real-life exchanges between border crossers and managers. In other words, the what if, which helps us to imagine how the border functions, might, and often does, become the what is.

The border scenarios that I will identify and analyze in the stage work of Lim, Culture Clash, and López rely on the staged and embodied social dramas that US immigration law itself prompts. Such dramas center on the performances of two central figures: border crosser and border monitor, each in various permutations. Inspired by Albert Memmi's 1957 *The Colonizer and the Colonized*—an exploration of the psychological effects of colonialism on the opposing but interrelated figures of oppressor

²³ Taylor, “Double-Blind,” 728.

²⁴ *Ibid.*, 716–17.

²⁵ Diana Taylor, “Afterword: War Play,” *PMLA* 124, no. 5 (October 2009): 1890.

and oppressed that the system creates—I also view the participants in the border scenario as mutually constructed. Their “flesh and blood encounter”²⁶ reveals the dynamics of power, agency, and sense of self that immigration law helps forge. Crossers and monitors surface as key players with intricately related strategies in a contained drama, whose repetitions and variations prove critical in continuing imaginings of nationhood.

In her studies of immigration screening, Janet Gilboy tracks the manner in which immigration officials at international airports and at road crossings make decisions and consider entrants into the US.²⁷ Her focus on government workers allows us to contextualize one of the key players in a typical border scenario. Gilboy offers extensive evidence to paint a portrait that, in key respects, has changed little since the early twentieth century. Thus, she quotes William Van Vleck’s study of procedures at Ellis Island to describe practices she perceives are still in play in the late twentieth century:

As a rule the inspectors are compelled to work rapidly. They develop a routine of questions and a routine of decisions. Usually they have fairly well-defined mental pigeonholes into which they place each case. The inspection becomes largely a matter of rules worked out by the inspectors from experience or followed as a matter of custom or administrative routine.²⁸

²⁶ Albert Memmi, *The Colonizer and Colonized* (expanded ed.), trans. Howard Greenfeld (Boston: Beacon Press, 1991). Quotation is from Susan Gilson Miller’s afterword, 168.

²⁷ Janet A. Gilboy, “Deciding Who Gets In: Decisionmaking by Immigration Inspectors,” *Law & Society Review* 25, no. 3 (1991): 571–600; and Gilboy, “Penetrability of Administrative Systems: Political ‘Casework’ and Immigration Inspections,” *Law & Society Review* 26, no. 2 (1992): 273–314. Although her publications predate 9/11, Gilboy remains an authority and an often-cited voice in discussions about screening practices.

²⁸ William C. Van Vleck, *The Administrative Control of Aliens: A Study in Administrative Law and Procedure* (New York: Commonwealth Fund, 1932), 45, quoted by Gilboy, “Deciding Who Gets In,” 580.

Despite the shift toward document-based transactions, border officials remain involved in human-to-human processes that ask them to judge the believability of an entrant's claim without recourse to exact guidelines. "There's no rules," confesses one of the inspectors Gilboy interviews: "That's the hardest part of the job. It's not something someone can tell you. You have to learn it with experience." Embedded, then, in all of the officers' verdicts are what Gilboy calls "judgments of credibility."²⁹ She is careful to explain that such judgments do not rest entirely on the performance of an individual border crosser. While discrete characteristics of an individual's appearance, behavior, and speech can sway an officer's decision to grant entry or to recommend secondary inspection, prior experiences in the job (both personal and organizational) and a local work culture that demands, above all, speed *and* caution often prove much more influential in shaping the decision-making process.

Gilboy does not directly approach the figure of the applicant for admission. Still, a wide range of portraits—from nervous old women who have never entered the United States before to seasoned business travelers—emerges from the many comments and descriptions that the officers she studies offer. While it is impossible to arrive at a comprehensive set of tactics used by applicants, it does become quite clear that the border interview essentially creates a legally conscious figure with a distinct goal: to enter the country. Border agents may not arrive at their conclusions based exclusively on the individual performances offered by applicants for admission, but this does not much alter the fact that those applicants individually aim to provide the type of credible performance that they believe will grant them passage. At the risk of stating the obvious, I call

²⁹ Gilboy, "Deciding Who Gets In," 581, 585.

attention to the entrant's basic desire, because it becomes a site at which legal consciousness and performance converge. Whatever personal feelings or knowledge about immigration law the entrant may have, crossing a border reflects a conscious legal choice, and the act of crossing requires a performance that will allow him or her to maneuver the requirements of the border scenario. The entrant must consider how best to manage or avoid all together the face-to-face interaction that crossing the border will potentially demand. His or her approach thus relies on imagining the possible actions of a border monitor.

In my study of courtroom docudramas, I call attention to the ways in which a legal process such as a trial can push participants beyond the everyday and into a "performance," if we follow Eugenio Barba's description of such as an extradaily phenomenon.³⁰ While border interactions might prove routine for monitors (and thus their mechanical approach to getting the job done), the border scenario places crossers in an ostensibly extradaily situation. Indeed, the role of "applicant for admission," much like the role of "juror" that I analyze in "Reviewing the Rosenbergs," results in defining a clear and powerful purpose for the player, one that must be pursued in a focused and determined manner. Driven by a Stanislavskian superobjective, the applicant is, theoretically at least, fully prepared to dismiss the extraneous and insignificant, anything that might prevent him or her from maintaining a through line of action.³¹ Extending

³⁰ Gad Guterman, "Reviewing the Rosenbergs: Donald Freed's *Inquest* and Its Jurors," *Theatre Survey* 48, no. 2 (November 2007): 271–72. In the article, I discuss Barba and Nicola Savarese's *A Dictionary of Theatre Anthropology: The Secret Art of the Performer* (New York: Routledge, 1991), especially 8–22.

³¹ Constantin Stanislavski, *An Actor Prepares*, trans. Elizabeth Reynolds Hapgood (New York: Routledge, 1948), 271–80. Jean Benedetti translates Stanislavski's well-known concepts as "Supertask" and "Throughaction." The idea of having to find "life-giving goals" by dismissing the trivial, the

Barba's understanding of the actor, we might say that the applicant, placed in an extraordinary performance, is a "decided body," resolute in his or her desire to enter the country.³² For those crossing a national border without papers, the border scenario proves especially pressing—so that undocumented crossers are especially decided, we could say—and their embodied participation in the performance that immigration law requires must take one of two forms to increase the likelihood that the border official will permit entry: what I will call respectively "performances of invisibility" and "performances of credibility." In either case, the experience likely intensifies the individual's social position and then permeates his or her everyday identity.

The Pew Hispanic Center estimates that under current conditions roughly 55 percent of illegal immigrants enter the United States without passing through inspection.³³ For these undocumented crossers, entering the US requires a performance of invisibility. In order to avoid or bypass the required inspection, entrants must actively disappear themselves, be it by hiding, by traversing unmonitored borders, or, in many cases, by doing both. Susan Bibler Coutin emphasizes that individuals who attempt to cross into the US without authorization "must erase" their entire journey.³⁴ These acts of disappearance forge a distinct legal consciousness. In her analysis of votive iconography

irrelevant, and the superfluous remains the same in the new translation (Konstantin Stanislavski, *An Actor's Work: A Student's Diary*, trans. Jean Benedetti [New York: Routledge, 2008], 307, and 306–21 more generally).

³² Barba and Savarese, *A Dictionary of Theatre Anthropology*, 17.

³³ "Modes of Entry for the Unauthorized Migrant Population," Pew Hispanic Center website, 22 May 2006, pewhispanic.org/factsheets/factsheet.php?FactsheetID=19 (accessed 28 November 2009).

³⁴ Coutin, *Nations of Emigrants*, 100 (see ch. 1, n. 27). Nield describes similar acts of disappearance and invisibility. Of Eastern European refugees trying to cross the English Channel by hanging underneath trains, she offers: "If they can disappear from view, resist the visibility and the definition, which the mechanism of the border imposes, and the necessity to demonstrate insiderness, belonging, citizenship, then movement may once again become possible for them" (Nield, "On the border as theatrical space," 70).

in the testaments of migrants crossing the US-Mexico border without documents, Cecilia Olivares, for example, offers the view that “[c]rossing the border for the illegal migrants is a uniquely politicized experience.” It leads to the “formulation of identities that exist within particular spaces of the border” precisely because the means of achieving entrance into the United States requires extraordinary feats vis-à-vis increasingly fatal obstacles.³⁵ Although performances of invisibility seek altogether to avoid the playing out of a border scenario, such tactics also postpone or transfer the potential interaction to a different place and/or time. The probability of a border scenario lingers.³⁶ And as explored in the previous chapter, the fear of an encounter with immigration officials feeds and structures much of the undocumented’s experience. We can thus begin to understand a performance of invisibility as a type of ritual of transition, or baptism—as *Bordertown’s* Julia does—since the surreptitious passage initiates and confirms the legal nonexistence into which the undocumented has entered.

Entrants who do present themselves at the border (be it with legitimate or forged papers and regardless of their intentions to abide by the terms of their visas) require a performance, not of invisibility, but rather of credibility at the necessary inspection. However, for those relying on forged papers and for those entering the United States with the knowledge that they will violate their visa parameters, such a performance of credibility inevitably becomes more acute. The stakes are raised, as the type of appearance made necessary (to revisit Nield’s proposition) involves conscious efforts to

³⁵ Cecilia Olivares, “Seeking Divine Intervention: Votive Iconography and Processes of U.S.-Mexican Migration,” in Baugh, *Mediating Chicana/o Culture*, 100, 102 (see preface, n. 3).

³⁶ As the remaining chapters will consider, immigrants will continue to have to prove their right to be inside the US, both in places far from the geographic border and in times long after the moment of entering.

bridge an existing gap between the physical person and its paper representation. Coutin succinctly describes that unauthorized migrants must “act by appearing *not* to act.”³⁷ Such efforts, if credible, can potentially accomplish entrance into the country, even when the proper legal authorization does not exist. The decided border crosser becomes a theatrical actor of sorts, preparing a role that might convince his or her audience, even for just one moment, of a particular truth. Rubén Martínez describes in his study of a family’s deadly experience with the US-Mexican border, how *coyotes* (smugglers who profit from bringing undocumented migrants into the United States) today serve in part as acting coaches, directing their *pollitos*’ (literally, chicks’) speech, wardrobe, and storyline in order to achieve a credible performance for immigration officials.³⁸ Creating a performance of credibility depends on personal experience and/or the experiences and stories of other border crossers. The tactics utilized anticipate and imagine what an immigration official might be like and so reveal and transmit “cultural fantasies, fears, and values,” as Taylor avers all scenarios do.³⁹

By turning to the three examples at hand—*Paper Angels*, *Bordertown*, and *Real Women Have Curves*—I aim to investigate how the performances required in the border scenario, specifically for undocumented migrants, affect more than just the momentary action of crossing a national border. Performances of invisibility and of credibility can, as the plays stage, drastically alter an entrant’s sense of identity and of belonging. At the same time, I am interested in considering how theatrical engagements with and activation of border scenarios play with the dynamics of the exchange and, in so doing, (re)imagine

³⁷ Coutin, *Nations of Emigrants*, 103.

³⁸ Martínez, *Crossing Over*, 202 (see ch. 1, n. 30).

³⁹ Taylor, “Double-Blind,” 728.

the concept of a national border. Because the plays confront and trouble the nation's solidity, I turn to Homi Bhabha's concept of "minority discourse" to evaluate their participation within the broader field of cultural production. Bhabha uses minority discourse to trouble Anderson's "'nation' as a narrative strategy."⁴⁰ As I explore in the chapter's final section, the three plays' trajectories through a field that can demand neat categorization from its artists and their products illustrate how other kinds imagined communities can reinforce, rather than disrupt, essentialist or divisive models.

***PAPER ANGELS AND BORDERTOWN:*
STAGING BORDER SCENARIOS AND UNDOING NATION**

Relying on stagings of the border scenario, Genny Lim's *Paper Angels* and Culture Clash's *Bordertown* both depict the material consequences of specific immigration policies while challenging the limits of those policies to concretize a national border. As with the other major examples in this project, my selection of Lim's and Culture Clash's work privileges 1) theatrical pieces created after the 1965 INA that have healthy production histories; 2) inter-play juxtapositions that call attention to different immigration histories and that interrupt well-entrenched trends of categorization in studies of US theatre; and 3) performances that both foreground and imaginatively play with the issues of illegal immigration.

Paper Angels, which premiered at the Asian American Theatre Company in San Francisco in October 1980, centers on several Chinese men and women awaiting entry into the United States. The tense and dramatic play is set in 1915 at the Angel Island Immigration Detention Center, where nearly one million Asian immigrants were

⁴⁰ Homi K. Bhabha, *The Location of Culture* (London: Routledge, 2004), 201.

inspected and processed by government agents between 1910 and 1940, while the Chinese Exclusion Act was still in effect. In the late 1970s, Lim had collaborated with historians Him Mark Lai and Judy Young—all descendants of immigrants processed at Angel Island—to collect poems that had been discovered on the walls of the detention center just a few years earlier and conduct interviews with Chinese immigrants. Together, the oral histories and poetry led to a publication,⁴¹ but Lim feared that “more people wouldn’t find out about this period of history and [so] decided that drama was the best way to reach more people.”⁴² Drawing from her archival research and conversations with Angel Island detainees, she wrote *Paper Angels*, a play that has regularly been produced throughout the United States as well as in Canada and China, especially after a 1985 televised presentation on PBS.⁴³ Of particular interest here, Lim’s documentary drama, which draws directly on the experiences of individuals who passed through the immigration center at Angel Island, offers a dramaturgical procedure that complicates any neat division between scenario and case study. Although Taylor offers the observation that scenarios “hide [their] own theatricality” and fail to “furnish evidence or

⁴¹ H. Mark Lai, Genny Lim, and Judy Young, *Island: Poetry and History of Chinese Immigrants on Angel Island 1910–1940* (Seattle: University of Washington Press, 1991). The book was first published in 1981 through the San Francisco Study Center. Lim did not learn about Angel Island until she was an adult; her parents refused to broach the painful memories. She became fascinated with the poetry but found few materials on the subject. While working on a public-television program about desegregation, Lim interviewed a Chinese American girl who discussed her own father’s experiences at Angel Island. Lim became interested in connecting the fear the young girl described to the “persistent fear that had been born long ago on Angel Island, born out of a painful first experience in America” (Christine Koyoma, “A Novice Playwright Finds Inspiration in Her Heritage,” *New York Times*, 16 June 1985, 29).

⁴² Christine Koyoma, “A Novice Playwright Finds Inspiration in her Heritage,” *New York Times*, 16 June 1985, 29.

⁴³ *Paper Angels*, directed by John Lone for *American Playhouse*, aired on PBS on 17 June 1985. Although there is no recording of the program for distribution, a video can be seen at the Paley Center for Media in New York City. I visited the Paley Center on 19 August 2009.

establish cause and effect,”⁴⁴ *Paper Angels* rehearses hypothetical interactions but also simultaneously presents phenomena that are ostensibly observable, recordable, and actually lived.

Also an interview-inspired work that blurs lines between the hypothetical and the evidentiary, the 1998 *Bordertown* presents the performance troupe Culture Clash’s inquiry into the San Diego–Tijuana region. The San Diego Repertory Theatre commissioned Richard Montoya, Ric Salinas, and Herbert Siguenza⁴⁵—the trio of writer-performers who makes up Culture Clash—to create the piece after the troupe’s foray into a similar exploration of Miami in *Radio Mambo*. Before moving on to other interview-based projects like *Nuyorican Stories* and *Anthems*, Cultural Clash presented *Bordertown* in several regional stages beyond San Diego, including the Mark Taper Forum in Los Angeles and the Actors Theatre in Phoenix.⁴⁶ Additionally, Culture Clash audiotaped *Bordertown* for L.A. Theatre Works⁴⁷ and included portions of *Bordertown* in its *Culture Clash in Americca*, which also toured regionally in the early 2000s. Briefly, *Bordertown* offers a simultaneously satirical and compelling portrait of the intricately border-linked San Diego and Tijuana and their inhabitants at the end of the twentieth century. Quite

⁴⁴ Taylor, “Double-Blind,” 733, 729.

⁴⁵ Herbert Siguenza sometimes spells his last name “Sigüenza,” as required by Spanish orthography. However, since neither *Culture Clash in Americca* nor *Culture Clash: Life, Death and Revolutionary Comedy* do so, I rely on the spelling “Siguenza.”

⁴⁶ Together, the interview-inspired pieces comprise the “Culture Clash in Americca” project. Guillermo Gómez-Peña, in his preface to *Culture Clash in Americca*, describes this venture as an attempt to “measure the temperature of various cities in the U.S., places where Latino culture protagonizes its most formidable battles and epic dilemmas,” as Culture Clash’s endeavor to “become reverse anthropologists and social detectives, researching the trepidatious terrain of interracial relations beyond Chicanismo” (viii).

⁴⁷ Richard Montoya, Ricardo Salinas, and Herbert Siguenza, *Bordertown*, sound recording (Venice, CA: L.A. Theatre Works, 2001). L.A. Theatre Works’ mission is “to produce and preserve significant works of dramatic literature on audio, and to assure the widest public access to these great works” (L.A. Theatre Works website, www.latw.org/about/about.aspx [accessed 28 November 2009]).

different in tone, subject matter, and trajectory, *Paper Angels* and *Bordertown* both rely on interviews and oral histories in order to tap into the border scenario, and both suggest how immigration law participates actively in the shaping of identity and nation.

The two plays begin similarly with scenarios of the border materializing out of darkness. In *Paper Angels*, a recorded interrogation begins to play over “*a darkly lit*” tableau of men and women waiting: “*Chinese immigrants...are suspended in silent postures of expectation, longing and fear. An interpreter translates and a typewriter is heard in the background*” (PA 19). The disembodied dialogue emphasizes the everyman nature of the exchange; this is a generic inspector probing the credibility of an individual who could easily be any and all of the bodies on display. Even if some productions decide to stage fully the short, forty-line prologue rather than rely on a voice-over, Lim’s dialogue offers few indications about the sole Applicant. Not included in the list of characters, the Applicant surfaces only as male (from a stage direction about “his” hands) and as ostensibly twenty years old (from his answer to a question about his date of birth). Although the information that the Applicant provides suggests a rather bizarre nightmare—the government agent presses to discover seemingly irrelevant details about the Applicant’s mother’s feet and the number of stairs to his doorstep—audience members even barely familiar with immigration history will recognize a specific and all-too-real historical moment.⁴⁸ The interview surfaces as a documentary record of a

⁴⁸ I suspect that most productions offer notes to contextualize the play in such a history. The program for a 2009 Direct Arts and the Performance Project @ University Settlement production in New York City (directed by Victoria Linchong), to name a recent example, included an excerpt from the National Archive’s description of the Chinese Exclusion Act (www.ourdocuments.gov/doc.php?flash=true&doc=47 [accessed 29 March 2010]). GENSeng’s 2002 staging of *Paper Angels* described the play’s effort to recount a true-to-life history (see the company’s History page, geneseo.edu/~genseng/?sec=history [accessed 29 March 2010]). Sacramento’s Interactive Asian Community Theatre’s 1996 production offered a brief explanation of “paper sons” (see their Past Productions page, interact-theatre.org/plays/angels.html

dehumanizing and humiliating process to which Chinese immigrants were subjected in the early 1900s.

Nonetheless, the vagueness for which Lim calls, the detached presence hovering over still and fearful bodies, and the mechanical typing that foretells the creation of a menacing record evoke for her late-twentieth-century audience a rather ominous, Kafkaesque bureaucracy. Thus, the interview immediately appears suspicious and dangerous. Lim's character descriptions insist on this atmosphere by guiding actors and their directors to create government officials who are predominantly slaves to a machine. For the Interpreter, Lim suggests someone who performs his or her duties "with distinction and objectivity" (PA 18), a figure whose loyalty, above all, is to the job. The playwright specifies further that the Interpreter can be played by a male or female actor or both, if two players are desired. In other words, it matters little for the structure of the piece who the individual playing the Interpreter is. Likewise, the Inspector, as one of few unnamed characters (the Warden is the other one), functions as a cog. He is "a civil servant, who's come up through the ranks"; a man defined by his title (PA 18). The cold and generic figures do not speak to individual personalities but rather serve synecdochically to portray a system that is heartless. They are merely part of a whole structure devoid of humanity.

[accessed 29 March 2010]). Press for earlier productions in San Francisco, New York City, and Minneapolis similarly attest to a push to explain the play's historical background (see Steven Winn, "A Look at Asian-American Crisis," *San Francisco Chronicle*, 22 September 1980, 46; Mel Gussow, "'Paper Angels,' about West Coast Ellis Island," *New York Times*, 26 March 1982, C3; and Peter Vaughan, "'Paper Angels' Is a Stirring Immigrants' Story," *Star Tribune* [Minneapolis], 29 March 1995, 4E.)

Lim's dramaturgical strategy of relying on unnamed, utilitarian characters recalls the type of behavior that Gilboy observed when studying immigration officers.⁴⁹ By staging a border scenario in which the government servants are mostly machine-like, Lim offers her critique of policies that simultaneously oppress those wanting to enter the United States and those charged with guarding the gates. Her scenario of the border thus reveals the power dynamics between immigrant and officer as well as the system dynamics within which that officer must operate. The job of managing the border, Lim suggests, robs the officers of their souls. Lim then purposefully metes out flesh and blood unevenly, and the dramaturgical strategy of dehumanizing the border officers serves also to direct the audience's focus and allegiance toward the more humanized border crossers. The bodies waiting onstage at the outset of the piece—all ostensible Applicants who have already been or will soon be interrogated like the unnamed man in the opening scenario—will transform after the prologue into individualized, named, and complex characters. In this manner, the playwright provides characters on one side of the border scenario with whom the audience can sympathize as well as characters on the other who stand for an ominous and mechanical system.

The darkness that *Bordertown* demands in its opening stage direction is much more violently interrupted. Indeed, by 1998, when Culture Clash developed its piece, the "battle over the border [had] heated up again," with surges in vigilantism and violence

⁴⁹ I should note that Lim is not alone in using this dramaturgical technique. Characters in the role of border monitor often go by generic names, even as the border crossers are individualized. Here I offer just some of multiple examples: Immigration Officer in Yew's *A Beautiful Country*; Female and Male Guard, INS Man, CIA Man, Bailiff/Translator, Judge, INS Attorney, INS Official, and Border Patrol Agents in Gallagher's *¿De dónde?*; Policemen #1 and #2, Officer, Border Patrol, and Coyote in Teatro de la Esperanza's *La víctima*; Officer in Solis's *El Otro*; Guard, Boss, Migra 1, 2, 3, and 4, in Teatro Chicana's *E.T.—The Alien*; and The Border Guard in Moraga's *The Hungry Woman*.

against undocumented immigrants peaking to levels not seen since the early twentieth century.⁵⁰ As demonstrated by the passing of IRCA in 1986 and of IIRIRA in 1996, as well as by official and private initiatives such as “Operation Hold the Line” and “Light Up the Border,” the 1990s ushered in an era of heightened attention to illegal immigration as a national security concern and to the undocumented as criminals rather than job-seekers.⁵¹ *Bordertown* thus evokes the border as a site of peril and chaos. The sounds of a chase—panicked voices speaking Spanish, the word “Halt!” repeated in English, running feet, a vehicle screeching—and truck headlights sweeping the stage pull the audience immediately into the action at hand. When the stage lights come up, “*Two Mexican illegals are caught, frozen like deer in the harsh lights. The Militia Man in head-to-toe army fatigues has captured them*” (B 9). As with *Paper Angels*, the performance of an immigration interrogation instantly conjures a border setting. Both plays easily operate on suggestive rather than concrete stage sets,⁵² and it is the recognizable interchange that places the action in an imagined border space.

⁵⁰ Peter Yoxall, “The Minuteman Project, Gone in a Minute or Here to Stay? The Origin, History and Future of Citizen Activism on the United States–Mexico Border,” *University of Miami Inter-American Law Review*, 37, no. 3 (Spring–Summer 2006): 526.

⁵¹ Congress passed IRCA in 1986 after several years of debate. According to Aleinikoff, Martin, and Motomura, the immigration legislation, also known as the Simpson-Rodino bill, was “the most far-reaching” since the 1950s and was specifically designed “as a multi-pronged attack on undocumented migration” (Aleinikoff, Martin, and Motomura, *Immigration and Citizenship*, 166 [see ch. 1, n. 93]). Congress continued to focus on curbing undocumented immigration in the 1990s, and IIRIRA reflected a push toward increasing border enforcement and removing unauthorized entrants. I detail these government-led developments in chapter 5. I should point out that “concerned citizens,” not content with government action, took in this same period unofficial steps to protecting and calling attention to the border through campaigns like “Light Up the Border.” Exemplary of other such initiatives, the effort had California activists flooding the San Diego border with lights from a long line of cars (for more on citizen activism at the border, see Yoxall, “The Minuteman Project”).

⁵² *Bordertown* was presented on a “sparse setting,” relying instead on “colorful costuming” and “often-riveting sound design” to place the piece’s action (Julio Martinez, “Culture Clash in Bordertown,” *Daily Variety*, 16 June 1999, 26). The original production of *Paper Angels* suggested barracks divided for men and women through the use of exposed pipes (Winn, “A Look at Asian-American Crisis”).

Culture Clash's opening scenario shifts quickly from a strictly aggressive encounter into a comedy of mistaken identities. "We're not Mexicans," repeat the ironically named Mexican 1 and Mexican 2. With an armed, foul-mouthed vigilante in the position of gatekeeper, the initial contact is explosive and the "two wets," as Militia Man refers to them, clearly face physical danger. They are made to lie on the ground, a shotgun cocked and pointed at them. Carefully placed jokes snap the audience out from the nerve-racking situation. "I'm volunteer 1-8-7," the Militia Man announces into his walkie-talkie. A reference to the anti-immigrant Proposition 187, the moniker certainly drew some laughs from a 2001 Los Angeles audience.⁵³ The vigilante's stereotypically gringo Spanish—"cállate la boca" becomes "cayateh la book-ah"—also proves amusing to the audience. But it is Mexican 1's plea to Volunteer 187 to stop speaking in the language that garners the show's first riotous laugh: "He doesn't speak Spanish, sir. He's a Chicano!" (B 10). In just over a minute, Culture Clash transforms the border scenario into a situation comedy by stretching the participants into extremes: an overly hawkish, self-appointed, and thus self-important sentinel and two natural-born US citizens who are self-referentially members of a theatre troupe conducting interviews for a performance

⁵³ I base the descriptions of the audience's reaction on L.A. Theatre Works recording of *Bordertown*. California voters encountered and ultimately approved Proposition 187 in 1994, seeking to ban undocumented immigrants from accessing social services, public education, and public health care and to turn teachers, doctors, social workers, and police officers into immigration enforcers. The much-debated ballot initiative, also known as the "Save Our State" initiative, immediately came under legal scrutiny, with several lawsuits challenging its constitutionality. It remained a national headline item throughout the late 1990s. The law did not effectively come to an end until 1999, when Democratic Governor Gray Davis dropped his Republican predecessor's appeals to reverse a 1997 decision that found the law unconstitutional. Proposition 187 remains today one of the most infamous examples of local and state efforts to control immigration, and it thus continues to serve as a powerful reference in immigration debates. Only Arizona's 2010 efforts to pass similarly sweeping restrictions and controls over unauthorized immigrants have garnered similar national attention. Arizona's Support Our Law Enforcement and Safe Neighborhoods Act (Arizona Senate Bill 1070) currently faces similar constitutional challenges to those waged against California's Prop 187, with federal authorities claiming the state seeks to undermine its plenary power to control and patrol immigration.

piece about the border region. The conversation quickly metamorphoses from a recognizable immigration interrogation into a discussion about the San Diego Repertory Theatre and its production of *A Christmas Carol*. While the Militia Man's gun and his doubts about the actor's claims to citizenship keep the tension high in this scenario, it is clear that Culture Clash wants the audience to laugh at the inanity created by immigration law. Rather than defining an inside and an outside, the law here seemingly leads to chaos. The legal border is exposed as at once potentially dangerous and completely preposterous.

Both Lim's and Culture Clash's opening border scenarios expose the necessary role that performance plays in maneuvering through such interactions. Lim draws from a specific immigration practice in which legal entry into the United States rested almost entirely on a live performance of credibility: the Chinese "paper sons."⁵⁴ Before its repeal in 1943, the Chinese Exclusion Act offered little hope for Chinese laborers to immigrate.⁵⁵ Yet, as perhaps all laws do, the regulations at hand also prompted the invention of activities and recourses to circumvent the imposed limitations. Illegal entry through Mexico or Canada proved prohibitively difficult and dangerous, especially after both US neighbors enacted their own exclusionary regulations, limiting the kinds of

⁵⁴ For detailed accounts about paper sons, see Tung Pok Chin with Winifred C. Chin, *Paper Son: One Man's Story* (Philadelphia: Temple University Press, 2000); Peter S. Li, "Fictive Kinship, Conjugal Tie and Kinship Chain Among Chinese Immigrants in the United States," *Journal of Comparative Family Studies* 3, no. 1 (Spring 1977): 47–63; Ngai, *Impossible Subjects*, esp. ch. 6; Lucy Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995); and Betty Lee Sung, *The Story of the Chinese in America* (New York: Collier Books, 1967).

⁵⁵ Chinese Exclusion Act, ch. 126, *U.S. Statutes at Large* 22 (1882), 58 (repealed 1943). As described in the previous chapter, the Chinese Exclusion Act was the United States' first broad attempt to bar immigration based on national origin: no Chinese laborers were to enter the United States until at least 1892 and no Chinese individual already in the country was to become a citizen.

performances of invisibility that could have worked to bypass exclusion. Instead, Chinese laborers developed other “cunning ruses to outwit the immigration authorities,” as Betty Lee Sung proudly describes in her groundbreaking study of Chinese Americans.⁵⁶ These tactical maneuvers involved well-crafted performances of credibility, as the most viable loopholes for gaining legal entry into the United States required proving that one was either a merchant with local business involvements rather than a laborer or that one was a US citizen, natural-born or derivative (non-US-born children of citizens). With the Chinese Exclusion Act in place, illegal entry thus predominantly involved fictitious claims to benefit from these loopholes. There was, in fact, a relatively small number of mainly male, US-born citizens of Chinese descent during the early years of exclusion. Since cultural traditions, coupled among other things with previous restrictions on female immigrants from China, had normalized the practice of having male citizens travel to China to marry and father children, the reporting of sons upon return to the United States was not uncommon.⁵⁷ These reported children, or paper sons, in essence opened up legitimate slots for specific individuals to enter the United States if they so desired. Chinese immigrants developed two main, interrelated strategies to manipulate and defeat legal restrictions: available slots were often sold to laborers otherwise ineligible to enter the United States, and additional slots were created by the reporting of fictitious births. In either case, applicants at the border needed to convince immigration authorities of their paper identity in order to gain entrance. Similarly,

⁵⁶ Sung, *Story of the Chinese in America*, 96.

⁵⁷ Such a practice accounts for the vast majority of paper children being male. Although paper daughters were relatively few, *Paper Angels* reminds us that women also had to don paper identities to enter the United States.

ostensible merchants needed to prove their partnership in some business venture to bypass exclusion.

Such performances of credibility became increasingly complex and intense when immigration authorities were literally shaken to scrutinize applicants much more rigorously in the first decade of the twentieth century. One of the many casualties of the catastrophic earthquake and fire that struck San Francisco in 1906 was the municipal records. Suddenly, noncitizen members of the Chinese community saw an opportunity to “become” natural-born citizens, as Sung explains,⁵⁸ joining others rightfully reclaiming their legal status when paper records had been destroyed. Without the available documents to prove otherwise, the San Francisco authorities legitimized fictive accounts of birth alongside genuine claims by (re)granting citizenship to its suddenly undocumented inhabitants. Immigration officials soon understood what was happening and endeavored to cull ostensibly real claims from the fictitious ones by designing a painstaking, face-to-face examination procedure. Importantly, as the typing sounds in Lim’s prologue suggest, these official procedures, as well as court challenges brought on by would-be citizens, generated a brand new written record, one that ironically allowed for an explosion of paper sons and daughters to enter the United States. Ngai points out that court papers “*created* documentation of native-birth citizenship where none had previously existed [and that] Chinese immigrants thus invented a system of illegal entry built entirely upon a paper trail derived from the state’s efforts to enforce exclusion.” After all, the record created “facts that could be coached, memorized, and recited.”⁵⁹

⁵⁸ Sung, *The Story of the Chinese in America*, 98.

⁵⁹ Ngai, *Impossible Subjects*, 205.

Harsh and convoluted immigration interrogations like that depicted in *Paper Angels*'s opening became standard procedure for Chinese immigrants asserting citizen parentage, and many Chinese applicants mastered the ordeal through careful and persistent performances of their alleged paper identities. As *Paper Angel* stages, applicants relied on script-like "coaching papers," which were to be memorized and promptly destroyed (usually by swallowing), in order to create viable characters corresponding to recorded family biographies. Facing a system that tended to—and still does—favor "uncontradicted oral testimony,"⁶⁰ Chinese laborers whose performances did not counter these biographies managed to bypass exclusion more easily than less convincing performers.

Lim's Inspector compares his efforts to catch laborers' circumventing immigration laws to "outwitting a fox." Clearly frustrated by the fact that, in his opinion, "a good ninety-five percent of the Chinamen coming through here are bogus," the Inspector nevertheless expresses a sense of thrill. The border scenario surfaces as a game of sorts, especially in his patronizing depiction of a "Chinaman [who] I'll be damned if it wasn't the same Chinaman we'd deported three years ago!":

He was coming in under a whole new identity. I swear to god I recognized the little bastard [...] He was a smart little devil, too. We went back and forth. I was determined to trip him up and he was just as determined to toss every curve back. He was fast. Never flinched. Must've been no more than fourteen or fifteen. To tell the truth, I rather liked the little fella. (*PA* 37)

⁶⁰ Ibid. For more on the US legal system's preference for and reliance upon live testimony, see Philip Auslander, "Legally live: law, performance, memory" in *Liveness: Performance in a Mediatized Culture*, 2nd ed. (London: Routledge, 2008): 128–82.

Although Lim is concerned with the gravity and consequences of the Chinese exclusion history, she does portray the immigration process as a competitive match, albeit a highly unfair one. She juxtaposes seemingly able competitors alongside other characters who are, by their natures, unable to survive the island's procedures. Lee's, Mei Lai's, and Ku Ling's passage into Gold Mountain (the Chinese nickname for California), while ultimately sour, is predicated on their individual abilities to withstand a cruel game. They are not "temperamental and cocksure" (*PA* 18), as is the young Lum, whose aggressive and ambitious disposition drives him to escape rather than submit to the immigration proceedings.

To be sure, the rules of the game are preposterous, as the character of Chin Gung discovers when he cannot reenter the land that he has nurtured and loved for forty years. Despite his adamant claims attesting to his right to return to San Francisco—"I answered all the questions," "I'm a U.S. citizen," and "I'm a longtime Californ'!" (*PA* 41)—the "old timer" (*PA* 18) finds himself stuck in detention because of a technicality. "Liverfluke cases are all deported without appeal," the Warden dismissively offers to explain why Chin Gung's entrance has been denied. Chin Gung begins to protest, but the Warden immediately retorts with "I don't make the rules" (*PA* 41). Although such a sentiment might betray the official's uncaring nature, it also reflects the reality of a legal system seemingly beyond any individual's control. The game's logic is problematic because the power dynamics are so uneven. "It's their country," Fong explains about Chin Gung's predicament, "It's their right" (*PA* 42). Yet, the system can be beaten, if at extraordinary costs. Lim thus attempts to rewrite a past for a present system that, at least in the early 1980s, continued to be seen predominantly as a sort of game.

Writing in 1971, in a study dedicated to “those valiant men, women, and children, whose suffering is so basic to our affluence,” Julian Samora, Jorge Bustamante, and Gilbert Cardenas presented a seminal study of illegal immigration, noting that as of that date it had “not captured the imagination of American social scientists.”⁶¹ Although their focus is on “the Mexican illegal alien,” Samora and his associates carefully connect the history of such a phenomenon to the policies and practices that stemmed from Chinese exclusion. Thus, we are urged to consider how the Mexican “wetback” is a continuation or reiteration of the Chinese laborers denied legal entry into the US.⁶² Crucially, the study attests to a growing understanding of illegal immigration as a sort of contest of wills and wits between border crossers and border officials, very similar to what Sung describes as “cunning ruses.” By today’s standards, the language in *Los Mojados* seems flip. “Much of what happens to illegal aliens in the United States upon being apprehended resembles a game rather than a serious violation of the law with international consequences,” the writers assert.⁶³ But generally, before the passing of IRCA in 1986, immigration law sought predominantly to halt illegal immigrants at points of entry rather than attempt any serious control of the undocumented once across the border.⁶⁴ Within the framework of such practices, the nation surfaces as an entity with

⁶¹ Samora, Bustamante, and Cardenas, *Los Mojados*, v, 3 (see ch. 1, n. 31).

⁶² *Ibid.*, 4, 34.

⁶³ *Ibid.*, 11. Samora and his colleagues similarly describe employment practices in the late 1960s: “There are no great penalties involved in being a wetback, *nor in hiring a wetback*,” the writers explain, “Both parties, employer and employee, can happily break the law time and time again, the only serious consequence being an inconvenience to one or another or both” (10–11, emphasis in original).

⁶⁴ Strategies to curb undocumented immigration, of course, spiked and ebbed throughout the twentieth century following economic and political tides. Especially during the Cold War, there were intensified attempts to sweep illegal immigrants out from the country. Operation Wetback, for example, apprehended hundreds of thousands of undocumented workers in the Southwest in just one year. The

discernable and defensible edges. It is only at its legal borders—conceived as and marked by processing centers—that undocumentedness becomes tangible. *Paper Angels*, however, calls attention to the ways in which clever performances can lubricate passage and make use of the processes demanded by law to break through the exclusionary border.

More importantly, while *Paper Angels* participates in promoting images of the national border as a processing center (and of maintaining Ellis Island as the problematic exemplar of immigration procedures),⁶⁵ Lim strives to underscore the long-term effects of the immigration process. What happens at the border, in other words, does not and cannot stay at the border; the repercussions of the border scenario are long lasting. The playwright admits that her piece is an effort to make sense of the present, to better understand her parents and, in turn, herself. Lim offers the observation that her parents' silence—their “isolation and distrust, which discolors everything”—stems directly from their experience at Angel Island. The rifts she senses between her generation and the previous one, between native Chinese and Chinese Americans, originate in that one square mile of land on the San Francisco Bay. “After Angel Island,” she summarizes,

Justice Department and the INS conducted investigations in San Francisco's and New York City's Chinatowns to uncover and charge paper sons for fraud, perjury, and conspiracy (for more on these campaigns, see Ngai, *Impossible Subjects*, 155–56, 212–24; see also n. 84 below). But the “landmark” IRCA proved “historic” because it sought a comprehensive and national approach to controlling undocumented immigration, predominantly by making it illegal for the first time to employ undocumented workers (Robert Pear, “Millions Affected: Measure Bars Hiring of Illegal Immigrants but Provides Amnesty,” *New York Times*, 18 October 1986, 1).

⁶⁵ Most review, press, and production materials for *Paper Angels* describe Angel Island as “the Ellis Island” of the West Coast. In so doing, they liken the specific processes applied to Chinese immigrants under exclusion to those enforced in New York City to handle mostly European immigrants. Although circumstances at Ellis Island were far from easy, the site and its associations with the New Immigrants of the early twentieth century tend to conjure images of a more welcoming nation. Lim's play thus shockingly counters narratives of huddled masses being ushered under the hopeful light of Lady Liberty.

“we [Chinese in the United States] hid from you.”⁶⁶ Her project of historical reconstruction and revision urges us to consider how US immigration laws critically altered the nation, creating a population itself profoundly changed by the performances these laws engendered. The play thus helps to extend Bosniak’s idea that the legal border follows immigrants into the nation’s geographic interior and to observe how the legal border also alters experience through time. “Anytime you have immigration laws aimed at a particular race, you will pay for decades,” avers Lim.⁶⁷ While such a statement relies on the idea that racial categorization somehow precedes legal actions, it reminds us that it is precisely the law that perpetuates and intensifies divisive conceptions of society.

Although *Bordertown* also stresses the importance of performance to manage the requirements of a border scenario, Culture Clash’s work highlights a drastic shift in the kind of credible performance US immigration structures seem to require. Immigration procedures continue to turn national points of entry into processing centers, but the process of gaining admittance into the nation now is increasingly seen as a sort of cultural litmus test. As Hiroshi Motomura contends, immigration policies in the late twentieth century have pulled away from considering (legal) immigrants as future citizens, opting instead to view “new immigrants as outsiders until shown otherwise.”⁶⁸ What this might mean, for a broad national consciousness, is that the process of immigration is imagined

⁶⁶ Lim, interviewed by Richard Louv, “Of Poems Carved in Walls, and Angel Island’s Ghosts,” *San Diego Union-Tribune*, 6 July 1986, A3.

⁶⁷ Ibid.

⁶⁸ Motomura, *Americans in Waiting*, 9 (see ch. 1, n. 53). In a similar vein, Margaret Somers argues that market fundamentalism has transformed the meaning of citizenship altogether, “from that of shared fate among equals to that of conditional privilege” (Margaret R. Somers, *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights* [Cambridge: Cambridge University Press, 2008], 3).

less as transitional and more as contractual or affiliating. Immigrants need to earn their membership in the nation; membership is not guaranteed when entry is granted.

The repercussions to such a shift are complex, to say the least, but *Bordertown*'s opening scenario alerts us to two crucial consequences. First, as Militia Man represents, the task of patrolling the border—of protecting the imagined affiliation of nationhood—falls to everyone, not just an immigration authority. Militia Man is disappointed when he realizes his two catches are not *mojados* but Americans. “I could have won the Swiss Army knife set,” he bemoans (*B* 12). Indeed, as illegal immigration—seeming evidence that immigration authorities are failing to keep the borders under control—becomes more palpable to a broad public, the task of policing spreads beyond clear, official channels.⁶⁹ Second, as demonstrated by the play's opening scene, a performance of credibility becomes increasingly a sort of cultural test. It is not enough to perform one's paper identity; one must now also enact cultural belonging.

Militia Man's willingness to protect—and define—his nation in fact make legal realities insufficient: passports and driver's licenses “don't mean shit” to him (*B* 10). Only San Diego's Horton Plaza Mall Monthly Parking Pass, which one of the Mexicans carries in his backpack, serves as a defining paper document. With its discovery, Militia Man begins to change his tune about Mexican 1 and 2's citizenship. Ultimately, he is only satisfied by their Americanness when they are able to recite the various fruits and vegetables by which the parking lot levels are labeled. The power of the parking pass draws attention to what is perhaps a slippery distinction between citizenship and

⁶⁹ On the one hand, as Yoxall describes in “The Minuteman Project,” citizen activism—from legal neighborhood watch programs to illegal and violent vigilante activities—has increased markedly in the late twentieth and early twenty-first centuries. On the other hand, legal mandates like that of IRCA have placed the responsibility of determining legal status in the hands of private employers.

consumerism. On the one hand, the Mexicans' ostensible consumerism can prove a most convincing indication of their patriotism. Lizabeth Cohen insists that by the late twentieth century, consumption and the obligations of citizenship became completely entwined: a consumer who buys is a citizen concerned with the well-being of the nation.⁷⁰ Through the parking pass, Culture Clash comments on immigration and citizenship status itself as a type of consumer good. Enough economic capital can ensure legal existence.⁷¹ On the other hand, the pass attests to a certain form of "conspicuous consumption," through which the goods we purchase and the businesses we patronize serve as markers of distinction and belonging.⁷² Our consumption shows others who we are.

In this case, Mexican 1 and 2 can, with their express connection to an upscale mall, indicate to Militia Man that they are not only a part of US consuming culture but also of a particular income-level stratum. Tellingly, Hector Amaya includes "what to

⁷⁰ Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Knopf, 2003).

⁷¹ To begin with, the United States historically has excluded and continues to exclude entrants based on financial evidence; immigration authorities disqualify applicants for visas who might become public charges (Aleinikoff, Martin, and Motomura, *Immigration and Citizenship*, 444). Additionally, there are bureaucratic fees, legal assistance fees, and travel costs associated with immigrating into the United States. As Gabriela Garcia sarcastically explains, it is only "for those silly broke people looking for a better life" that "[i]mmigration can be a tricky thing. "If you're rich, you can easily grab a slice of some of that American wealth and pay your way towards a change in scenery with a promise of citizenship waiting for you at the end" (Gabriela Garcia, "How to Buy a Green Card If You're Rich," Change.org, 21 July 2010, immigration.change.org/blog/view/how_to_buy_a_green_card_if_youre_rich [accessed 28 December 2010]).

⁷² Thorstein Veblen created the concept of "conspicuous consumption" to counter theories in which consumers operated strictly to maximize economic utility (Thorstein Veblen, *The Theory of the Leisure Class: An Economic Study of Institutions* [New York: MacMillan, 1912]). While Roberta Sassatelli cautions us that Veblen's ideas are now criticized for their generalizing tendencies, she reminds us of the theoretical value of conspicuous consumption. The use of consumer goods as a technique of identity construction continues well into the twenty-first century (Roberta Sassatelli, *Consumer Culture: History, Theory and Politics* [Los Angeles: Sage Publications, 2007], 66–68).

buy” in his list of actions that help pave a “path toward US citizenship.”⁷³ Culture Clash’s work thus aptly captures a broad understanding of crossing the border as an act of cultural transition. The legal boundary and an imagined cultural boundary now coincide. This not only turns illegal crossers into cultural outsiders but also implies that cultural affiliation and practices of consumption can somehow trump the legal border. The appearance that Nield depicts becomes a test of cultural belonging rather than one of paper legitimacy. Culture Clash’s Mexicans do not rely on documents but rather on a local savvy to prove their right to be on one side of the national border.⁷⁴ As *Bordertown* later stages through a naturalization ceremony, it is by collapsing a legal and a cultural border that the national border follows crossers wherever they go.

Ellen MacKay depicts the naturalization interview—which I posit here as another form of the border scenario, despite the differences in evaluation standards and desired outcomes—as a “performance of Americanness” designed precisely to accentuate and amplify difference. By asking citizens-to-be to speak a highly bureaucratic jargon and by requiring them to articulate a “dunderheaded, even primitive, understanding of America,” the naturalization interview essentially confirms the impossibility of perfect inclusion.⁷⁵ *Bordertown* includes a performance of naturalization with the characters of Oscar and Paolo. A Ugandan American and a Filipino American, respectively, Oscar and Paolo

⁷³ Amaya, “Performing Acculturation,” 194–95 (see ch. 1, n. 54).

⁷⁴ Coutin calls our attention to a related practice. When the US deports unauthorized immigrants to El Salvador, authorities rely on interviews testing cultural knowledge in cases in which there is no official documentation. Thus, use of local terminology, knowledge of geography, and awareness of television stations, among others, become the markers of official citizenship (Coutin, *Nations of Emigrants*, 32).

⁷⁵ Ellen MacKay, “Auditioning for the Role of a Lifetime: Performing Self-Translation at the American Immigration and Naturalization Service,” *Canadian Theatre Review* 102 (Spring 2000): 20–24.

chat about life in San Diego as they wait to be sworn as new citizens. The audience erupts in laughter when a “*Pakistani-American with a turban, mustache and suit enters*” to lead Oscar and Paolo, who also wear ostensibly foreign clothes, in the ceremony (*B* 51). Waving “*little American flags with pride and hope*” and underscored with “America the Beautiful” (*B* 51), Oscar, Paolo, and the Pakistani American recite the pledge of allegiance with markedly exaggerated foreign accents. Again, the audience laughs at what seems incongruous. Here, dress and language serve, as MacKay insists, as “the sign of difference that distinguishes the natural from the naturalized citizen, or, more plainly, the citizen who belongs from the citizen who is lucky to be here.”⁷⁶ The very requirements for the naturalization interview and subsequent ceremony, which include parroting a “bureaucratic jargon [that] eludes even the most proficient speaker,”⁷⁷ betray the law’s insistence on a performance of foreignness at the moment in which that foreignness is seemingly being erased.

Like immigration law, naturalization law hence serves to draw national borders boldly and to allow for the imagining of inside and outside, of belonging and exclusion. The naturalization process in fact perpetuates the sovereignty and seeming concreteness of independent nations; it naturalizes the power of the nation to decide that some people belong and others do not. Especially when the legal border collapses into a cultural boundary, markers of foreignness imply that full membership in the nation might be impossible. In *Bordertown*, Oscar and Paolo share the stage with Donna and Amy, two ostensibly American women discussing the detrimental influence of “all these foreigners”

⁷⁶ *Ibid.*, 23.

⁷⁷ *Ibid.*, 22.

moving into East San Diego (B 48). Salinas and Siguenza play the four major characters in this short scene, seamlessly transitioning between the women in their living room and the men at City Hall. Oscar's and Paolo's symbolic and legal entry into full citizenship is thus juxtaposed with Donna's and Amy's complaints that Vietnamese, Mexican, Afghan, and Chinese immigrants—the new Americans—denigrate the nation and ultimately do not belong (B 49–50). But *Culture Clash*'s reliance on instantaneous and fluid double-casting, which quite literally blurs the boundaries between Donna and Paolo, Amy and Oscar, and natural and naturalized citizen, offers a strategy for rethinking the solidity of national (as well as ethnic and gender) boundaries, as I shall continue to explore below.

Before doing so, however, I want to stress how *Paper Angels* and *Bordertown* capture the way in which immigration processes—particularly those involving illegal crossings—meaningfully mark and alter the identities of migrants. Onstage, the phenomenon of disappearance necessitated by the border performances of credibility and invisibility surfaces through portrayals of the national border as a haunted site. Lim and *Culture Clash* are certainly not alone in utilizing otherworldly metaphors and aesthetics to evoke a national border onstage.⁷⁸ The prevalent invocations of ghosts and other supernatural elements to stage the US borders attest to an understanding of the legal border as a powerful and truly life-altering threshold, one whose crossing prevents full reemergence. Ghost imagery serves metaphorically to account for some of the paradoxes that nonexistence engenders. Coutin explains that, once migrants are placed outside of the law, their legal selves, in a way, remain in their countries of origin. Unauthorized

⁷⁸ Lacámara's *Nowhere on the Border*, Hwang's *FOB*, González's *Vagón*, and LeFranc's "In the Labyrinth," to name a few, all rely on ghostly or otherworldly settings to present the national border onstage.

immigrants cannot “complete” their journeys, always remaining, “in certain senses, outside the United States.”⁷⁹ The plays thus perpetuate images of the border as a kind of “no man’s land,” as Olivares finds, that highlight “separation and adaptation—the uprooting of home and family, the encounter with strangers and unaccustomed places; the tensions between unity and diversity; and the changing of one’s very sense of ‘self.’”⁸⁰

In Lim’s play, the character of Chin Moo mourns the harrowing process at Angel Island by noting that “[t]his room is full of ghosts!” She speaks alone on one side of the stage, alternating thoughts with her husband, Chin Gung, who like her awaits admittance into the US:

CHIN MOO: At night the women do not go to the bathroom for fear of seeing ghosts. Ghosts of all the people who have died here. When all’s still, you can actually hear the walls breathing. You think, “It’s only the wind!” But it’s not. It’s the sighing of spirits. Everytime the floor creaks, you say, “It’s only the wood!” But it’s human bones—stretched beneath the floorboards... (PA 45)

The old woman, trapped in a torturous immigration procedure, focuses here on the physical violence and destruction of life caused by the racist policies implemented against Chinese laborers. Lim’s careful direction to the actor during this short reflection—“*She suddenly rises, as if to better sense a presence. [...] She is facing Chin Gung as if looking directly at him but not seeing him*”—not only points up the physical separation of men and women that the processing center demanded but also foreshadows the imminent suicide of Chin Gung, when he is denied reentry.

⁷⁹ Coutin, *Nations of Emigrants*, 109, 101.

⁸⁰ Olivares, “Seeking Divine Intervention,” 101. Although *Paper Angels* and *Bordertown* well fit Olivares’s model here, Lim, especially, also offers a narrative of victimization that Olivares deems absent in US cultural products.

Yet *Paper Angels* relies on a phantasmal atmosphere to present more than the trauma of death on the Island. The entire play, from its disembodied prologue onward, calls for a presentation of bodies that come in and out of focus, floating through space and time like ghosts. The historical underpinning of Lim's play encourages in the first place a sense that the characters at hand are all somehow ghostlike. As Freddie Rokem has described in *Performing History*, onstage figures operate like Hamlet's ghost; they are the "'things' who are appearing again tonight in the performance" and that, through their "special force and attraction," challenge the audience with the *then* in the *now*.⁸¹

The haunted nature of Angel Island is further emphasized by production choices that underscore the reality of immigration processes. John Lone, who directed the 1982 New York City premiere of *Paper Angels* at the Henry Street Settlement's New Federal Theater and later directed a 1985 teleplay version for PBS's *American Playhouse*, opted in both these endeavors to use narrow spotlights through which characters could enter and exit. Although some set pieces concretely suggested the dormitories in the processing center, spotlit actors in an otherwise mostly dark space conjured up bodies suspended in an unearthly limbo. Lim's close collaborator, Lone well served the playwright's back-and-forth structure (from the men's barracks to the women's, from dialogue to monologue, from the presentational to the representational) with such staging. Even the characters that succeed in gaining admittance into the United States thus must appear as somehow ethereal. As such, their presence adheres to the Island, to the stage. Whether a production chooses to keep the actors' bodies visible to the audience at play's

⁸¹ Freddie Rokem, *Performing History: Theatrical Representations of the Past in Contemporary Theatre* (Iowa City: University of Iowa Press, 2000), 6, 197.

end—only two characters physically remain inside the processing center at the conclusion of the drama—Lim’s script begs for all the characters’ ghosts to live in the space beyond their exit. Thus, when Fong remains alone in the men’s dormitory at play’s end, he “*prepares for the next group of recruits*” and, one by one, refers to the men who have just left: “I’m not a scholar or a poet like Lee. I’m not a dreamer like Chin Gung. I’m not a hero like Lum” (PA 51). Once uttered, the names populate the dormitory, and Lee, Chin Gung, and Lum remain spectrally present in the room they have physically left.

I see this reliance on ghosts as a way to manage the loss of self that the immigration process and the performance of credibility require. Lim makes it clear that succeeding in the intense interrogation necessitates a full commitment to a false identity. She also demonstrates that this commitment can result in a shift in self-perception. The clearest example of this process probably occurs when Lee, after adamantly defending his true identity to his fellow dormitory mates, must finally accept his paper name. Even if it is just a ploy to bypass the exclusion laws, the moment tellingly captures the necessary transformation that the border demands. “I am Lee Sung Fei, not this Moy Fook Sing or whatever his name is! I am from Shekki not Sunning. I am a scholar, not a merchant’s son!” he desperately pleads in the play’s first scene (PA 22). When it is time to leave the Island, when he has succeeded in offering a convincing interview to the immigration officers, his simple but momentous “I am” in response to a guard’s call for “Moy Fook Sing” (PA 51) attests to the compromise that entering the United States under false pretenses entails. Lee Sung Fei must somehow be no more, and at least part of that person is lost during the process of legally becoming Moy Fook Sing. The actor playing Lee (as does, for example, Ping Wu in Lone’s televised production) pauses before

replying to the new name.⁸² We see in his face a progression from unawareness (who is Moy Fook Sing?) to despair (right, that is my new name) to acquiescence (I *am* this person you are naming). Unlike Ku Ling, who angrily refuses the new name of Ruth (*PA* 50), or Lum, who chooses to escape Angel Island (*PA* 44), Lee demonstrates in this crucial moment that he is forever changed.

As Sung explains, the paper sons “studied their stories and memorized them so well they knew their cover stories better than their true ones,” and the lines between “true and false family relationships became hopelessly entangled after two or three generations.”⁸³ What might have been just a mask to pass through the gates at Angel Island therefore became, for many, much more than an alias. Well into the 1950s and well after the repeal of the exclusion laws, what Sung depicts as the “long shadow of the immigration inspector” forced the Chinese American community to remain bound and tied to the fictions illegal immigration demanded.⁸⁴ Hence, these fictions ceased to be fictional. Paper sons, paper daughters, and paper brides existed materially in the US—breathing, laboring, consuming, creating bodies—their faces and the masks melding together.⁸⁵

⁸² Although Ping Wu did not appear in Lone’s 1982 stage production (Lee was played by Toshi Toda), the actor had played Lee in the *Paper Angels* produced by the Chinese Culture Center in San Francisco, also in 1982.

⁸³ Sung, *The Story of the Chinese in America*, 99.

⁸⁴ *Ibid.*, 104. Even after exclusion was repealed in 1943, “thousands of Chinese Americans lived in fear,” especially during the Cold War, as the INS and other government agencies established a program to suppress immigration networks, in part by charging now well-established US citizens with fraudulent entry. “The consequences were devastating,” explains Xiaojian Zhao, and “[a]s investigators prowled the streets of Chinatowns and knocked on the doors of Chinese Americans, the community confronted a real threat” (Xiaojian Zhao, *Remaking Chinese America: Immigration, Family, and Community, 1940–1965* [New Brunswick: Rutgers University Press, 2002], 152).

⁸⁵ I follow here James Scott’s depiction of power dynamics in which individuals “obliged by domination to act a mask will eventually find that their faces have grown to fit that mask” (James C. Scott,

Bordertown tackles the loss necessitated by illegal immigration through a different theatrical but similarly ghostly strategy. In a show in which forty or so multiracial, multigenerational, multinational, and differently gendered characters are played almost exclusively by Culture Clash's three male performers, the only specifically undocumented figure is staged uniquely. Instead of having a single actor embodying the role and speaking the lines of Julia, a faceless body and a pre-recorded voiceover (by Zilah Mendoza) create the young domestic worker for the audience. Dorinne Kondo has argued that Culture Clash's performance of "others" "problematizes currently circulating notions of 'identity politics' in which race, gender, and sexuality are viewed as mere attributes of 'identity,' rather than historically shaped axes of power and inequality." She sees their theatre as "a privileged site" in which "cross-race, cross-gender performances" transcend mere stereotyping as well as "the liberal humanist desire to escape borders and boundaries," to highlight historically contingent processes that form political subjects.⁸⁶ With this in mind, I would add that playing across the legal immigration boundary (cross-documenting, we could say) similarly challenges audiences to consider the specific circumstances that create legal labels in the first place.

The fact that this cross-document performance necessitates a unique technique of stagecraft alerts us perhaps to the particularities of undocumented identities in the community Culture Clash examines. Erasing Julia's face (even if we just read the published script, we are adamantly told three times that we are not to see her [B 19–20])

Domination and the Arts of Resistance: Hidden Transcripts [New Haven: Yale University Press, 1990], 10).

⁸⁶ Dorinne Kondo, "(Re)Visions of Race: Contemporary Race Theory and the Cultural Politics of Racial Crossover in Documentary Theatre," *Theatre Journal* 52, no. 1 (March 2000): 82, 105, 106.

is, of course, a not-so-subtle reminder that undocumentedness means only partial existence in San Diego. It also reproduces oft-circulated images of border crossers in the 1990s and 2000s in the midst of performances of invisibility. Indeed, as Peter Brimelow has suggested, with more and more reliance on night-vision cameras to patrol the southern US border, we increasingly conceive of illegal crossers as “ghostly white figures on a softly glowing screen.”⁸⁷ Julia is thus a recognizable shadow, a haunted silhouette that made herself invisible to enter the country and now has not been able to reemerge fully. The audience sees her labor; she brings coffee to the wealthy La Jolla woman whom the troupe is interviewing, carries a basket of dirty laundry across the stage, and crosses again with a pile of folded clothes. While her activity is thus quite visible, she herself is not. Culture Clash’s choices here prove theatrically effective; the visual and sound elements at hand emphasize the legal nonexistence that Julia must bear.⁸⁸

However, the choices seem also to betray a certain hesitancy. Have Montoya, Salinas, and Siguenza somehow reached an ethical limit? Why can they take on a great diversity of roles but not fully embody the one undocumented character in the play?

Recalling the type of queered illegal alien that I investigate in the previous chapter, I find in Culture Clash’s decision to portray their only explicitly undocumented

⁸⁷ Brimelow, *Alien Nation*, 235 (see ch. 1, n. 93).

⁸⁸ Although these visual choices are obviously lost in the L.A. Theatreworks sound recording of *Bordertown*, I want to point out that even in the audio-only version of the play, Julia’s legal nonexistence is highlighted. In the monologue that immediately precedes Julia’s, La Jolla Woman calls out, “Julia, where’s the coffee?,” adding a reprimanding “Oh that girl!” to punctuate seeming disapproval with her maid’s efficiency. Thus, before we even hear from Julia, we are asked to imagine her labor in the wealthy woman’s home. Culture Clash then adds a bit of narration to transition from one monologue to the next, telling us that later they “venture back to the laundry room to interview Eleanor’s maid, Julia.” In this manner, they aurally locate the interaction in a place of work. Finally, the audio-taped version uses collages of radio transmissions to separate sections in the play, and we hear news reports about California’s efforts to build a “sturdy steel barrier” and about “evening shadows retreat[ing]” back into Mexico as we leave Julia behind. We are thus reminded of the maid’s existence as a shadow.

character as a fifteen-year-old girl a strategy to engage the audience's sympathies more readily. The socioeconomic and political circumstances of undocumented labor are muddled here in a deliberately heightened and sentimental appeal. Julia is somehow too delicate a subject for the kind of bold, broad-stroked comic style with which all the other characters are played. The recording offers a voice that is manifestly youthful and female; in short, blatantly *not* that of Culture Clash's three male performers. And the words narrate a cruel and transformative journey:

To cross the border is a big decision, it's like being reborn. I never walk so much in my life. Two days to cross. Not just one mountain, but mountain after mountain. In the day I was so hot and thirsty, it hurt to swallow. At night I was so scared. I couldn't see in front of me and I kept falling down. My feet were bleeding. I had to keep up with the men. And it was so cold, I couldn't stop shaking. [...] We not know anyone here in San Diego. [...] We joined the Mormons. Dios mio, it was so funny when we got baptized! [...] We were reborn. (*B* 20)

Rebirth, however, comes with loss. Julia's presence onstage is deliberately haunting.

Culture Clash appropriately creates a border space that—like Lim's—is swarming with spectral presences. Although these are more extraterrestrial in nature, *Bordertown* paints a border region in which “futuristic space music” (*B* 17), “shaft[s] of light from above,” and “spaceship sounds” (*B* 37) regularly alert the audience that human materiality and corporeality might be transcended. Indeed, the otherworldliness at hand propels the fictional actors depicted in the play to pursue the investigation of a place that is “driving [them] a little crazy” (*B* 62). Characters continuously appear and disappear in front of the audience. Aliens are everywhere, and the very idea of a concrete border is problematized. We are told by a celestial Bald Man that “[t]here are no borders in the

cosmos, only infinitesimal possibilities.” Our body “disintegrates” when it transcends space and time, when we “become in tune with the infinite” (*B* 17).

Even as they depict the material realities of a national border sustained through immigration law, *Paper Angels* and *Bordertown* conjure images of nation as tenuous, even illusory. The plays illuminate the frailty and ambivalence of immigration law. And if immigration law serves to sustain the imagined national community, the plays thus also illuminate the frailty and ambivalence of nation. Returning to Nield’s ideas, Lim and Culture Clash open up spaces of appearance, and such spaces ensure the impossibility of a neat, orderly, or logical national border. Legal boundaries might dictate the experiences and shape the sense of self for border crossers like Lee or Julia; immigration law might turn exclusion into a feasible strategy for men like Henderson or the Militia Man. Nevertheless, “America” is no more than “a faraway place in the mind—a piece of dream that scatters like gold dust in the wind,” to quote the character of Chin Gung (*PA* 25).

For a migrant population, such a deceptive destination results in unexpected and often traumatic transitions. *Paper Angels* and *Bordertown* also remind us that, precisely because of its immigration history, the US becomes as much of an illusion for those claiming ownership to the nation. Guard Henderson, described by Lim as “a working-class redneck” (*PA* 18), complains to the audience that “America is for Americans” (*PA* 42). In perhaps the most satirical scene in *Bordertown*, a distraught Shamu mourns that his fellow whale entertainer and good old American symbol, Free Willy, is really the Guatemalan Guillermo (*B* 58). As the audiences listen to these trite and still reiterated complaints, they also watch how the makeup of the nation changes. In the world of the plays, immigrants do manage, by taking advantage of the border scenario’s reliance on

embodied performance, to bypass immigration laws. In the world of the theatre, the audiences have gathered to watch minority casts in plays by ostensibly marginalized authors.⁸⁹ The performances are therefore celebrations of changes achieved despite, not because of, immigration restrictions. They enact, rather than merely represent, the porosity of even the strictest of immigration policies in US history. A recent New York City production of *Paper Angels*, for instance, ended with all the actors onstage creating a tableau of present-day San Francisco.⁹⁰ The very bodies that in the fiction of the play had been denied entry into the United States now boldly peopled its streets.

Bordertown likewise relies on the acting bodies onstage to problematize the logic of national borders. The naturalization ceremony scene I introduced above surfaces as a key example, with the double-casting of Amy/Oscar and Donna/Paolo suggesting the impossibility of a clear-cut national boundary. Although the dialogue between the women heightens the foreignness of the men, the fact that the “naturalized” citizens are the “natural” ones as well—they inhabit a single body—urges us to consider how the national body is necessarily contradictory. Law might seek to define its edges, but where one entity begins and another ends is difficult to determine. At the beginning of act 2, *Bordertown* repeats its opening border scenario, although we are now ostensibly in

⁸⁹ I follow Jon Rossini here, who, in a study of Octavio Solis’s *El Paso Blue*, leans on theatre semiotics to conclude that “ethnically marked bodies on stage represent something larger than themselves, a nation-state or a singular culture” (Rossini, “Radiohead on the Border: Geography and Desire in *El Paso Blue*,” in Baugh, *Mediating Chicana/o Culture*, 43). Given its content, most, if not all, productions of *Paper Angels* rely on actors who are of ostensibly Asian descent. Montoya, Salinas, and Siguenza, although playing characters of various ethnicities in *Bordertown*, see themselves and are read as ethnically marked bodies. *The Mission*, their first collaborative play, is a “semi-autobiographical romp about three frustrated Latino actors [who] [a]fter performing in racist nightclubs, auditioning in degrading casting calls, being turned down for acting either too Hispanic or not Hispanic enough [decide] to kidnap Julio Iglesias ... for a shot at national fame” (Ricardo Salinas, introduction to *The Mission*, in *Culture Clash, Life Death and Revolutionary Comedy* [New York: Theatre Communications Group, 1998], 5).

⁹⁰ The performance was produced by Direct Arts and the Performance Project @ University Settlement in April and May of 2009. It was directed by Victoria Linchong.

Mexico. And Mexican Militia Man's attempts to assess the legitimacy of American 1 and American 2's claims for being across the border are as inane as those of his US counterpart. Again, the scenario shifts to a conversation about *A Christmas Carol* at the San Diego Repertory Theatre (B 40–41). By restaging the interaction—and casting the three actors in the same roles—*Bordertown* proposes that the legal border does little to define two regions that are, ultimately, the same.

In what is perhaps *Bordertown*'s most iconic moment, a Woman lying atop the Mexican flag shares a bed with a Man, whose blanket is the US flag. Culture Clash offers here a dominant husband who “*makes love to his wife, roughly,*” a wife who is at first indifferent but gradually self-assured and self-aware that she “play[s] the victim,” that she “wear[s] another face” when she is with her mate (B 42–43). The husband confesses his need for his wife, but keeps her on her side of the bed, shines lights on the border between them, and whines that her children “are sucking the tit of [his] country dry” (B 43). The wife demands respect, accuses the man of being “thoughtless” and “abusive.” Such a gendered portrait of the border paints—without much subtlety—an uneven and almost cartoonish power dynamic: the wife is pushed to tears by a husband who believes he owns the woman. At the same time, the short scene ends with the couple dancing tenderly to Agustín Lara's “Rival.”⁹¹ The critical moment merits some careful attention. After she is left weeping, Woman “*crosses the fence to his side of the bed*” and, standing there, confesses that

Our marriage is political. It is a physically imposing monument, a symbol impressed into our consciousness. *Crucé el cerco.* “I crossed the fence.”

⁹¹ Agustín Lara, “Rival,” available through last.fm online, www.last.fm/music/Agust%C3%ADn+Lara/_/Rival (accessed 21 December 2009).

This is a spiritual passage and a specific space of struggle and transgression. It is that between fiction and nonfiction. (B 43)

Lara's song immediately begins playing, a bolero whose words bemoan an impossible love: although my heart has betrayed me, I simply do not know how I will live without your love.⁹² Even if the audience misses the meaning of the Spanish lyrics, the melancholic tone underscores the "*slow and loving dance [in which Woman and Man] embrace like tango dancers, locked together, draped by their flag blankets*" (B 43). The lights fade on this tender and unexpected image. It is not a romanticized border; this is a sorrowful dance. But with it, Culture Clash pushes the audience to see how intimate and interconnected Mexico and the US are. Despite the power struggles and the harsh attempts at creating a divisive line, the border is neither wife nor husband alone but rather a single unit, albeit an unhappy one. Amy, Donna, and Shamu—like Henderson in *Paper Angels*—might desperately want to believe that the US is a distinct entity, one painted with solid borders, but we see onstage that such separateness is illusive. We discover that their "America" is as much a figment of their imaginations as is Chin Gung's "faraway place in the mind."

Paper Angels and *Bordertown* attempt to confront the material consequences of a legally defined border by boldly depicting the limits of that border's logic. Unlike the stage pieces I examined in chapter 1, *Paper Angels* and *Bordertown* thus exemplify a much more anxious portrayal of the national border. Both plays highlight immigration policies that clearly help to construct individual and group identities; crossing a border means a new sense of self for its crossers, the two plays tell us. Nonetheless, such a

⁹² This is my loose translation and summary of two of the song's lines: *Mi rival es mi propio corazón* and *yo no sé cómo puedo vivir sin tu amor*.

border is simultaneously ineffectual. We can transgress it, but such an act comes at a price. In *Bordertown*'s final moment, when actors-as-themselves Richard and Ric meet the alien Bald Man, the space music that has underscored much of the piece builds and readies the characters for a sendoff from earthly San Diego. But the three figures onstage transform gradually into the iconic freeway sign warning drivers in the southern United States that illegal aliens might be crossing the road. As "Good Vibrations" plays, the lights come down on this recognizable image. If they are to reach the "higher self" that the Bald Man promises (*B* 17), they must, like Julia, find rebirth in sacrifice, in loss, and in danger. The utopian future that the Bald Man paints—"a place where there are no borders" (*B* 63)—is ironically a border away. To cross it will require a defiant and ostensibly illegal act. Like the three men onstage, we will only leave behind the "hatred, the fear, the unresolved conflicts" (*B* 63) that define the present-day Bordertown if we hazard an illegal crossing. I turn now to examine how a defiant performance might serve a similar purpose in urging a transition out of (legal) Bordertown.

REAL WOMEN HAVE CURVES: LEAVING THE BORDER SCENARIO BEHIND

The performances required at the national borders, especially the intense performances demanded by illegal crossings, affect lives inside the nation. In other words, the legal notions through which borders are constructed and managed seep deeply into the ways in which immigrants create notions of self and community once across those borders. The border scenario can be life altering. In subsequent chapters I will discuss the lives of undocumented immigrants inside the United States in terms of labor, personal relationships, and criminality. However, I pause here to reconsider *Real Women Have Curves* in order to examine how leaving undocumentedness—how a reemergence

at the other end of the immigration process—might prove as intense and difficult for immigrants as an initial border crossing into legal nonexistence. Moreover, as *Real Women Have Curves* suggests, performance itself surfaces as an efficacious tactic through which to counteract the marks and erasures that performances of invisibility and credibility might engender in the first place. By “performance,” I mean a deliberate or purposeful attempt to assert a way of being. A decided body contends: I (or we) am not *this* but rather *that*; I am not only *this* but also *that*.⁹³

As described in the preface, López’s *Real Women Have Curves* centers on a group of female workers in a small East Los Angeles sewing factory. Under the provisions of IRCA,⁹⁴ four of these women have been recently legalized; Estela remains the sole *ilegal*. That the five women are subjected equally to oppressive forces may lead some, as María Figueroa demonstrates, to diminish the role that immigration status can play in shaping daily experiences: “specific communities in the United States, *despite* their sociopolitical status (i.e., documented or undocumented, legal or illegal), are still stigmatized and relegated to second-class citizenship as the abject subjects who exist ‘outside’ of a capitalist society.”⁹⁵ Nonetheless, I find that *Real Women Have Curves* does attest to the

⁹³ I draw on Derrida’s idea of the “supplement” here, so that the performance serves not only to “add” but also to “replace.” It “intervenes or insinuates itself *in-the-place-of* [the status/identity assigned by immigration law]; if it fills, it is as if one fills a void [the legal nonexistence]. If it represents and makes an image, it is by the anterior default of a presence” (Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak [Baltimore: Johns Hopkins University Press, 1997], 145).

⁹⁴ IRCA provided a path for legalization for undocumented immigrants who could demonstrate they had been residing in the United States continuously since at least 1 January 1982. Coutin calls attention to the paradoxical nature of laws like IRCA: to move individuals from nonexistence into the domain of law requires “retroactively recognizing prohibited acts (i.e., living and working in the United States) as having been part of ‘the path of law’ all along. Such retroactive recognitions redefine the boundary between legality and illegality” (Coutin, *Nations of Emigrants*, 63–64).

⁹⁵ Figueroa, “Resisting ‘Beauty’ and *Real Women Have Curves*,” 273 (see preface, n. 3). My emphasis.

formidable power of legal status, which molds subjects so deeply that exiting legal nonexistence proves, if not as difficult as entering the condition, certainly challenging enough that the transition is not a smooth one. The similarities in behavior and attitude shared by all five characters might not necessarily suggest that Estela's distinct position is completely irrelevant. Rather, they alert us to the resilience of legal labels and experiences even for legally marked individuals.

López structures the dramatic tension in her play with the offstage presence of INS authorities—at least as perceived by the characters onstage. Thus, López succeeds in staging a kind of border experience physically removed from the geographic border. It is the possibility of a border scenario, even within the confines of the sewing factory, that serves to shape the women's sense of alienation. Their fears, we slowly learn, are not based on direct, personal experience (Estela's mother, Carmen, for one, has spent years imagining and fearing the INS's ominous black vans, when "[e]veryone knows the vans are green!" [RW 63]). Rather, a forever delayed encounter with immigration authorities—palpable for the characters through the presence of parked vans, footsteps outside the factory, stories about missing neighbors, as well as a radio newscast reporting on an INS raid (RW 41)—underpins their daily experience. Figueroa is right to describe a tangible threat for all five women in this regard,⁹⁶ as immigration authorities might, at any point, demand a performance of credibility from them. But the stigmatization at hand results not only from the marks of gender and ethnicity shared by the five characters, but also, and crucially I believe, from their shared experience as

⁹⁶ *Ibid.*, 273.

undocumented immigrants.⁹⁷ Taking into account the deep-rooted effects on the individual of living without papers, we might consider how the fear and stress produced by such potential encounters persist even beyond the moment of legalization.

Early in the play, Ana, Carmen's younger daughter and a recent high-school graduate reluctantly laboring in her sister's factory for the summer, bemoans to the audience that "I'm happy to finally be legal, but I thought things would be different" (RW 10). Ana's frustration betrays her adolescent understanding of a universe in which she is the center: how dare the world not change immediately for me? Minutes later, however, after all the women suddenly "*scatter and hide*" in fear of an immigration raid (RW 14), Ana's mother offers a forty-eight-year-old's perspective: "All those years of being an **illegal**, I still can't get used to it" (RW 15). We thus begin to understand that perhaps one of the reasons Ana's world has not completely changed with amnesty is that she herself, like her mother and coworkers Pancha and Rosali, cannot so easily shed her undocumented identity, at least not instantly.

The shift from living without to living with papers involves more than having a new document in hand, precisely because a life of legal nonexistence has so harrowingly shaped the sense of self. The women must actively remind themselves that their status has changed. Throughout the play, the workers in Estela's factory all struggle to negotiate the shift out from legal noninclusion. This transition, although not smooth or coherent, leads to moments of self-recognition and assessment. Fearing *la migra* is parked outside the factory, Carmen, for example, panics and causes everyone to hide.

⁹⁷ Certain productions have emphasized the point by changing the ethnicity and nationality of the characters. A 2003 production of *Real Women Have Curves* in Spain, for example, offered undocumented workers from Cuba working in a Spanish factory (Ados Teatro website, adosteatroa.com/paginas/las-mujeres-de-verdad-tienen-curvas.html [accessed 28 March 2010]).

After a few seconds, Pancha “*makes a realization*”: “**Pero**, why are we hiding? We’re all legal now.” In *pero*—“but”—we witness the difficult shift that a change in legal identity can catalyze. Carmen’s reply, “**¡Ayy, de veras!** I forget!,” and her acknowledgement that she has yet to adjust to the new legal label (*RW* 14–15) suggest that managing a new legal position comes with an identity tug-of-war, as a new sense of belonging must be maneuvered. Certainly, Carmen’s line can generate laughter, since the actor is coming out of hiding as she speaks. Yet, López’s implicit directions to her actor—the double “y,” the multiple exclamation points—demand a certain intensity, suggesting not merely a momentary memory lapse but also the anxious excitement associated with such a seismic shift in legal identity. Moments of status amnesia and subsequent recollection continue throughout the piece.

This is not to say that a change in legal status cannot have some immediate effects. In fact, by contrasting Estela’s illegality to the new legal condition of her family and employees, López demonstrates some of these effects. The women’s impulse to hide in the face of a possible immigration raid does not signify a generalized stigmatization. Indeed, once Pancha reminds the group that “We’re all legal now” (*RW* 15), they quickly shift the conversation to discuss the consequences of their new status. “Thank God, I’m legal,” rejoices Ana (*RW* 15). This is the same Ana who moments earlier lamented her seemingly invariable status. Responding to news that “la migra” has stepped up its efforts to enforce immigration law with increased raids, Ana is genuinely grateful for the protection that her Temporary Residence Card and future green card offer. Pancha boasts, “[L]et those men in their van come! Who cares? We’re all legal now!” (*RW* 15). Both echo Rosali, who bravely announces that she is no longer scared of immigration

authorities: “I used to work in factories and whenever they did a raid, I’d always sneak out through the bathroom window, **y ya**” (*RW* 15). The finality of her *y ya* (“that’s it” or “that’s all”) punctuates the turn in her life that the new legal status has precipitated. Not only are her days of crawling out of bathrooms over and done with; the change is a marked one, as it puts an end to an oft-repeated and deeply ingrained behavior. We have just seen the women hide at Carmen’s warning that an immigration-enforcement van is lurking outside the factory, but in their ensuing coming-out-of-hiding we witness the emerging confidence that Ana, Pancha, and Rosali express. Like Carmen, they slowly adapt to a new situation, figuring out how to break the habits formed during their undocumented past.

López juxtaposes Estela’s situation with that of the other women precisely to mark the significance of legalization. Still without papers, Estela faces dire prospects, especially given a system that is quite severe and unforgiving. Estela cannot apply for amnesty due to a “criminal record” (she trapped a lobster out of season) and an outstanding debt (she has been sued for missing payments on her sewing machines) (*RW* 16). Given Estela’s central role in the lives of the other women—she is not only a daughter, a sister, and a friend, but also the women’s employer—it is far from surprising that her dangerous status is disconcerting for all. In a play that emphasizes female camaraderie, the group understandably takes on Estela’s plight collectively. “**¡Hora si que estamos bien jodidas!**” (Now we’re really screwed), mourns Carmen (*RW* 17). And in a play that quickly surfaces as a comedy, the structuring action quickly becomes apparent: Estela, with the help of the others, must raise enough money to pay her debt, hire a lawyer, and fix her papers. The piece’s final celebration, a self-empowering

fashion show featuring Estela's designs for real women with real curves, marks the successful completion of this journey. Ana's retrospective narration suggests a happy green-card ending for all, including her sister. Estela's "plans for making the boutique were no longer a dream, but a reality" (RW 69), a reality that, like Ana's attending New York University, imply legalization. When Carmen proposes to Estela that she should design and stage her own fashion show, that she can break with the oppressive images and conditions demanded by a white, upper-class fashion industry, the "great idea" is predicated on legal immigration status: "once you get the [green] card you can do anything you want" (RW 61). Indeed, when they pose for Ana's camera and "*freeze in a pool of light*" for the audience, the play's final image of the women requires them to "*suddenly hold up their 'Temporary Residence Cards'*" and to smile as they say "Green!!!" (RW 68). Although López might resist certain notions about the American Dream,⁹⁸ her play neatly celebrates legal status as essential to any type of success. In this sense, *Real Women Have Curves* sustains "nation" as a legitimate, and indeed necessary, construct. After all, individual triumph relies here on the nation's full embrace, a stamp of approval only the nation can provide.

⁹⁸ In her analysis of the piece, Figueroa offers the view that "[r]ather than oversimplifying the myth of the American Dream as a damaging assimilationist fantasy, López facilitates a complex dialogue between the notions of resisting a mainstream American Dream experience yet desiring inclusion." Although Figueroa addresses immigration issues to make her claims, her discussion rests predominantly on questions of body image and highlights "beauty" as the primary means through which the play denounces hegemonic ideals (Figueroa, "Resisting 'Beauty' and *Real Women Have Curves*," 271). Christie Launius rightly critiques Figueroa for understating the "classed dimensions" of the American Dream. Launius therefore focuses on Ana's view of education as a means for upward social mobility (Launius, "*Real Women Have Curves: A Feminist Narrative of Upward Mobility*," 18 [see preface, n. 4]). I contend above that legal status—the green card—becomes the predominant means and symbol for achieving the American Dream. Ana's self-perception in terms of beauty and education are predicated on her new legal status, not the other way around.

This celebration, however, is not predicated merely on what Bhabha describes as “that progressive metaphor of modern social cohesion—*the many as one*.”⁹⁹ *Real Women Have Curves* emphasizes the power of national belonging and, in so doing, draws bold borders around the imagined community. But the play also expands the notion of who belongs inside. The “many” must include the women in Estela’s factory, whose contributions, labor, and beauty often go unnoticed. And as the “many” expand, the “one” proves difficult, if not impossible, to pin down. It is an ever-changing and always unstable process, as Ana’s joining the legal citizenry exemplifies. She remains defiant at the end of the play. Ana tells us she has learned about resistance, and, with her writing, she will battle for continued recognition and acceptance (*RW* 69). In other words, as does Estela with her fashion show, Ana will use her legal status to push more daringly—now solidly planted in the nation’s inside—against the perceived boundaries of the national “one.”

López’s discussions of her own trajectory and of her work also emphasize the monumental difference that “papers” occasion. “Since I was undocumented for 13 years I felt invisible and I yearned to be human,” López reveals on her own website.¹⁰⁰ She has described her life as a young, Mexican-born girl living in the United States without immigration documents as that of “a shadow.”¹⁰¹ López then describes her desire to write as a necessary response to undocumentedness, as a means to assert the humanity

⁹⁹ Bhabha, *The Location of Culture*, 204. Italics in original.

¹⁰⁰ FAQ, Josefina López’s website, www.josefinalopez.com (accessed 8 September 2009).

¹⁰¹ NBC4 Los Angeles, “Josefina López at Casa 0101,” 7 November 2006, www.youtube.com/watch?v=sTIDKS-2x38&feature=related (accessed 4 September 2009).

her “adopted country” had vehemently denied.¹⁰² *Of Real Women Have Curves* specifically, López says that she “wanted to celebrate becoming ‘legal’ by writing my play about my experience working in the sewing factory.”¹⁰³ Legal status does become a sort of golden ticket in the autobiographical narratives that the playwright weaves. As mentioned in the dissertation’s preface, López’s notes to the *Real Women Have Curves* publication express the immense relief that legal residence engendered. “When I finally got my legal residence card,” López ponders, “I [knew] I would never have to hide and be afraid again” (*RW* 5). And she consistently connects her opportunity to attend New York University with the change in legal status that the IRCA allowed.¹⁰⁴ *Real Women*, admittedly a play about and not just by López, stages the crucial role that access to education has played in her/Ana’s life. The playwright connects the dots quite clearly: legal status means the ability to study, and the education she received leads to professional, artistic, and personal opportunities and fulfillment. Her life simply could not have progressed as it did were it not for her legal status. Many of López’s writings, even those not predominantly concerned with immigration status or the condition of the undocumented in the US, reflect a strong sense of the ways in which immigration documents necessarily shape experience.¹⁰⁵ She might be interested in broad questions of

¹⁰² FAQ, Josefina López’s website.

¹⁰³ Ibid. López compellingly elaborates: “Unless you have lived through your childhood knowing that, in the eyes of your adopted country, you have no right to exist [...] there is no way to explain the terror and anger I felt back then [...] I truly felt like I was an alien from another planet and was not a human being. I felt invisible. Being undocumented affected me so much; my self esteem. I started writing to affirm my humanity.”

¹⁰⁴ In addition to the “Playwright’s Notes” for *Real Women Have Curves*, see also, for example, Jeff Kaliss, “Heavy Topic Handled With Humor,” *San Francisco Chronicle*, 20 May 1990, Datebook 31.

¹⁰⁵ In López’s 2009 debut novel, *Hungry Woman in Paris*, French immigration law plays a central role in propelling the action: the protagonist, Canela, enrolls in Le Coq Rouge, “the world’s most famous cooking school,” not because of any particular passion or propensity for cooking but rather because “this

immigrant identity, of where and what is home,¹⁰⁶ but it is also evident in her work that specific legal structures shape the answers to such questions.

Performance surfaces as a means to reconcile the contradictions. López, as an undocumented child, expresses confusion about who she is supposed to be: was I Mexican or American?¹⁰⁷ The legal dismissal of her and her family's belonging in the United States solidifies the image that a barrier exists between the two entities, that they are indeed separate and therefore mutually exclusive. Yet she knows when and how to play the parts demanded of these seemingly contradictory cultures. She understands the power of asserting a way of being: I am not what you claim me to be, but rather something else, something more. Even as a young girl, López understood that speaking in English about Jordache jeans and Barbie dolls might protect her from la migra's suspicion.¹⁰⁸ Amaya describes such "performances of acculturation" as the "work that [immigrants] have to do in order to fit [US] society." He explains a necessary "radical rewriting of the self and a psychic departure that parallels the geographic one of immigration." Amaya insists that these self-conscious performances—"the things we

was the only way to stay in France" (Josefina López, *Hungry Woman in Paris* [New York: Hachette Book Group, 2009], 5, 6). López's first play, *Simply María*, also depicts the experience of a young woman through the lens of immigration status (López, *Simply María or the American Dream*, in *Shattering the Myth: Plays by Hispanic Women*, ed. Linda Feyder [Houston: Arte Público Press, 1992], 113–41). López's most recent play, "Detained in the Desert," is set in the summer of 2010 and tackles the turbulent polemics surrounding Arizona's immigration legislation (Reed Johnson, "Immigration Debate Takes to L.A. Stages," *Los Angeles Times*, 30 September 2010, articles.latimes.com/2010/sep/30/entertainment/la-et-immigration-plays-20101001 [accessed 11 January 2011]).

¹⁰⁶ Josefina López, interview by Jorge Huerta, *Necessary Theatre*, UCtelevision, July 2003, www.youtube.com/watch?v=YL56dth0mj0 (accessed 27 November 2009).

¹⁰⁷ In her website, López admits that her writing emerges from her experience as an immigrant: "I came to the U.S. when I was five years old and my life would never be the same after that because for the most part my life became about finding an identity and trying to figure out who I was[,] Mexican or American?" (FAQ).

¹⁰⁸ López, "Playwright's Notes," *Real Women Have Curves*, 5. I refer to this anecdote in more detail in my preface.

learn to do in order to fit better, such as how to speak the language; how to address others; what to wear; what to buy; which political ideas to embrace and so on”—function as “a personal struggle, an ongoing negotiation with ourselves over the best way to act and react in order to increase our chances of success without fully compromising who we were back in our home nations.”¹⁰⁹ Quite adamantly, Amaya explains that performances of acculturation are strategic; they serve the immigrant to navigate a new and unreliable territory by offering the means to “craft a self that can convey to the alien culture semiotic cues of ethical worth.” His italics scream, “*Performing acculturation is not the equal of being assimilated nor of losing difference.*”¹¹⁰ Instead, Amaya underscores what *Bordertown* stages with its opening border scenario: a performance of cultural belonging can serve today to maneuver, and in some cases trump, the lines that immigration law seeks to draw.

The “angst” that immigration produces, according to Amaya,¹¹¹ is intensified with illegal immigration. Issues as seemingly routine as what to wear become matters of vital importance, as Debbie Nathan describes in “The Eyes of Texas Are Upon You.” Nathan explains that there is a “Look,” a specific combination of garments and ways of wearing

¹⁰⁹ Amaya, “Performing Acculturation,” 194, 195. The term “acculturation” is charged and problematic. Although Amaya does not discuss his word choice, I should point out that the term tends to assume unidirectional change; those migrating adapt to fit into a concrete and fixed entity. Some, like Alberto Sandoval-Sánchez and Nancy Saporta Sternbach, aver that “acculturation,” as well as its cousin “assimilation,” offers an inadequate model with which to discuss the US Latina/o experience. They prefer the more dialectical “transculturation,” which attests to “a Latino/a hybrid identity that is not homogenous, unitary, or universal, but rather is contradictory, ambivalent, porous, and heterogeneous” (“Re-visiting Chicana Cultural Icons: From Sor Juana to Frida,” in *The State of Latino Theater in the United States: Hybridity, Transculturation, and Identity*, ed. Luis A. Ramos-García [New York: Routledge, 2002], 32).

¹¹⁰ Amaya, “Performing Acculturation,” 209, 210.

¹¹¹ *Ibid.*, 209.

them that can attract or prevent the border patrol's attention.¹¹² Thus, one's dress—one's costume—can become not a matter of taste or simple affordability but rather a matter of survival. It is through fashion, in fact, that *Real Women Have Curves* makes its boldest statement.

In what has perhaps become the play's iconic moment, Ana strips down to her underwear (it is hot in the factory) and proceeds to inspire the other women to follow suit (RW 58–62). López inserted the “silly” scene, as she initially saw it, in an effort to have the characters “start looking at themselves [and begin to] overcome the fear of their bodies.”¹¹³ The climactic moment, which Figueroa describes as one that “communally liberates the women from the same garments that oppress them,”¹¹⁴ allows for a joyous discovery and sharing of real bodies and real agency. Boldly, Ana convinces her mother to open the door. For a moment, Carmen even ventures outside the factory. Although the triumphant moment ends when Carmen mistakes a police van for an immigration van, the disrobing has changed the five women. They recognize that they must overcome their fear of *la migra*. Alone in the factory at the end of that workday, Estela rushes “*to design and make her first dress*” (RW 64). The importance of undressing should be clear, but I want to highlight the significance of the fashion show that ensues, because it is in this performance that the characters achieve full reemergence out from legal nonexistence and leave the fear of the border scenario squarely behind.

¹¹² Debbie Nathan, *Women and Other Aliens: Essays from the U.S.-Mexico Border* (El Paso: Cinco Puntos Press, 1991), 21–22, 26.

¹¹³ Kaliss, “Heavy Topic Handled With Humor.” López acknowledges she was inspired by the book *Fat Is a Feminist Issue*, which she was reading while working on the play.

¹¹⁴ Figueroa, “Resisting ‘Beauty’ and *Real Women Have Curves*,” 280.

The ultimate celebration of belonging without sacrificing cultural difference, the play's concluding runway show seemingly marks Estela's and her fellow factory workers' definitive exit point from a long, difficult, and rather uneven process out of undocumentedness. It is a defiant performance, one through which the women can claim ownership of their new status, their new way of being in the world: we are not merely the producers of clothes but the proud consumers of fashion; we are not *this* (undocumented, invisible, ugly) but *that* (legal, present, beautiful). In "*new evening gowns and accessories*" custom-designed for them by Estela (*RW 69*), López's characters simultaneously defy perceived standards of beauty and embrace the traditional fashion show as a marker of taste and status.¹¹⁵ Their confident turns as proper runway models parallel the women's self-acceptance as proper legal residents, and the runway show within the play illustrates the need for a deliberate performance to counteract the space of nonexistence into which they had previously been pushed. And like the runway show it demands, *Real Women Have Curves* itself, as do *Paper Angels* and *Bordertown*, surfaces as a claim to existence, to significance. With their performance, the women are reborn.

BORDERS IN THE FIELD OF CULTURAL PRODUCTION

Paper Angels, *Bordertown*, and *Real Women Have Curves* epitomize, in crucial ways, the "minority discourse" that Bhabha explores in an essay playfully entitled "DissemiNation: Time, narrative and the margins of the modern nation." Looking at the

¹¹⁵ In response to a production in Asolo, Florida, in which the fashion show in essence staged Estela's arrival as a designer on ultra-glamorous and expensive Rodeo Drive, López shares that *Real Women Have Curves* can and must be tailored to particular audiences. The fashion show, in particular, needs to challenge the audience to feel inspired by Estela's accomplishment and included as potential wearers of the clothing at hand (López, interviewed by Huerta, *Necessary Theatre*, UCtelevision). There is a danger, as the Asolo production implies, in determining what kind of fashion marks success.

border (both physically and metaphorically) and its crossers, Bhabha suggests a project of dissemination to problematize the narrative construction of wholeness that necessarily underpin images of nation and offers minority discourses as disruptions of “the ‘nation’ as a narrative strategy,” as challenges to the homogeneity and horizontality of Anderson’s imagined community.¹¹⁶ Staging the “ambivalence” of nation, each of the three plays I analyze here indeed functions to “continually evoke and erase [the nation’s] totalizing boundaries—both actual and conceptual—[and to] disturb those ideological manoeuvres through which ‘imagined communities’ are given essentialist identities.”¹¹⁷ As explored above, the stagings of border scenarios, at both ends of an immigration process, draw attention to the power that legal boundaries have in shaping individual identity as well as to the ultimate elusiveness of national borders. Following Bhabha, we could say the three pieces “supplement” narratives of the United States, and thus change radically the modes of articulating nation by both adding to but also disturbing its calculation. “[T]he supplementary,” Bhabha tells us, “antagonizes the implicit power to generalize, to produce the sociological solidity.”¹¹⁸ Still, I want to question here how the plays’ containment within categories perpetuated in the field of cultural production limits their ability to *disseminate* such disruptions and prompts other kinds of divisive and essentialist reimaginings.

It is not my aim to engage in a discussion about the many ways in which ethnic identity has been and can be mobilized to battle prejudice and to build political coalitions. The three works I examine in this chapter were all created during a period of heightened

¹¹⁶ Bhabha, *The Location of Culture*, 201.

¹¹⁷ *Ibid.*, 201, 213.

¹¹⁸ *Ibid.*, 222, 223.

identity politics in which questions of representation and visibility took center stage and in which marginalized groups made significant strides to rearticulate what “Americanness” might mean.¹¹⁹ Rather, I want to home in on the particular mechanism by which cultural products like *Paper Angels*, *Bordertown*, and *Real Women Have Curves* seek to undo rigid systems of categorization and borderization, yet simultaneously move through the field of cultural production by claiming seemingly clear-cut labels. Especially given their emergence in the 1980s and 1990s, it is quite difficult to find descriptions or critiques of the works and artists I treat here without the use of labels such as “Latina/o,” “Chicana/o,” “Mexican American,” “Asian American,” “Chinese American.” The artists themselves, who at times yearn to do without such labels, ultimately insist on their use and in fact utilize them to propel their works forward. Funding in an era of multiculturalism has often depended on easily recognizable, facile identities—categories that broadly indicate what artists and their products are not, rather than what they are.¹²⁰ The model of Bourdieuvian economics perhaps serves here to describe the ways in which post–Civil Rights era artists must manage their identity-based

¹¹⁹ I draw here on Karen Shimakawa’s model for analyzing “Asian Americanness” both in relation to and in conflict with “Americanness” (Shimakawa, *National Abjection*, 2 [see ch. 1, n. 40]).

¹²⁰ Harry Elam, for one, bemoans the fact that multiculturalism falls short precisely because it merely seeks to identify otherness. “In meaning everything,” Elam tells us, multiculturalism “comes to mean nothing.” And when all that is ostensibly different becomes generically different, “the policies, platforms, and promotions of ‘multiculturalism’” fail. Elam sums up: “if the works of artists of color are branded only as different, as other, as outside of the traditional or the normative, then implicitly they reinforce the power of normative Whiteness” (Harry J. Elam, Jr., “Towards a new territory in ‘multicultural’ theater,” in Uno, *The Color of Theater*, 92, 93 [see ch. 1, n. 128]). And as Esther Kim Lee bluntly reminds us, “Organizations that are not easily categorized (as, for instance, an ethnic theatre) have difficulties obtaining grants” (Lee, *A History of Asian American Theatre*, 99 [see ch. 1, n. 111]). Neil Bissoondath’s critiques of Canada’s official policies of multiculturalism are instructive as well. He notes the dangers of turning culture into a commodity and of arriving at the kind of reductive marketing of ethnic restaurants in which people are defined predominantly by their ethnicity: such a multiculturalism “dependent as [it is] on superficialities, reduce[s] cultures hundreds, sometimes thousands of years old to easily digestible stereotypes” (Neil Bissoondath, *Selling Illusions: The Cult of Multiculturalism in Canada* [Toronto: Penguin, 1994], 84).

capital. Much like the field of cultural production described by Bourdieu demands that artists legitimate their work by disavowing necessary economic capital,¹²¹ cultural producers in the US seem to critique openly systems of identity categorization and to disavow the cementing of such categories, when, in fact, the categories prove necessary for the artists to secure their positions within the field.

The members of Culture Clash, for example, seem quite keen to problematize a term like “Chicano.” While they assert their ties to the Teatro Campesino and the Chicano movement of the 1960s and 1970s, Montoya, Salinas, and Siguenza insist when they are interviewed that the work of Culture Clash—even the collective’s name—plays with and evolves from the contradictions inherent in simplistic categorization. They have “moved on” from strict explorations of the “Chicano experience,”¹²² an experience that, in the first place, already seems to collapse critical differences among their individual trajectories.¹²³ Notwithstanding, as it promotes its newest work, *Palestine, New Mexico* (a piece that focuses on a Native American reservation), Culture Clash continues to rely

¹²¹ See Pierre Bourdieu, “The Field of Cultural Production, or: The Economic World Reversed” and “The Production of Belief: Contribution to an Economy of Symbolic Goods,” in *The Field of Cultural Production*, 29–73, 74–111 (see ch. 1, n. 5).

¹²² Culture Clash, interview by Philip Kan Gotanda, in *Culture Clash: Life, Death and Revolutionary Comedy*, xviii (see ch. 1, n. 142). See also, “The RW Interview: The Contradictions of Culture Clash,” *Revolutionary Worker* 1085, 7 January 2001, revcom.us/a/v22/1080-89/1085/cultureclash.htm (accessed 1 June 2009).

¹²³ Siguenza explains that despite three different cultural biographies and trajectories the members of Culture Clash share “the same rage, the same anger” (interview by Gotanda, xiii). Nevertheless, the various descriptions that the company chooses for itself belie the difficulties in squeezing such different experiences into a single category. Montoya is the only one of the three actors who is properly “Chicano,” if we follow the word’s most literal meaning. He is San Diego–born and raised, and his family is of Mexican descent. Salinas was born in El Salvador and came to the United States as a child. He grew up in San Francisco. Siguenza, on the other hand, was born in San Francisco to Salvadoran parents and was raised in El Salvador. The group’s first published book of plays, *Culture Clash: Life, Death and Revolutionary Comedy*, attests to the wavering use of labels, with variations like “Chicano,” “Chicano-Latino,” “Chicano/Latino,” and “Latino” used throughout the introductions to plays, the opening interview, and the back cover material to describe the company and its work.

on the tag “L.A.’s premiere Chicano performance group” to identify itself quickly.¹²⁴ Quite similarly, López distances herself from a “Chicano theatre movement” in a 2003 interview, suggesting that her work seeks to “define ourselves” through different strategies, but then immediately admits that *Real Women* “got around” precisely because it fit a trend in funding: the play was “Latino” theatre.¹²⁵ Finally, even as Lim asserts that “I don’t think in terms of types [and that] [I]abeling is a preoccupation of mass media, marketers, and politicians who need to classify their products or politics for consumers and constituents,”¹²⁶ it is precisely under the label “Asian American” that her cultural production most often finds a platform.¹²⁷

The field’s demand for tidy labels not only erases differences in varied histories of immigration and community-building in the United States, but can also stunt the creation of possibly productive connections. The construction of tactical coalitions

¹²⁴ See both Culture Clash’s website, cultureclash.com (accessed 27 November 2009); and LA’s Center Theatre Group’s website, www.centertheatregroup.org/tickets/productiondetail.aspx?id=7710 (accessed 27 November 2009).

¹²⁵ López, interviewed by Huerta, *Necessary Theatre*, UCtelevision. López’s preoccupation with labels to mark her ethnicity is often problematic. In the introduction to her play, *Unconquered Spirits*, López explains her adoption of “the title of ‘Chicana,’” as opposed to “Hispanic” or “Spanish,” as a political and personal choice (Josefina López, *Unconquered Spirits* [Woodstock, IL: Dramatic Publishing, 1997], 5). Yet, the same play’s inside cover—as do her other publications with Dramatic Publishing (*Food for the Dead (and) La Pinta, Simply María, or the American Dream, Confessions of Women from East L.A., and Real Women*)—describes the playwright as “Latina,” a term López does not even discuss in her explanation of the importance of terminology. The Dramatic Publishing website does introduce López as “one of today’s preeminent Chicana writers” (www.dramaticpublishing.com/AuthorBio.php?titlelink=9581 [accessed 28 March 2010]).

¹²⁶ “Genny Lim, Poet and Beyond,” interview with Jaime Wright, www.jaimewright.ws/intergenny.html (accessed 26 December 2009).

¹²⁷ Lim’s plays have been anthologized in *Unbroken Thread: An Anthology of Plays by Asian American Women* and *The Politics of Life: Four Plays by Asian American Women*. Her work has been staged by companies such as the Asian American Theater Company, the Asian Theater Group, Asian Improv aRts, as well as the San Francisco Chinese Culture Center, and several “multicultural” playwrights’ festivals. Lim often participates in forums such as the Asian American Women Artists panel (see clip of recent discussion at www.youtube.com/watch?v=5L0lzJMGqu4&feature=related [accessed 10 December 2009]).

around ethnic identities has certainly led to significant steps in ensuring broader and fairer representation as well as in combating official and more informal discriminatory policies. Pan-Latina/o and Pan-Asian organizations and structures of cultural production have, especially since the mid-1960s and 1970s, lifted the visibility of Latinas/os and Asian Americans in the United States.¹²⁸ However, we must also recognize how such coalitions foster artificial borders and create blind spots. For instance, a push to understand Chicana/o, Cuban American, and Puerto Rican American theatre as a unit can lead to a forced Pan-Latinidad based predominantly on generalizations. Concluding that “Chicano/a” cultural products somehow do not yearn for “home”¹²⁹ or do not display a “circular”¹³⁰ nature, on the basis that Puerto Rican and Cuban American performances somehow do, can prove a strained exercise. How might the conclusions be otherwise if the groupings were different? Juxtaposing ostensibly Chicana/o theatre with so-called Chinese American theatre would certainly allow for a different manner of understanding circularity or nostalgia. Given certain ties in patterns and structures of legal exclusion and legal nonexistence, the lens for studying identitarian duality developed by scholars of Asian American literature might shed useful light in examining the situation of *Bordertown*’s Julia or *Real Women*’s Ana as undocumented migrants in the United States. Following Stephen Sumida’s review of Asian American “literature of immigration,” we can productively unpack the young women’s shared sense of an “awesome loss” as one produced by the rifts that “laws harsh as tigers” create between

¹²⁸ See, for example, Lee, *A History of Asian American Theatre*; and Sandoval-Sánchez, *José, Can You See?*, esp. ch. 4 (see preface, n. 11).

¹²⁹ Huerta, interviewing López, *Necessary Theatre*, UCtelevision.

¹³⁰ Arrizón, *Latina Performance*, 11 (see preface, n. 9).

immigrants living in the United States and their countries of origin. “Home,” Sumida explains, “shifts from being the place where one is *from* to the place where one is *at*, or nowhere.”¹³¹ Such an understanding of *Bordertown* and *Real Women* seems more fitting than their characters’ comparison to a Puerto Rican migrant experience, which immigration law structures quite differently and which therefore sustains a more tangible notion of “home,” one that, legally at least, is not so far out of reach.¹³²

Likewise, the trauma of entering the United States staged in *Paper Angels*, a play that scholars like Miseong Woo have begun to examine not as “Asian American” dramatic literature but rather as “diaspora literature,” might transcend the former label more readily, as Woo advocates, if we examine it alongside Chicana/o products and their analyses.¹³³ However, Woo does not consider this possibility and limits her discussion to current approaches in the study of Chinese, Korean, Japanese, and Filipino American dramatic literature. In short, she seeks to problematize an “Asian American” category without leaving the academic and cultural space of such a label.¹³⁴ Woo insists that the term “Asian American,” which “emphasizes the combination of Asian race and American

¹³¹ Stephen H. Sumida, “The More Things Change: Paradigm Shifts in Asian American Studies,” *American Studies International* 38, no. 2 (June 2000): 103, 104.

¹³² Questions of empire and economics aside, Puerto Rican natives and their US-born relatives can, with their US passports, travel freely between the island and the United States. For undocumented immigrants, however, travel between the United States and their countries of origin proves much more complicated and treacherous. Each decision to leave and to reenter the States risks apprehension and deportation. Moreover, authorities have often used an immigrant’s leaving the US—even for just a few days—as evidence against claims of long-term residence. More generally, we must heed how an “unequal politics of citizenship . . . has engendered significant divisions” between the experiences of Puerto Rican and Mexican American populations, to borrow from Nicholas De Genova and Ana Ramos-Zayas’s Chicago-based study (Nicholas De Genova and Ana Ramos-Zayas, *Latino Crossings: Mexicans, Puerto Ricans, and the Politics of Race and Citizenship* [New York: Routledge, 2003], 2–3).

¹³³ Miseong Woo, “Diaspora and Geographies of Identity: Genny Lim’s *Paper Angels* and *Bitter Cane*,” *Journal of Modern British and American Drama* 17, no. 1 (April 2004): 177–200, 179.

¹³⁴ I should mention here that just as performing organizations rely on ethnic categorization, so do academic institutions tend to fund separate ethnic studies programs and departments. See, for example, Lee, *A History of Asian American Theatre*, 99.

national identity,” prevents us from viewing a “diaspora discourse [that] focuses more on fluidity of identity, the process of constructing subjectivity, and the historical moment of crossing the borders.”¹³⁵ Viewing *Paper Angels* together with a piece like *Bordertown* helps us precisely to discuss the processes of loss and identity restructuring associated with the immigration process to which Woo alludes. By focusing first and foremost on the legal structures that forge such a process, we might avoid repeating and essentializing categories and ways of knowing that overlook crucial differences in mechanisms of immigration.

Unfortunately, the field of cultural production itself seems to preclude such connections, pushing producers, critics, and scholars to mind closely the borders created along ethnic and racial lines. If we consider how attempts to make *Paper Angels*, *Bordertown*, and *Real Women* accessible to a broader audience have required explicit modifications to the illegal immigrant characters, as I endeavor to do below, we might gain some insight into the ways in which the logics of cultural production and analysis have limited reconsiderations of immigration law, identity, and nation.

Lim’s work, in many respects, well fits into the “Asian American literature of immigration” that Stephen Sumida reviews. Positioning it against narratives of assimilation or submission, Sumida observes that this literature of immigration and agency, which boomed in the late 1970s and throughout the 1980s, “gives fictive form to the histories, experiences, and values of Asian Americans who made or tried to make something of America [and] attempts the making of Asian American literary languages

¹³⁵ Woo, “Diaspora and Geographies of Identity,” 179.

and discourses.”¹³⁶ Fueled in part by Lim’s descriptions of her play as an effort to educate audiences about an unknown history—“I didn’t find out anything about Angel Island until I was an adult,” she confesses, adding that she “quickly discovered that there wasn’t a single book or article that covered the subject”¹³⁷—early productions of *Paper Angels* were received predominantly as history lessons that reconciled a specific and alienated identity within the US cultural landscape. Critics seemed to agree that *Paper Angels* “awakened all kinds of ghosts” and that it opened audiences’ eyes about California’s “equivalent of Ellis Island.”¹³⁸ The play did not seem at first to encourage connections to a present-day immigration system. Despite including voices like that of the Inspector, which easily transcend the 1915 San Francisco setting, Lim’s work served predominantly to remember the unspoken, the forgotten, the unknown. Midway through the play, the government officer addresses the audience:

But the law is the law. I have my job to do. You’ve got to have a system! Because if you don’t, they’ll take advantage and next thing you know, not only will you have droves of illegal aliens swarming into the country, but they’ll be bringing over their wives, children, sundry aunts, uncles, and relatives, not to mention the little yellow ones they’ll be propagating all over the U.S. I mean you’ve got to be systematic about it. If they’re coming in fraudulently, we’ve got to do our best to keep them out! (*PA* 37)

¹³⁶ Sumida, “The More Things Change,” 99.

¹³⁷ Christine Koyama, “A Novice Playwright Finds Inspiration in her Heritage,” *New York Times*, 16 June 1985, 29.

¹³⁸ Louv, “Of Poems Carved in Walls”; and Gussow, “‘Paper Angels,’ about West Coast Ellis Island.” Similarly, critics praised the book that Lim cowrote, *Island: Poetry and History of Chinese Immigrants on Angel Island 1910–1940*, as an “act of recovery,” to quote one example (William Keough, “Entering America: The Ordeal of Chinese Immigrants,” *Christian Science Monitor*, 5 August 1981, Books 17).

Replace “yellow” with the derogatory color-du-jour, and this invective well captures, and effectively foreshadows, late-twentieth- and early-twenty-first-century immigration debates in the United States. Nonetheless, *Paper Angels* surfaced as a play about the past and not so much about the present. Although it asked audiences to grapple with an ugly history, one that even illuminates the contemporary estrangement of an older generation of Chinese Americans, the play’s production and reception as an “Asian American” piece in essence concealed its broader Americanness. This is, of course, a well-worn argument, but it is striking how a play about immigration becomes segregated from other immigrant populations, and how, despite more prevalent, national debates about the issue, cultural products can remain relatively isolated from cross-ethnic audiences.

By the time *Paper Angels* premiered as a teleplay on PBS, it had received major productions at the Asian American Theater Company in San Francisco (1980), the New Federal Theater “specializing in minority drama” for the Lower East Side community of New York City (1982),¹³⁹ and the Asian Theater Group in Seattle (1983).

Understandably, Lim had to make major cuts to fit the shorter time slot the television program allowed; however, it is remarkable that one such cut altered the Inspector’s major speech: “Because if you don’t, they’ll take advantage and next thing you know they’ll be bringing over their wives, children, sundry aunts, uncles, and relatives, not to mention the little yellow ones they’ll be propagating all over the U.S.” The sentiment might certainly be the same, but by eliminating the charged phrase “droves of illegal aliens swarming into the country,” consciously or not, Lim aided in distancing the play

¹³⁹ New Federal Theater website, www.newfederaltheatre.org/content.cfm?cntid=2 (accessed 28 August 2009).

from more current debates. Subsequent productions of *Paper Angels* have entrenched the play as an “Asian American” piece, and thus one that presumably does not or cannot speak to other populations. Even the Performance Project @ University Settlement and Direct Art’s recent staging of the play, promoted as part of a mission to produce “work that is not just multi-cultural, but inter-cultural [and in so doing] challenge the ghettoization of minorities in mainstream media,”¹⁴⁰ ultimately advertised through websites and blogs like the Asian American Theatre Revue, Asians in America, asianconnections.com, as well as the provocatively named angryasianman.com and slanteyefortheroundeye.com.¹⁴¹ Although channels dedicated specifically to Off-Off-Broadway theatre also picked up the production’s press release, websites like NY1 Noticias, NY Remezcla, or NY al día, all of which cater to the city’s Latina/o populations, made no mention of the event.

As “the most prominent Chicano/Latino performance troupe in the country,”¹⁴² Culture Clash faces similarly limiting choices, even as the company has managed to expand its audience base.¹⁴³ In streamlining *Bordertown* for a leaner, more concise

¹⁴⁰ Program for *Paper Angels*, produced by Direct Arts and the Performance Project @ University Settlement, New York City, April and May of 2009.

¹⁴¹ The various advertisements for the play can be found, respectively, at aatrevue.com/2Q09.html; asiansinamerica.typepad.com/asians_in_america_calenda/0409-april-events/; asianconnections.com/a/?article_id=1428; angryasianman.com/2009_04_01_archive.html; and slanteyefortheroundeye.com/2009/04/four-nights-only-paper-angels-genny-lim.html (all accessed 27 March 2010).

¹⁴² Culture Clash website, cultureclash.com/about (accessed 28 August 2009).

¹⁴³ Culture Clash has toured its productions throughout the regional circuit, performing in multiple venues not marked as ostensibly Latina/o. Moreover, the group has performed at San Francisco’s Asian American Theater and alongside Asian American companies like 18 Mighty Mountain Warriors. The group has also managed to attain a noteworthy presence on television: In 1992, PBS’s *Great Performances* aired *A Bowl of Beings*, the troupe’s 1991 “Valentine card to the Chicano Movement (Richard Montoya, introduction to *A Bowl of Beings*, in *Culture Clash: Life, Death and Revolutionary Comedy*, 59). The following year, FOX hired the group to executive produce and star in thirty episodes of a sketch-comedy show, appropriately titled *Culture Clash*, which aired in several markets. With this most broadly distributed project, Culture Clash heightened its position as a “Hispanic,” “Chicano,” and/or “Latino”

performance piece, one of the few characters that gets cut altogether from the full script is the Chinese Man.¹⁴⁴ Beautifully integrated with Julia's monologue in the uncut script, this figure appears at the end of her address to the audience: the lights fade on her as they come up on "an elderly Chinese Man in classic leisure wear as he prepares to tee off on one of the region's countless private golf courses" (B 20). After listening to the faceless maid discuss rebirth and baptism, the Chinese Man, who we will learn has been elected to San Diego's City Council, describes his father's journey to the city in 1914. It, too, is a story of circumventing immigration law and of donning a new name, of loss and perseverance. It is a story of overcoming intense prejudice. At the heels of Julia's address, Tom's perspective offers some hope for migrants like Julia but also comments on the sluggish nature of change: anti-immigrant hatred is deep-rooted, and witnessing acceptance requires multiple generations. The Chinese Man's words also frame Julia's experience as a historical process. The specific choices she had to make are of the moment, but her existence is not a historical aberration. US immigration policies have persistently sought to keep immigrants out in order to justify unequal treatment. Without the Chinese Man, the leaner *Bordertown* transitions from the undocumented figure's monologue directly into the sounds of a helicopter and a radio announcement alerting us to the construction of Operation Gatekeeper's sturdier, better-lit border fence. The Sheriff of San Diego County then appears onstage to tell us about his work to curb "4.5 million" monthly illegal crossings at "the busiest international border in the entire

producer, the seemingly interchangeable labels applied to the group and its television show. After all, Culture Clash was hired specifically to create a show to "feature celeb guests, standup comics and social satire with a Latino point-of-view" (Jim Benson, "Culture Clash Gets Fox Show," *Daily Variety*, 7 July 1993, 1).

¹⁴⁴ I rely here on L.A. Theatre Works' 2001 sound recording of Culture Clash's performance at Los Angeles's Mark Taper Forum (see n. 47 above).

world”—4.5 million “Mexicans” he quickly adds.¹⁴⁵ The comment reflects the Sheriff’s prejudices, but, ironically, by eliminating the Chinese Man, the recorded version of *Bordertown* similarly flattens and dehistoricizes the story of illegal immigration in the San Diego area.

Real Women Have Curves’s trajectory attests to a different but related phenomenon. Adapted into film, the cultural product has enjoyed marked visibility—the kind of recognition Ana so ardently wants for the women in Estela’s factory. But this has come at a great cost: the film completely does away with the issue of undocumentedness. López explains the decision predominantly as a structural necessity: “The main plot in the play was the whole immigration paranoia, which would not work in the movie because we would have to go out of the factory and as soon as we would do that we would realize it was not the immigration but the DEA.”¹⁴⁶ Linked to this decision is perhaps the choice to move from an ensemble comedy to a dramedy centered on the character of Ana, whom López believes “has the most to change, and ... [can] be the most accessible for a non-Latino audience to go into this world of the sewing factory.”¹⁴⁷ If, as Jorge Huerta has claimed, the popularity of *Real Women* in “mainstream theatres” rests partly on the play’s indirect engagement with “the power structure” (the INS threat is never concretely embodied),¹⁴⁸ then López and coscreenwriter George LaVoo’s choice

¹⁴⁵ Montoya, Salinas, and Siguenza, *Bordertown*, sound recording, end track 3 into track 4.

¹⁴⁶ Josefina López website, www.josefinalopez.com/ (accessed 12 September 2009). López is careful to explain that she did not write the screenplay alone and that many of the major changes resulted from the work of screenwriter George LaVoo and, later, director Patricia Cardoso. Currently, López is working on a musical version of the play. Since it has yet to receive a full production, I have chosen not to discuss it here.

¹⁴⁷ López, interview by Huerta, *Necessary Theatre*, UCtelevision.

¹⁴⁸ Huerta, “Looking for the Magic,” 43 (see preface, n. 2).

to disengage entirely with immigration law fits neatly into the desire to succeed with a so-called non-Latina/o audience. However, given the vital importance of immigration status in the play (and in López's own life), the drastic shift in characters and action might also reflect, I suggest, a push to make the product fit the broader and more marketable "Latina/o" label under which various groups are often squeezed.¹⁴⁹ Without attention to the specificities of immigration law, Ana's story becomes, in fact, more generically "ethnic."¹⁵⁰ While this strategy perhaps does allow for broader appeal, it comes at the expense of including the undocumented in the celebratory expression of minority discourse. The invisibility that the play's Ana so desperately fights against thus haunts the film, and the pressure aiming to shatter a national whole that I described above loses some of its force.

I am not suggesting that Lim's, Culture Clash's, or López's work somehow falls short. Their individual trajectories are quite impressive, and we can and should applaud their achievements. Not only have they been able to transcend well-entrenched barriers to minoritarian artists, but, as exemplified by their attempts above, they have also sought

¹⁴⁹ I am reminded of Luis Valdez's *Zoot Suit*, whose successful 1978 run at Los Angeles' Center Theatre Group led to a much less attended Broadway engagement in 1979. Producers miscalculated that Puerto Rican and Cuban American audiences in New York City would be drawn to the Chicana/o story: "Latina/o" is not as pan-marketable as some would hope. By disengaging from the particularities of immigration law, the film version of *Real Women Have Curves* might more directly speak to Puerto Rican and Cuban American audiences (the two largest Latina/o groups in the United States after Mexican Americans [Pew Hispanic Center, Statistical Portrait of Hispanics in the United States, pewhispanic.org/files/factsheets/hispanics2007/Table-5.pdf (accessed 1 January 2010)]), who do not share with Mexican Americans a long history of undocumented immigration. Of course, the film might also speak more directly to the large portion of legal residents and citizens. The film version of *Real Women Have Curves* has indeed enjoyed much critical and popular attention. The recipient of multiple honors, including Sundance Film Festival and Independent Spirit Awards, *Real Women Have Curves* was distributed nationally and internationally by HBO films (and gave America Ferrara her first major role).

¹⁵⁰ I quote one of many reviews of the film, which rely on phrases like "well-told ethnic story" to describe the piece (Claudia Puig, "'Real Women' Reflects the Real World," *USA Today*, 25 October 2002, Life 15D). Not coincidentally, the marketing team for *Real Women Have Curves* had previously promoted *My Big Fat Greek Wedding*, as another "ethnic" story with wide appeal.

to forge new connections, even if not always successfully.¹⁵¹ Rather, I call attention to the way in which their products are absorbed into and discussed by the field of cultural production in the United States and to the repercussions of such a process. Do we run the danger of perpetuating problematic policies and of repeating rather than improving our analytical tools? I am reminded of the recent Brookings Institution panel on the subject of the media and the immigration debate. One of the major reasons why immigration reform has proven difficult, Robert Suro suggested during the panel, is that immigration is treated predominantly as the story of immigrants (and to a lesser degree of its policy enforcers). Rarely is immigration discussed as a broad phenomenon in a politico-economic system in which *all* US residents and citizens partake.¹⁵² Media coverage of immigration oversimplifies what is intricately complex.

A machinery that propels cultural products into ethnic cubbyholes similarly oversimplifies networks of connections and multifaceted links. Even as individual performances aver complicated identities, the field of cultural production itself resorts back to simplified labels in order to motorize the system. In this way, the field operates much like a legal border. After all, the legal border demands a certain simplicity. It relies on seemingly clear-cut labels to manage the traffic of bodies.¹⁵³ *Paper Angels*,

¹⁵¹ In addition to Culture Clash's work with non-Latina/o characters, companies, and venues, I should also note that Lim expresses interest in dealing with Latin American and native American subjects as her "own attempt at cultural border-crossing" (Woo, "Diaspora and Geographies of Identity," 193). My point here is to emphasize how difficult such attempts become for professional artists, whose work is pushed to fit expected ethnically based categories.

¹⁵² "Democracy in the Age of New Media," 13–16 (see ch. 1, n. 70).

¹⁵³ Here, it is helpful to remember that immigrants seeking entry into the United States must fit predetermined categories ranked according to a system of preferences. A survey of the US Citizenship and Immigration Services website proves a clear and easy reminder of the multiple pigeonholes that exist to manage entrants (www.uscis.gov/portal/site/uscis [accessed 27 December 2009]). Interestingly, the system demands clear delineations so that, for instance, a noncitizen woman with a job offer in the United States

Bordertown, and *Real Women Have Curves* offer three examples of demonstrations against such problematic reductivism. To borrow Bhabha's language, Lim, Culture Clash, and López participate in pointing to the "liminality of the nation-space," urging us to shift attention "from the boundary 'outside' to its finitude 'within.'" For Bhabha, such a shift manages to split the national subject because "the threat of cultural difference is no longer a problem of 'other' people [but rather] a question of otherness of the people-as-one."¹⁵⁴ But, through essentializing labels like "Latina/o" and "Asian American," the field of cultural production often risks the continuing imagining of *some*-people-as-one, blinding us to the otherness Bhabha would have us see. If the erasures of connections and the flattening of complexity experienced by the three pieces are any indication, then we must consider that such labels create sameness and solidify rather than disrupt notions of borders, of edges, and ultimately, of nation.

and a US citizen husband must decide whether to apply for a green card as a wife or as an employee. Such an applicant must only be treated as one or the other.

¹⁵⁴ Bhabha, *Location of Culture*, 215.

Chapter 3 “Our Little Housekeeper from Mexico-Way”¹: Undocumented Workers Onstage

Zilah Mendoza and Kathryn Meisle shared the final bow in New York City’s Second Stage production of *Living Out*.² There is nothing remarkable about such a choice for the play’s curtain call. After all, the two actors shared most of the stage time, and the characters they portrayed were undoubtedly the protagonists in the play about a nanny and her employer. Although the “ritual of the curtain call,” as Susan Bennett describes, relies less on the specifics of a particular play and more on “a complex network of conventions” including the “hierarchical relationships of actors,”³ director Jo Bonney’s choice for a joint bow not only recognized the two performers’ collaborative and comparable labor in bringing Lisa Loomer’s script to life. The two bodies bowing simultaneously also emphasized *Living Out*’s parallel structure and this particular production’s interest in parallel staging. The bow, like the two-hour play before it, encouraged the audience to consider the partnership that domestic workers and their employers forge. Even as the production explored the complications and injustices of a relationship inherently based on skewed power dynamics, *Living Out* simultaneously stressed the intricate connections and intimacies existing between a predominantly white, upper-middle class in the United States and an immigrant workforce.

¹ Octavio Solis, *Lydia* (New York: Samuel French, 2010), 77. All further references to this play will be noted parenthetically and abbreviated *LY*. Unless otherwise noted, all italics and ellipses are found in the original.

² *Living Out*, by Lisa Loomer, premiered on 30 September 2003 at Second Stage Theatre under the direction of Jo Bonney. Loomer, *Living Out* (New York: Dramatists Play Service, 2005). References to the play will be noted parenthetically and abbreviated *LO*. Unless otherwise noted, italics and ellipses are from the original.

³ Susan Bennett, *Theatre Audiences: A Theory of Production and Reception*, 2nd ed. (New York: Routledge, 2003), 163.

In this chapter, I focus on such connections, paying particular attention to the role of undocumented immigrants as workers. Keeping in mind *Living Out*'s curtain call, I approach the dyad of undocumented domestic worker and employer as an inseparable unit—the identity and consciousness of one is inherently tied to the other. Moreover, inspired by Mendoza and Meisle's joint bow, I seek to spotlight the work of undocumented immigrants and give it its due recognition. Because it is often taken for granted and because it frequently transpires in an underground economy, such labor often goes unrecognized and is made invisible.

In general, questions of undocumented migration and of legal identities are inseparable from questions of labor and class. That International Workers' Day has, since 2006, become synonymous in the United States with immigrants' rights alerts us to the crucial and tactical self-identification of the undocumented as workers, first and foremost.⁴ Protesters at the 2007 May Day rally in New York City's Union Square chanted in Spanish: "Deportations must be stopped, *workers* must be free," "Fight for the rights of *workers*," and "For immigrants, *producing* and *working* mean family unity."⁵ Undocumented workers and their advocates combat depictions of criminality and illegality with notions of labor and production. Indeed, in the words of David Bacon,

⁴ In a very recent study of restaurant workers, Shannon Gleeson argues that work can become a central means of self-identification for undocumented laborers in the United States as well as a key building block to their sense of legitimacy and belonging (Gleeson, "Labor Rights for All?" [see ch. 1, n. 4]). Gleeson draws on the work of Jennifer Gordon and R. A. Lenhardt, who analyze the role that work can play in forging a sense of citizenship (Jennifer Gordon and R. A. Lenhardt, "Rethinking Work and Citizenship," *UCLA Law Review* 55, no. 5 [June 2008]: 1161–1238).

⁵ These are my translations and my emphasis of some of the cries urged at the protest, which I attended. I received a handout with over a dozen such chants, including the three referenced above: "*Paran las deportaciones...libres los trabajadores*," "*lucha por los derechos de los trabajadores*," and "*Producir y trabajar...para los inmigrantes...es la unidad familiar*."

“undocumented immigration has become economically embedded in U.S. society.”⁶

Although its impact is hotly debated, work performed by undocumented immigrants is crucial to the nation’s economic structure and increasingly ubiquitous in diverse industries.⁷ Historically, immigration law has always worked in tandem with industry and business interests to assure a steady supply of cheap and exploitable labor.⁸ The identity of immigrants in the United States as workers is therefore particularly reinforced.

⁶ Bacon, *Illegal People*, 79 (see ch. 1, n. 81). The Partnership for a New American Economy is a coalition composed of New York City Mayor Michael Bloomberg and chief executives from several major corporations including Boeing, Disney, Hewlett-Packard, and News Corp. In the summer of 2010, the Partnership announced plans to advocate for immigrant workers of all statuses, admitting that without their labor, the US economy will collapse (AP, “Execs Unite for Immigration Reform, *Newsday*, 25 June 2010, A43).

⁷ Gordon Hanson summarizes the debate, which “tends to focus on the labor-market consequences of immigrant inflows and the economic performance of immigrants”: “This body of work examines, among other questions, whether immigration reduces wages for U.S. native workers; whether immigrants make relatively greater use of means-tested entitlement programs; and whether earnings, education, fertility, or other outcomes for immigrants converge to native levels over time” (Gordon H. Hanson, “Illegal Migration from Mexico to the United States,” *Journal of Economic Literature* 44, no. 4 [December 2006]: 871). Once a phenomenon tied predominantly to agricultural work, undocumented workers today account for a disproportionately high percentage of those employed in a variety of industries. In 2008, undocumented workers comprised over 5 percent of the US labor force but accounted for a staggering 23 percent of private household employees; 25 percent of farmworkers; 19 percent of building, groundskeeping and maintenance workers; 17 percent of construction workers; and 12 percent of food preparation workers and servers (Passel and Cohn, “A Portrait of Unauthorized Immigrants in the United States,” 14–16 [see ch. 1, n. 127]). The diversification does not mean that agriculture is somehow less dependent on undocumented labor. In fact, the newly created Take Our Jobs initiative reminds all those debating immigration that “[m]issing from the debate on both issues is an honest recognition that the food we all eat—at home, in restaurants and workplace cafeterias (including those in the Capitol)—comes to us from the labor of undocumented farm workers” (Take Our Jobs website, takeourjobs.org [accessed 9 July 2010]). Today, more than 60 percent of US farm workers are estimated to be undocumented immigrants (Julia Preston, “Illegal Workers Swept From Jobs in ‘Silent Raids,’” *New York Times*, 10 July 2010, A1). Finally, whatever net effect immigrant labor has in the US, it is important to remember that some migrant remittances are absorbed into other national incomes and become critical components of economic development. In this manner, remittances can “accomplish that which eludes economic experts” (Coutin, *Nations of Emigrants*, 129 [see ch. 1, n. 27]).

⁸ Sasha Lewis passionately explains, “America has always hungered for laborers to plough, hoe, plant, and harvest cotton, fruit, vegetables, tobacco, sugar cane; hands to turn cotton and wool into textiles, and those into clothing; arms to swing the pickaxes that cracked open roadbeds for railroads and ditches for canals; hardy men to blast and dig and drag the minerals out from the earth—laborers, nation builders. And laws were written in bits and pieces to accomplish these things, immigration laws” (Sasha G. Lewis, *Slave Trade Today: American Exploitation of Illegal Aliens* [Boston: Beacon Press, 1979], 3). Unsurprisingly, when the need for workers dips, as is the case with the recent recession, levels of undocumented immigration dip as well (Jeffrey S. Passel and D’Vera Cohn, “U.S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade,” Pew Hispanic Center Research Report, 1 September 2010, pewhispanic.org/files/reports/126.pdf [accessed 3 September 2010]).

Moreover, a vast number of court cases and much legislative activity dictate how immigrants can and cannot work while in the United States. Setting aside the focus on undocumented immigrants for just a moment, I want to emphasize that immigration and naturalization laws generally dictate how noncitizens in the United States can earn a living. Despite explicit protection for noncitizens against discriminatory practices,⁹ one's citizenship status prescribes, for example, whether one can serve as a state trooper, probation officer, or even cemetery sexton;¹⁰ whether one can be certified as a public school teacher;¹¹ or whether one can continue in a job like airport security.¹² Such restrictions can not only shape one's present material conditions but also mold one's broader sense of possibility and of belonging. Adapting the words of David Engel and Frank Munger, we could say that immigration "law interacts with the social and cultural processes that construct an identity for [immigrants] and shape basic assumptions about their ability—and their right—to participate in mainstream social settings such as the American workplace."¹³

Current immigration law, moreover, seeks to manage the type of worker that enters the United States in the first place. Employment-based immigrants face a schema

⁹ As with nationality or race, courts closely scrutinize state classifications based on alienage under the Equal Protection Clause of the Fourteenth Amendment of the US Constitution. See *Graham v. Richardson*, 403 U.S. 365 (1971) and *Takahashi v. Fish and Game Commission*, 334 U.S. 410 (1948). See also *Examining Board v. Flores de Otero*, 426 U.S. 572 (1976); *Nyquist v. Mauclet*, 432 U.S. 1 (1977); *Bernal v. Fainter*, 467 U.S. 216 (1984); *Sugarman v. Dougall*, 413 U.S. 634 (1973). Given the federal government's plenary power with respect to regulation of immigrants, courts are far more deferential to alienage-based classifications by the federal government than to similar classifications by state governments. See *Hampton v. Mow Sun Wong*, 426 U.S. 88 (1976).

¹⁰ *Foley v. Connelie*, 435 U.S. 291 (1978) and *Cabell v. Chavez-Salido*, 454 U.S. 432 (1982).

¹¹ *Ambach v. Norwich*, 441 U.S. 68 (1979).

¹² The Aviation and Transportation Security Act of 2001 (ATSA), signed into law on 19 November 2001, dictates that all airport security screeners in the United States must be U.S. citizens. See ATSA, § 111(a), codified at *U.S. Code* 49 (2010), § 44935(e)(2)(A)(ii).

¹³ Engel and Munger, *Rights of Inclusion*, 4 (see ch. 1, n. 16).

of visa preferences favoring, above all, persons of “extraordinary ability,” outstanding professors and researchers, and multinational executives and managers. Professionals with advanced degrees comprise the second preference, skilled workers in short supply the third, and “Certain Special Immigrants” such as religious workers and former employees of the US government the fourth. A fifth-preference category caters to immigrants whose investments in the US aim to create a minimum number of jobs.¹⁴ Guest worker programs—particularly prevalent in agriculture and health care—offer visas and sometimes a path to citizenship to large pools of immigrant workers provided they remain at a particular job or industry for a specified period of time. In short, immigration law seeks actively to shape the US workforce by prescribing who can enter the country, delimiting what those who enter can do once inside US borders, and manipulating the supply of laborers to certain industries according to economic cycles.

Today, anyone rightfully employed in the United States must complete an I-9 form and present supporting documents to demonstrate the legal authorization to work. One of only four boxes must be checked to attest that the worker is 1) a citizen of the United States, 2) a noncitizen national of the United States, 3) a lawful permanent resident, or 4) an alien authorized to work.¹⁵ The Immigration and Nationality Act posits that such attestation occurs “under penalty of perjury,” itself a felony.¹⁶ Since the passage of IRCA in 1986, knowingly hiring or continuing the employment of an undocumented worker is also unlawful, punishable through civil fines and/or criminal

¹⁴ See INA, § 203, codified at *U.S. Code* 8 (2010), § 1153(b).

¹⁵ From form itself, given to me at my place of employment. A “noncitizen national” is a person from a US possession. For aliens authorized to work, an expiration date is also requested.

¹⁶ INA § 274A(b)(2), codified at *U.S. Code* 8 (2010), § 1324a(b)(2).

penalties including imprisonment.¹⁷ And yet, by current estimates, there are over eight million undocumented immigrants working in the United States today. They comprise over 5 percent of the total workforce.¹⁸ Such staggering numbers reflect global economic trends. Especially after the 1970s, because the wealth of countries such as the United States has grown and that of poor nations has shrunk (both absolutely and relatively), migration out of those nations has become a matter of survival.¹⁹ The promise of wages otherwise impossible at home outweighs the harsh difficulties associated with leaving that home as well as with entering another country without proper authorization. The numbers also underscore the fact that immigration law, rather than curbing undocumented migrants, actually sustains a seemingly endless labor pool. By marking them legally nonexistent and therefore relatively unprotectable, immigration laws heighten the workers' vulnerability and exploitability.

To narrow and deepen a discussion of theatrical performances of undocumented workers, I have chosen to dedicate this chapter to the stage representation of a well-worn character, the illegal domestic worker, and her necessary antagonist, the wealthy, privileged US homemaker.²⁰ First, as Pierrette Hondagneu-Sotelo explains in her

¹⁷ INA § 274A(a)(1)(A), codified at *U.S. Code* 8 (2010), § 1324a(a)(1)(A). The severity of the punishment depends on whether the actions are isolated or represent a “pattern or practice of violations” (INA § 274A[f][1], codified at *U.S. Code* 8 [2010], § 1324a[f]).

¹⁸ Passel and Cohn, “A Portrait of Unauthorized Immigrants in the United States,” 12.

¹⁹ Barbara Ehrenreich and Arlie Russell Hochschild, introduction to *Global Woman: Nannies, Maids, and Sex Workers in the New Economy* (New York: Metropolitan Books, 2002), 8.

²⁰ Several theatre pieces showcase other types of undocumented workers. The plays explored in the previous chapter would have easily lent themselves to a discussion of labor: Chin Gung's love for the American land he has painstakingly cultivated (*PA* 40), Ana's realization that American consumers do not think about how much work is needed to make the products they buy (*RW* 50), and Julia's invisible face coupled with her laboring body (*B* 19–20) all urge us to consider illegal immigrants as workers. To name just a few more examples, Cherríe Moraga's *Watsonville* centers on California cannery workers, and Michael Garcés's *Los Illegals* on day laborers. Saviana Stanescu offers her take on “extraordinary ability”

compelling study, domestic labor offers a phenomenon in which undocumented workers are particularly marginalized. “Latina immigrant labor,” she writes, “constitutes a bedrock of our contemporary U.S. culture and economy, yet the work and the women who do it remain invisible and disregarded.”²¹ The figure of the undocumented domestic worker therefore lends itself remarkably well to an examination of legal nonexistence and identity. Second, my focus takes into account the changing nature of undocumented immigrant labor, which is increasingly female. “Thanks to the process we loosely call ‘globalization,’” Barbara Ehrenreich and Arlie Russell Hochschild explain, “women are on the move as never before in history,” and, notably, “the increasing migration of millions of women from poor countries to rich ones, where they serve as nannies, maids, and sometimes sex workers,” remains relatively understudied.²² Finally, because the work done by domestics occurs in homes and hence blurs some of the distinctions between public and private spaces, it offers a particularly fraught, intimate setting in which undocumented workers and their employers must interact. Loomer explains that

by depicting the experience of two undocumented professional clowns in *Aliens with Extraordinary Skills*. I have provided bibliographic information for these pieces in chapter 1.

Additionally, there is a healthy tradition of plays that center on the relationship between a person of privilege and his or her domestic worker/maid/servant. My focus on immigration status and domestic work illuminates current trends, as I detail below. Of course, immigration status is not always a concern in these relationships, as patterns of domestic service are historically and geographically contingent. From the comedies of Plautus to stagings of *Uncle Tom’s Cabin*, the work of playwrights has, for centuries, commented on specific, local conditions of domestic service. Importantly, playwrights have played with the uneven power dynamics inherent to domestic work by making employee and employer co-protagonists. In *Driving Miss Daisy*, to name just one prevalent example, Alfred Uhry explores how race, gender, and religion constituted one employer–domestic employee dyad in the mid-twentieth century (and thus pre-1965 INA) United States (Alfred Uhry, *Driving Miss Daisy* [New York: Dramatists Play Service, 1987]).

²¹ Hondagneu-Sotelo, *Doméstica*, ix (see ch. 1, n. 89). Richard Vogel confirms in an article about the US informal economy that, because the “super-exploitation of undocumented women workers takes place almost exclusively out of sight, it all but escapes public attention” (Richard D. Vogel, “Harder Times: Undocumented Workers and the U.S. Informal Economy,” *Monthly Review* 58, no. 3 [July-August 2006]: 34).

²² Ehrenreich and Hochschild, introduction to *Global Woman*, 2. Although I will concentrate more explicitly on questions of gender in chapter 4, my focus here acknowledges the shift in immigration patterns.

“in this relationship between a nanny and the family, there [is] everything ... every dynamic of race, class, and especially of power, but within the most personal, human family story.”²³ I have also purposely chosen to focus on theatrical representations of undocumented maids hailing from Latin America.²⁴ In keeping with a dissertation structure that reflects the workings of immigration law, I want to highlight the ghettoization prevalent in domestic work and the cyclical nature of immigrant labor. That a substantial proportion of domestic work in the United States is performed by Latin American women is an explainable phenomenon.²⁵

The stories in Milcha Sánchez-Scott’s *Latina*, Lisa Loomer’s *Living Out*, and the recent *Lydia* by Octavio Solis allow me to examine how the theatre pieces advocate for undocumented immigrants by making visible and commenting on realities of working

²³ Karen Grigsby Bates, “Lisa Loomer’s New Play,” NPR Morning Edition, 27 February 2003, transcript available through lexisnexis.com (accessed 8 July 2010).

²⁴ Like with most of the research materials I cite below, my use of “Latin America” excludes the non-Spanish speaking regions of the Caribbean and West Indies. For an interesting portrayal of a Trinidadian domestic worker, see Lisa Ramirez’s play, *Exit Cuckoo (nanny in motherland)* (South Gate, CA: NoPassport Press, 2010). Although Ramirez does not delve into issues of immigration status, her play does present a veritable “United Nations” of immigrant nannies working in New York City. Of a city park, the protagonist notes: “The benches are spread out like countries. Latin America, Trinidad, Thailand, Poland, Ireland” (6). In her fascinating semiautobiographical novel, *The True Nanny Diaries*, one-named Nandi also depicts the life of a Trinidadian immigrant in New York City. Her central character, Valdi West, is undocumented (Nandi, *The True Nanny Diaries* [Brooklyn: Bread for Brick, 2009]).

²⁵ Historically, domestic work has been seen as a “bridging occupation,” one that offers immigrants a potential springboard for social mobility and better-paying jobs. While it served as a social bridge for many European immigrants, the reality for “women of color” today, Romero tells us, is that domestic work becomes an “occupational ghetto,” one from which it becomes difficult to escape (Romero, *Maid in the U.S.A.*, 10th anniversary ed. [New York: Routledge, 2002], 57). Hondagneu-Sotelo reports in *Doméstica* that, into the twenty-first century, the field of paid domestic work has become increasingly homogenized, “reflecting the subordinations of both race and nationality/immigration status” (14). At the heels of the Civil Rights Movement and the immigration reform of 1965, Central American and Mexican immigrant women have greatly supplanted African American women in domestic posts (8). In short, “paid domestic work has gone from being *either* an immigrant woman’s job *or* a minority woman’s job to one that is now filled by women who, as Latina and Caribbean immigrants, embody subordinate status both racially and as immigrants” (14). Certainly, all the women looking for domestic work in *Latina* are, not surprisingly, Latinas. While *Living Out* comments on the Central American nature of today’s cycle (“Good God, everyone is from El Salvador these days!” [LO 8]), it also notes that present-day policies might change the nature of domestic employment in the future (“So in a couple of years we can hire a nanny from Iraq” [LO 62]).

without papers.²⁶ Again heeding Patricia Ewick and Susan Silbey’s suggestion that stories are “expressions and forms of legal consciousness,”²⁷ as I have in the previous two chapters, I will consider domestic work here through three rather different storylines. Set in the Felix Sanchez Domestic Agency, Sánchez-Scott’s 1980 play introduces us to a day in the life of mostly undocumented immigrant women looking for work, their challenges in the United States, and their struggles to gain respect from inconsiderate employers. Depicting the women’s contentious relationships with the agency’s Guatemalan owner and with Sarita, his Chicana receptionist, and drawing distinctions between workers with papers and those without, the play also problematizes a categorical understanding of “Latina.” Seen from the perspective of Sarita, a struggling actor seemingly desperate to distance herself from the other women, *Latina* invites us to consider how we use each other to form our sense of self.²⁸ Loomer’s titular phrase refers to the arrangement that Ana, an undocumented Salvadoran immigrant, makes with

²⁶ While the three plays allow me to approach issues of labor directly, I should point out that they could have served in last chapter’s discussion. Undocumented characters in *Latina*, *Living Out*, and *Lydia* illustrate how crossing a border can be life-altering, how the “night [sticks] to the bird in its crossing” (*LY* 45). The playwrights with whom I engage here and the trajectories of their work also demonstrate some of the tension created by a field of cultural production determined to label artists and products along ethnic lines. Sánchez-Scott sums this up convincingly when she says that ethnic labels are “stretched and stretched to cover a whole range of things” until they are rendered virtually useless; they function mainly “when you’re trying to sell tickets” (Jon Bouknight, “Language as a Cure: An Interview with Milcha Sanchez-Scott,” *Latin American Theatre Review* 23, no. 2 [Spring 1990]: 65). Sánchez-Scott also disavows the labels through which her work is marketed and sold. She “rejects such cliché-laden labels as ‘latina’ or ‘feminist’ or even ‘magical realism’ for her work” (Howard Allen, “Matadors and Mysteries,” *American Theatre* 12, no.1 [January 1995]: 12). In turning to new examples, I hope to highlight additional images of undocumented immigrants circulating on US stages.

²⁷ Ewick and Silbey, *The Common Place of Law*, 29 (see ch. 1, n. 4).

²⁸ Milcha Sánchez-Scott, with Jeremy Blahnik, *Latina*, in Huerta, *Necessary Theater*, 76–141 (see ch. 1, n. 87). All further references to this play will be noted parenthetically and abbreviated *LA*. Unless otherwise noted, all italics and ellipses are found in the original. The play was commissioned by the New Works Division of Artists in Prison and Other Places (AIPOP), which later became L.A. Theatre Works. Sánchez-Scott wrote the play—the first of many in what would become a distinguished career—with the help of director Jeremy Blahnik. The original 1980 production toured California before settling into a well-received, award-winning run at the Pilot Theater in Los Angeles. Anthologized in *Necessary Theater*, the play has since been produced on college and regional stages.

Nancy, an Anglo lawyer in need of a nanny for her newborn. *Living Out* thus offers a view into a domestic worker's experience both in her boss's residence as well as in her own home, to which she returns every night. Through Ana, Nancy, their husbands, and two additional employer–nanny dyads, the 2003 play explores the phenomenon of having to trust someone else to care for one's own child and the difficult bond that individuals in such a contract must forge.²⁹ In contrast, Solis's 2008 *Lydia* invites us to observe a live-in situation and the particular dynamic established when an immigrant family, its own patriarch living in 1970s Texas without papers, brings an undocumented worker into the home. Hired predominantly to take care of Ceci, a teenager suffering from brain damage following a tragic car accident, the eponymous Lydia quickly inserts herself into the broken Flores family and compels each member to reexamine his or her own status, relationships, and dark past. A stylized, at times dream-like piece, *Lydia* urges us to consider the intimate and life-changing labor that immigrant domestic workers perform in many US households.³⁰

In the chapter's first section, I contrast the plays' undocumented characters with their citizen or legal immigrant employers, heeding the possibility that, in Linda

²⁹ Commissioned by the Mark Taper Forum, the original 2003 production was directed by Bill Rauch and earned Loomer a Back Stage West Garland Award for Playwriting. Since its Obie Award–winning New York premiere at Second Stage, *Living Out* has become a widely performed piece. US productions include those at Seattle Repertory Theatre (2004), Minneapolis's Mixed Blood Theatre (2004), the Bay Area's Theatre Works (2004), DC's Round House Theatre (2004), Boston's Lyric Stage Company (2005), NJ's Summit Playhouse (2007), Chicago's American Theater Company (2009), and Portland Actors Conservatory (2009), to name just some. Scenes among the Spanish-speaking characters were translated for special bilingual performances at Seattle and Minneapolis, and the translation is available for performance through Dramatists Play Service.

³⁰ *Lydia*, nominated for Best New American Play for 2008 by the Harold and Mimi Steinberg Foundation and the American Theatre Critics Association, was commissioned by the Denver Center Theater Company, where it premiered in 2008 under Juliette Carrillo's direction. That production moved in 2009 to the Yale Repertory Theatre and then to the Mark Taper Forum. Jasson Minadakis directed the West Coast premiere of *Lydia* at Marin Theatre Company, and Marisela Barrera the Southwest premiere at AtticRep, both in 2009.

Bosniak's words, "first-world women's citizenship comes at the expense of the citizenship of their household workers."³¹ In the second section, I move to complicate the plays' advocacy by considering theatrical production in a broader cultural and socioeconomic context. Given that hiring practices and access to performances limit the possibilities for the undocumented to partake in professional theatre in the United States, the plays' efforts to raise the visibility of workers without papers is inevitably problematized.

MAKING INVISIBLE WOMEN VISIBLE

The playwrights considered here write about undocumented workers from their personal experiences, showcasing what researchers confirm about domestic work and undocumented maids and nannies specifically. Sánchez-Scott based her 1980 *Latina* on the notes and journals she kept while working as a counselor for a domestic agency in Beverly Hills. Loomer conducted extensive interviews with domestic workers in Los Angeles, including her own employee. Finally, *Lydia* is grounded in Solis's own upbringing in the United States along the Texas border. His undocumented parents, like Rosa and Claudio Flores, relied on maids from Juárez "to keep things together at home."³² The three plays endeavor to make visible the experiences of women pushed into spaces of nonexistence, and, collectively, the works draw attention to the women's economic hardships and their exploitable and exploited positions. Furthermore, the plays

³¹ Bosniak, *The Citizen and the Alien*, 116 (see ch. 1, n. 28). To be sure, Bosniak believes this idea is too simplistic: "Citizenship is not a single currency that is transferred from some women to others in zero-sum fashion" (102).

³² Neda Ulaby, "A Rising-Star Writer and a Miraculous Maid," NPR All Things Considered, 18 April 2009, transcript available through lexisnexis.com (accessed 19 April 2010).

emphasize the processes of identity formation located in the relationship between domestic and employer.

Importantly, the crossnational journeys of the workers depicted in *Latina*, *Living Out*, and *Lydia* all begin with a simple but crucial fact. “Why did you come here?” Misha, Rosa and Claudio’s sixteen-year-old son, asks Lydia. “‘Cause I need work” (*LY* 70). The terse, honest response is telling. It echoes the need described by the immigrant women in *Latina* and *Living Out*. Indeed, work means everything. In *Illegal People*, Bacon stresses that immigrant workers—legal and undocumented alike—are more than just individuals making personal choices. Rather, they are decision-makers compelled by socioeconomic and political conditions both at home and in the United States.

“Economic desperation,” Bacon observes, proves “a major source of pressure on people to migrate.”³³ This pressure is double-sided, as Grace Chang explains. “The ‘draw’ of the United States,” which Chang succinctly describes as “jobs,” must be understood as “a calculated pull by the United States and other First World countries on the Third World’s most valuable remaining resource: human labor. This ‘pull’ or extraction is often facilitated by a desperate ‘push’ or expulsion of people by sending countries, which are also often the result of First World economic and military interventions.”³⁴ That Sánchez-Scott opens *Latina* with the image of New Girl in her Peruvian village (*LA* 85) compels us to keep in mind that a life at home is prompting the dangerous and difficult journey ahead. With her husband and younger son already in Los Angeles, *Living Out*’s Ana works to bring her other son from war-ravaged El Salvador. Thus, her home nation

³³ Bacon, *Illegal People*, 23.

³⁴ Grace Chang, *Disposable Domestics: Immigrant Women Workers in the Global Economy* (Cambridge, MA: South End Press, 2000), 3. On the push and pull experienced by immigrant women, see also Ehrenreich and Hochschild, introduction to *Global Woman*, 1–14.

is also persistently a presence. The other two nannies we meet in Loomer's play work as well to provide for families that live elsewhere or to attempt reunification in the United States. And as Claudio confesses in *Lydia*, even though he cannot swim, he "swam the Rio for [his] boy" (*LY* 69). Quite simply, people will cross the border to work, as work offers the possibility of better prospects for their families, prospects that conditions at home make impossible.

Nonetheless, the three plays are careful not to traffic in American Dream tropes. It might be tempting, after all, to see immigrant narratives such as these as extensions of Ellis Island mythologies. When Sánchez-Scott's Don Felix, for example, insists that his empty promises of jobs sustain the undocumented women who rely on his agency just as dreams nourished "all those huddled masses," Sarita is quick to counter that dreams of America as a land paved with gold are "not for some piddley maid's job to keep [a] family on this side of starvation" (*LA* 119). In all the plays, immigrant women experience the possibility of a better livelihood, but the costs are enormous, and the sustainability of a life in the United States seems nearly impossible. Chang alerts us to the ways in which immigration laws, coupled with welfare policies, effectively "perpetuate the feminization of poverty among undocumented immigrants." Caught in a "double bind," women without papers cannot easily earn a living wage and simultaneously risk their chances for legalization by collecting state supplements to their low earnings.³⁵ In short, life in the United States can prove prohibitively expensive.

Solis provides a persuasive example. His Lydia finds delight in a simple shopping trip. But the make-up, perfume, shampoo, conditioner, and soap that she buys

³⁵ Chang, *Disposable Domestic*, 66–67.

to “smell like Ali McGraw,” to smell like “a rich *gringa*,” cost her “a month’s pay,” money she has had to obtain through an advance on her salary (*LY* 66). The possibility of belonging rests here on achieving a type of Americanization through conspicuous consumption (as I examined with *Bordertown* in the previous chapter). Perhaps more appropriately, Lydia’s shopping trip exemplifies a kind of aspirational consumption as described by Grant McCracken. He explains that goods can be “bridges to displaced meaning [indicating] not who we are, but who we wish we were.”³⁶ *Lydia* makes plain that the undocumented maid’s aspirations are virtually unachievable. Whatever salary a job open to an undocumented worker may command will most likely not suffice to consume that which an ostensibly real *gringa/o* does. Similarly, though we witness Ana’s growth as an independent, self-assured woman (under Nancy’s influence), we also see how working to attain her goals requires indebting herself to her wealthier employer.

The playwrights are clear: the work of the undocumented immigrants generally enables only someone else’s American Dream. “This country rob your soul [*sic*],” explains Solis’s Claudio, who compares himself to a stone against which others can “make their own great *pinche* dreams” (*LY* 45). Paraphrasing Charles Isherwood’s review of *Living Out*, we could say that all the undocumented characters at hand are doomed to miss out on the lives they seek, regardless of their hard work, because they are only accessories to the success of others.³⁷

³⁶ Grant McCracken, *Culture and Consumption: New Approaches to the Symbolic Character of Consumer Goods and Activities* (Bloomington: Indiana University Press, 1988), 117.

³⁷ Charles Isherwood, review of *Living Out*, *Variety*, 5 October 2003, www.variety.com/review/VE1117922070.html?categoryid=31&cs=1&p=0 (accessed 10 July 2010). He writes: “We sense that all Ana’s hard work and good cheer will never be good enough to give her the life she seeks—she’ll always be an accessory to someone else’s American dream.”

The plays thus actively counter stereotypes of undocumented immigrants, particularly female ones, as free riders. In *Ecology of Fear*, Mike Davis describes a “post-1980 boom in imagined aliens” that coincided with “the increasing visibility of immigrants from Mexico, Central America, and East Asia in the daily life of the Los Angeles region.”³⁸ The center of film and television production, Los Angeles began to feed the national imagination with more and more dangerous, sexually deviant, and clandestine extraterrestrials that effectively managed to live in while simultaneously sucking the life out of American society. “In the shadowlands of white anxiety,” Davis continues, “the distinction between the images of space alien and illegal alien was subjected to repeated elision.”³⁹ Female immigrants, in particular, proved increasingly dangerous and scary for many anti-immigration advocates. “If male immigrants ‘stole’ jobs from ‘native’ workers,” the fearful logic goes, “female immigrants drained the public purse by applying for welfare, sending their children to public schools, and overusing the health-care system.”⁴⁰ Chang reads Davis’s findings as fodder for popular opinions of “immigrant women [as] idle, welfare-dependent mothers and inordinate breeders of dependents.”⁴¹ *Living Out*, *Latina*, and *Lydia* not only offer portraits that stress the role of female immigrants as hardworking laborers, as producers, but also posit employers as the real opportunists.

Indeed, all three playwrights convincingly demonstrate that it is employers who profit most from the work of undocumented workers. In this way, they position

³⁸ Mike Davis, *Ecology of Fear: Los Angeles and the Imagination of Disaster* (New York: Metropolitan Books, 1998), 341.

³⁹ *Ibid.*, 339–40.

⁴⁰ Mimi Abramovitz, foreword to Chang, *Disposable Domesticity*, xv.

⁴¹ Chang, *Disposable Domesticity*, 4.

themselves in a debate over the costs and benefits of undocumented immigration that remains intensely contested. Chang urges us to remember that the “notion that immigrants pose a burden on ‘native’ citizens has held fast in public perceptions, despite study after study’s consistent finding that immigrants contribute a great deal more than they ‘cost’ this country.” Relying on Julian Simon’s *The Economic Consequences of Immigration*, Chang specifically avers that undocumented immigrants “provide the greatest economic bonus because they use practically no welfare services, while about three quarters pay Social Security and income taxes.⁴² The playwrights similarly suggest that, adapting Bosniak’s language, the economic well-being of the US citizens onstage does come, or can come, at the expense of their household workers’ well-being. At the end of the day, and at the end of the plays, the undocumented workers pay a much higher price for their actions than do the employers who benefit from their cheap labor.

As the playwrights explore, those without papers are placed not only in exploitable but also in vulnerable positions. Domestic labor, because it demands relatively unstructured duties from workers functioning in isolation, proves particularly prone to engendering exploitative conditions, even under the best of intentions from employers. To begin with, the work of housecleaners, nannies, and home-care workers often fails to be recognized as legitimate employment and is subsequently undervalued,

⁴² Ibid., 28–29. Julian L. Simon, *The Economic Consequences of Immigration*, 2nd ed. (Ann Arbor: University of Michigan Press, 1999). Bosniak, among others, explains that the undocumented often stay away from state-sponsored or other seemingly official agencies dedicated to providing assistance; they are “unwilling to avail themselves of the various non-immigration-related civil and economic rights that they *have* been accorded out of fear that, by doing so, they may precipitate an inquiry into their immigration status” (Bosniak, *The Citizen and the Alien*, 69–70). To boot, as Bacon alerts us, when an undocumented worker uses a fraudulent Social Security number, she “deposit[s] extra money into the true cardholder’s [or nonexistent] account, and the worker using the incorrect number will never be able to collect the benefits those earnings will accrue” (Bacon, *Illegal People*, 5).

underprotected, and underpaid.⁴³ Loomer's Nancy well captures this phenomenon when she tries to support Ana by saying "You should go to school and get a real job!" (LO 54). With her arm around the nanny, per Loomer's stage directions, Nancy in essence diminishes to nothing the very real work that Ana has been doing. Although Nancy has been paying Ana wages to do specific labor, it is clear that the former does not consider the latter an actual employee. Hondagneu-Sotelo explains that, well into the twenty-first century, domestic work continues to be viewed as "something other than employment" and that employers often tend to see themselves more as consumers than as law-bound employers. As a result, even without taking into account immigration status, domestic work remains today "effectively unregulated by formal rules and contracts."⁴⁴

The very novelty of the nation's first-ever bill to afford domestic workers basic labor rights alerts us to the reluctance of both state and federal authorities to legitimize and protect domestic employment. On 1 June 2010, after six years of contemplating legislation, the New York State senate finally passed the Domestic Workers Bill of Rights, requiring employers to provide paid holidays, vacation, sick leave, and overtime pay to all full-time domestic employees, dues guaranteed to workers in other industries since the 1930s. The bill, cosponsored by Democrat Diane J. Savino, follows a similar

⁴³ The gender implications here are crucial. Romero explains that housework, which necessarily occurs in a sphere often "assumed to be an escape from the world of work and a haven for leisure activities and emotional warmth," has "become fused with the roles of mother and wife." As such, it is often "disqualified as 'real' work," viewed instead as a "labor of love" (Romero, *Maid in the U.S.A.*, 51). Indeed, as Hondagneu-Sotelo reminds us, "Parents hire nanny/housekeepers to do work involving intimate care, yet may fundamentally resist the idea that these services require monetary compensation" (Hondagneu-Sotelo, *Doméstica*, 120). The lines between employee and friend, or employee and family member can become increasingly blurred as a nanny or housekeeper begins to care for those under her charge: "[C]ould you possibly just do me a—favor? Just this one time," pleads a desperate Nancy to Ana when she needs the latter to work late. Reaching for Ana's hand, Nancy adds, "As a ... friend?" Feeling guilty, Ana agrees (LO 56).

⁴⁴ Hondagneu-Sotelo, *Doméstica*, 9, 12, x.

measure passed by the State Assembly and was signed into law by Governor David Paterson on 31 August 2010.⁴⁵ Of course, the Domestic Workers Bill of Rights will protect only those employed full-time within the state of New York, leaving hundreds of thousands others without the same basic rights.

Workers' legal protections, furthermore, do not always apply to undocumented workers. Some case law, such as *Patel v. Quality Inn South*, dictate employers cannot violate the Fair Labor Standards Act (FLSA), noting that “[n]othing in the FLSA or its legislative history suggests that Congress intended to exclude undocumented workers from the act’s protections.”⁴⁶ But not all work is easily covered by the FLSA, which was enacted in 1938 to improve substandard working conditions and regulate, among other things, a national minimum wage and overtime standards.⁴⁷ As Judge Robert Smith Vance’s opinion in *Patel* makes clear, “We doubt . . . that many illegal aliens come to this country to gain the protection of our labor laws. Rather it is the hope of getting a job—at any wage—that prompts most illegal aliens to cross our borders.”⁴⁸ It is precisely work not fully or not actively regulated by FLSA’s standards, such as domestic labor,⁴⁹ that offers employers an opportunity to exploit undocumented workers. Today, workers

⁴⁵ Russ Buettner, “For Nannies, Hope for Workplace Protection,” *New York Times*, 3 June 2010, A1); Associated Press, “Gov. Paterson Signs Domestic Workers Rights Bill into Law,” *New York Post*, 31 August 2010, nypost.com/p/news/local/gov_paterson_expected_law_sign_domestic_mWjRWTNCbUxMZMYFZDwHgN (accessed 3 September 2010).

⁴⁶ *Patel v. Quality Inn South*, 846 F.2d 700, 703 (11th Cir.1988).

⁴⁷ Fair Labor Standards Act of 1938, Public Law 75-718, *U.S. Statutes at Large* 52 (1938), 1060, codified as amended at *U.S. Code* 29 (2010), §§ 201 et. seq.

⁴⁸ *Patel*, 846 F.2d at 704–5.

⁴⁹ Although the 1974 amendments to the FLSA extended certain coverage, such as minimum wage, to both legal and undocumented domestic workers, “legal progress has been tempered by a culture of non-compliance and under-enforcement” (Peggie R. Smith, “Organizing the Unorganizable: Private Paid Household Workers and Approaches to Employee Representation,” 79 *North Carolina Law Review* 79, no. 1 [2000]: 57). “It’s almost as if these regulations did not exist,” summarizes Hondagneu-Sotelo (*Doméstica*, 21).

without papers find even less protection in the 1935 National Labor Relations Act (NLRA), which bolstered workers' rights to organize and unionize.⁵⁰ Supreme Court Chief Justice William Rehnquist makes clear in his majority opinion for *Hoffman Plastic Compounds v. NLRB* that

[u]nder the IRCA regime, it is impossible for an undocumented alien to obtain employment in the United States without some party directly contravening explicit congressional policies. Either the undocumented alien tenders fraudulent identification, which subverts the cornerstone of IRCA's enforcement mechanism, or the employer knowingly hires the undocumented alien in direct contradiction of its IRCA obligations.⁵¹

The 2002 *Hoffman* decision, which held that illegal workers were not entitled to back pay after being fired for participating in union activities, exemplifies the treacherous, and thus exploitable, position that workers without documents inhabit.

In an environment in which securing a job without risking legal consequences is "impossible," holding on to a job often proves more important than calling attention to unfair or even illegal conditions. As Bacon sums up the situation, the often draconian legal exclusion from protections that are meant to discourage undocumented immigrants from seeking work in the United States merely serves to make their labor cheaper by keeping them socially isolated and vulnerable.⁵² The passage of New York's Domestic Workers Bill of Rights highlights this issue. While many celebrated the possibility of

⁵⁰ National Labor Relations Act, Public Law 74-198, *U.S. Statutes at Large* 49 (1935), 452, codified as amended at *U.S. Code* 29 (2010), §§ 151 et. seq.

⁵¹ *Hoffman Plastic Compounds v. NLRB*, 535 U.S. 137, 148 (2002). Gleeson emphasizes that, although *Hoffman* has raised difficult questions, undocumented workers in the formal job sector retain "a wide array of workplace rights." Gleeson does caution that such protections often remain unregulated and, thus, ineffective. She also points out that varying state and local workplace policies alter the effectiveness of federal standards (Gleeson, "Labor Rights for All?," 568, 573).

⁵² Bacon, *Illegal People*, 81.

adopting FLSA-like standards for an otherwise unregulated industry, many domestic workers doubt that “immigrants lacking legal documentation would be willing to report violations of a new wage law to a government agency.”⁵³ One of the bill’s cosponsors, State Senator Kevin Parker, agrees that Senate Bill S2311 “will not change much for [undocumented immigrants] and sadly, long after its passage, they will continue to exist beyond its reach.”⁵⁴ Hondagneu-Sotelo concludes that “[d]omestic workers who are working without papers clearly face extra burdens and risks: criminalization of employment, denial of social entitlements, and status as outlaws anywhere in the nation. If they complain about their jobs, they may be threatened with deportation.”⁵⁵ Certainly, in *Latina*, which out of the three plays considered here presents the most overtly exaggerated characterizations of employers, we hear explicit threats like those of the unrelenting Mrs. Camden: “She [the domestic employee] is an illegal. She is an alien. And if I wanted to, I could call immigration on her” (*LA* 139).

Although Sarita calls Mrs. Camden on her hypocrisy (“You talk ‘legal,’ you hired her because you didn’t want to pay the salary a legal person gets” [*LA* 139]), the play makes quite palpable the threat of immigration. The characters in *Latina*, like the women in López’s *Real Women Have Curves*, fear a vehicle parked outside the agency; the “migra” captured their friend Hortensia just a week ago (*LA* 106). “Que Dios la bendiga

⁵³ Buettner, “For Nannies, Hope for Workplace Protection.”

⁵⁴ Kevin Parker, “The ‘True’ Nanny Experience,” introduction to *The True Nanny Diaries*, unnumbered page.

⁵⁵ Hondagneu-Sotelo, *Doméstica*, 13. Romero provides the following in her study: “Isabel Garcia-Medina recalled an employer who threatened to call the immigration when she refused ‘to clean her house and iron two big plastic bags full of clothes—do everything for \$5.’ She responded by pulling out her resident alien card and telling the employer to call whom ever she wanted [*sic*]. However, the fear of deportation serves to silence many undocumented workers” (*Maid in the U.S.A.*, 122). Gleeson explains that threats of deportation need not be explicit to be palpable (Gleeson, “Labor Rights for All?,” 586).

y que no se encuentre con la migra,” prays Sarita for Lola, who appears to be missing (*LA* 104). That sentiment—a longing for heavenly protection from immigration authorities—underscores the fragility of the women’s positions as domestic workers for unbearable employers. Antagonizing an employee might well prompt the type of action Mrs. Camden threatens, and the undocumented worker could easily find herself deported. “Makes me feel hunted, like an animal,” confesses La Chata (*LA* 106), crystallizing the fact that spaces of legal nonexistence are inherently marked by fear and violence.⁵⁶ Tellingly, *Latina*, as does *Lydia*, concludes with immigration authorities onstage. There is “*general commotion as lights start to dim*,” “*helicopter lights and sounds*,” and “*voices of immigration officers herding the women*” (*LA* 140–41). Through it all, the audience hears screaming and protesting. Like Hortensia, indeed, they will disappear, a fact emphasized the curtain’s fall in front of all but three characters: those legally allowed in the United States.

A pre-IRCA play, both in its writing and its setting, *Latina* highlights the fact that the employer at hand seemingly bears little or no responsibility for what is happening. “I didn’t break the law,” urges the agency’s owner, “I didn’t bring them up here” (*LA* 141). And it is clear by play’s end that Don Felix’s agency will suffer little from the raid at hand; he is confident that “[t]hey’ll all be back,” that business will be as usual the following day (*LA* 141). The audience will not see that next day, but the final image of the production is of another new girl and her coyote “*creeping towards the fence*” (*LA* 141). *Latina* thus makes clear that undocumented labor will continue. The only effect of

⁵⁶ See chapter 1.

the immigration raid is personal and not systemic; the individual laborers suffer, but the structure remains unchanged.

Lydia's action takes place in the early 1970s, also pre-IRCA. Again, the legal consequences of working without documents fall almost exclusively on the employee. The employer is guiltless. In Solis's tragedy, much like in *A View from the Bridge* (examined in chapter 1), a climactic betrayal of the undocumented immigrant to the authorities proves an act of purging, motivated by anger and revenge. Discovering that her husband has had sex with the maid, Rosa uses Lydia's immigration status as a means to get rid of her. After protecting her for most of the play, Rosa now urges her nephew, a border patrol officer, to "TAKE THIS *PUTA* OUT OF MY HOUSE NOW!" (*LY* 79).⁵⁷ Rosa then rips off Lydia's shirt—a gift from the woman to the maid—and leaves the young worker screaming for mercy, "*ravaged and half-naked*" (*LY* 79). By ridding herself of Lydia, Rosa finds new power, a power she dangles over her husband in Solis's final scene:

CLAUDIO. ¿Como que se fue? Where is she?

ROSA. *Con la Migra*.

CLAUDIO. ¿Que chingados dices, mujer? You turn her over to *La Migra*?

ROSA. If you want her, *vete*. If you miss that fucking country so much, go. Let me remind you who also needs papers. (*LY* 80–81)

The play's ending is ambiguous in terms of the Flores family's well-being. We know that their lives will not be the same after Lydia, but it is difficult to evaluate the shift. What is unambiguous is Lydia's fate. Before she leaves the stage not to return again, Lydia cries, "I don't want to go back! If I go back, I'll die! I know I will. I'll die!" (*LY*

⁵⁷ I do not discuss here Alvaro's (Rosa's nephew) work as a border patrol officer. I take on this dynamic more fully in the next chapter.

79). As does Marco in Miller's play, as do the undocumented women in Sánchez-Scott's work, Lydia disappears so that the lives of the other characters—the so-called legal ones—can continue.

By making the hiring of known undocumented workers a federal offense, IRCA sought to shift some responsibility to employers for increasing levels of illegal immigration. But the proliferation of undocumented labor after the passage of the 1986 legislation attests to IRCA's failure to curb unauthorized migration. The US economy is simply addicted to the cheap labor that illegal immigration affords. Bacon suggests that "in making it illegal for the employer to hire them, the law also made it a crime for those workers to hold a job"; "there [is] no way to punish the employers without punishing the workers first."⁵⁸ In short, workers, not employers, continue to pay the highest price if they are caught working illegally.

Zoë Baird, perhaps the most infamous employer of undocumented domestic workers in recent US history, arguably marred her reputation and lost a prestigious appointment when the immigration status of her nanny and chauffeur were discovered.⁵⁹

⁵⁸ Bacon, *Illegal People*, 5, 150.

⁵⁹ In 1993, Bill Clinton nominated Baird to be the nation's first female Attorney General. When it became known that Baird had hired two undocumented Peruvian immigrants to work in her home (as nanny and chauffeur), a veritable political and media storm descended on Baird and the newly elected president. Less than a month after the nomination, Baird withdrew her name from consideration. Clinton's second nominee, Kimba Wood, also pulled out from the process; she had employed an undocumented nanny as well. Unlike Baird, Wood had paid the required taxes and employed the nanny before IRCA rules prohibited it, but the shadow of Baird's controversy loomed too heavily on the second nominee. Since "nannygate," other prominent political figures, among them Caroline Kennedy, Bernard Kerik, and, most recently, California governor also-ran Meg Whitman, have found themselves in similar waters. In *An American Daughter*, playwright Wendy Wasserstein comments on the Baird scandal by offering the debacle surrounding the nomination of a fictional Lyssa Dent Hughes to the position of Surgeon General. When it is discovered that Hughes, the privileged daughter of a Republican senator, failed to respond to a jury duty summons, her nomination is derailed as the seemingly minor offense transforms into a major moral flaw in the public media debate (Wendy Wasserstein, *An American Daughter* [New York: Dramatists Play Service, 1999]).

Her violating IRCA's provisions resulted in a \$2,900 fine,⁶⁰ an amount not likely to have made a dent in the attorney's lifestyle. As general counsel for Aetna Life & Casualty, she earned over half a million dollars per year at the time. While I have no way of gauging the full costs to Baird for being caught hiring undocumented workers—she and her husband did remain in temporary seclusion during the “exhausting ordeal”⁶¹—Baird seemed to recover. She returned to work for Aetna, achieved a position in the Clinton White House, and today serves as president of the Markle Foundation.⁶² For Victor and Lillian Cordero, the Peruvian couple whom Baird had employed, “nannygate” had much more far-reaching consequences. Although immigration authorities did not—do not—actively seek undocumented domestic workers,⁶³ the spotlight on Baird brought a different kind of focus on the Corderos. The couple was ignored, even disregarded, by the media.⁶⁴ However, immigration authorities did not overlook the workers as easily. Days after Baird stepped down as nominee for Attorney General, her two employees faced questioning by the INS in Hartford. First Victor and then Lillian opted for so-

⁶⁰ Clifford Krauss, “Nominee Pays Fine for Hiring of Illegal Aliens,” *New York Times*, 17 January 1993, www.nytimes.com/1993/01/17/us/new-presidency-justice-department-nominee-pays-fine-for-hiring-illegal-aliens.html (accessed 19 June 2010). The fine was about as high as IRCA allowed. It came on top of \$8,000 paid in back Social Security taxes.

⁶¹ Jill Smolowe, Margaret Carlson, Julie Johnson, and Elaine Shannon, “The Zoe Baird Debacle: How It Happened,” *Time*, 1 February 1993, www.time.com/time/magazine/article/0,9171,977610-6,00.html (accessed 21 June 2010).

⁶² Baird eventually joined the Foreign Intelligence Advisory Board, “perhaps the plummiest of all White House appointments” (Douglas Jehl, “Elite Intelligence Panel Is Refilled, in Usual Way,” *New York Times*, 25 April 1993, 28). Today, Baird continues to command a salary of well over a million dollars per year (Markle Foundation website, markle.org/downloadable_assets/markle_2008_990pf.pdf [accessed 30 June 2010]).

⁶³ The INS “has historically served the interest of domestic employers and winked at the hiring of undocumented immigrant women in private homes” (Hondagneu-Sotelo, *Doméstica*, 21). Today, immigration authorities continue to target businesses rather than homes in their efforts to combat the hiring of undocumented workers (Preston, “Illegal Workers Swept From Jobs in ‘Silent Raids’”).

⁶⁴ Romero stresses that, throughout Baird's and subsequent “nannygates,” public debates and media coverage generally fail to include “the interests of nannies and domestics” (*Maid in the U.S.A.*, 12).

called voluntary deportation, fearing a pending investigation. “I feel like a hunted animal,” confessed Victor Cordero after INS officers descended on him, echoing La Chata’s sentiments.⁶⁵ After nearly eight years working in the United States, Cordero had little option but to leave.

Like Baird and her own husband, Paul Gewirtz, *Living Out*’s Nancy and Richard are practicing lawyers and thus well aware of the consequences of hiring an undocumented worker in post-IRCA, post-nannygate era. But providing good, affordable care for her baby and balancing work with homemaking drive Nancy to hire Ana. Nancy begs her new employee, “*don’t* say anything to my husband about your, uh, situation. He doesn’t need to be concerned with the legal ethics...” (LO 20). Not looking to abuse Ana in any predetermined or even conscious way, Nancy offers what she believes is a reasonable wage, a salary with which Ana is seemingly pleased. After interviewing with Wallace and Linda, the other two employers Loomer depicts, Ana feels fortunate to have gotten a position with the seemingly saner, more understanding Nancy. As the play progresses, however, we begin to understand that this ostensibly productive match cannot sustain itself—it depends on too many lies and a disproportionate balance of power. Both women share a need for having someone else look after their children, both struggle to balance a job outside the home and a married life, and both find support and guidance in each other. Still, as Richard confesses, he and Nancy “have options” (LO 62); Ana does not. The parallel structure that Loomer constructs crumbles in the concluding moments, attesting to her interest in depicting how “the privileges Nancy enjoys as a white professional and citizen leave the women in separate political, and, therefore,

⁶⁵ Paul Leavitt, “Ex-Baird Worker Feels ‘Like a Hunted Animal,’” *USA Today*, 26 January 1993, 3A.

emotional, spheres.”⁶⁶ While both women sit on the same stage bed during their final interchange, their journeys to this point have taken disproportionately different tolls. Nancy loses a trusted nanny and reevaluates her needs as a career mother; Ana loses a major source of income, the hope of legalization and family reunification, and a son.

One critic praised Loomer for depicting “the invisible fence that defines the limits between [Nancy and Ana].”⁶⁷ I would argue that the metaphoric fence starkly delimits not merely ethnic and class lines but legal ones as well. After all, Loomer juxtaposes three white mothers against three Latina nannies, but only the undocumented Ana—like the women in Sanchez’s agency, like Lydia—pays an unbearably high price for taking a job. In contrast, Sandra, a nanny with whom Ana converses in the park, gets to celebrate her “happy citizenship” onstage, donuts and all (*LO* 50). Triumphantly, Sandra narrates that, citizenship in hand, she has traveled to Texas, confronted her son’s absent father, and in essence reached a breakthrough: “He thought I come for the child support, but I say—‘I’m not after you! I have a happy life and I feel so proud of myself ‘cause I got my citizenship now and I sent for our son!’” (*LO* 52). Sandra’s pride matches *La Cubana*’s boasts in *Latina*. “I have my green card,” she loves to repeat to anyone who crosses her, “You can’t push me around like the rest” (*LA* 99).

It is dangerous to glorify the power of a green card. It is unrealistic to believe that a change in immigration or citizenship status can immediately and utterly change one’s life. Precisely because life without papers means limited access to education

⁶⁶ Alisa Solomon, “Candid Nanny Camera,” *Village Voice*, 7 October 2003, www.villagevoice.com/2003-10-07/theater/candid-nanny-camera/ (accessed 18 April 2010).

⁶⁷ Peter Marks, “‘Living Out’: The Hand That Rocks the Cradle,” *Washington Post*, 15 September 2004, C11.

opportunities and to well-paying jobs,⁶⁸ life with newly acquired papers might not bring a sudden career change or a remarkable bump in standards of living. *Living Out* and *Lydia*, especially, depict characters with blinding green-card dreams (La Chata in *Latina* also displays, in one scene, her “if I got my papers” mentality [LA 101]). Nonetheless, the boost in self-esteem that Sandra experiences because of her new citizenship cannot be overlooked. With papers, employees can more confidently address unfair labor practices. With papers, employees can more realistically quit and look for another position. With papers, one’s work is not criminalized. So long as a job is tied to immigration concerns, the possibility for exploitation hangs heavily.⁶⁹

Living Out’s Nancy and *Lydia*’s Rosa both offer their respective domestic employees help in obtaining papers. While Nancy endeavors to secure legal counsel for Ana, Rosa connects Lydia to someone who can forge documents. Rosa seems eager to secure Lydia’s status, to make her a legitimate part of the family. “She wants my name in the passport to be Flores,” confesses Lydia (LY 68). Loomer and Solis thus examine what Judith Rollins (and subsequent students of domestic workers and their employers) defines as “maternalism.” According to Rollins, employers of domestic workers—

⁶⁸ For an interesting study, see Helen Thorpe, *Just Like Us: The True Story of Four Mexican Girls Coming of Age in America* (New York: Scribner, 2009). Thorpe follows the lives of four teenagers—one a citizen, one a green-card holder, and two undocumented—detailing, among other things, the hardships the two girls without papers face in terms of continuing their educations and obtaining fulfilling jobs. *Real Women Have Curves* and Josefina López’s career, as I explain in the previous chapter, also emphasize both the importance of legal status in terms of pursuing an education and career and the reality that exiting undocumentedness is not immediate.

⁶⁹ Indeed, undocumented workers are not the only ones being taken advantage of. Several “guest worker” programs have created in the past and continue to create a class of indentured laborers, whose stay in the United States depends exclusively on retaining a particular job. Employers know that, for these employees, leaving their post means leaving the country or staying in violation of their visa. Lower wages, among other exploitative practices, ensue. In essence, as Bacon explains, programs that tie the right to remain in the United States to a specific employment or industry maintain a “tiered system dividing people into those with rights and those without,” pitting the migrant workers into “another form of illegality or rightlessness” (Bacon, *Illegal People*, 250).

overwhelmingly female in the United States—tend to treat their employees—also overwhelmingly female in today’s world—in a protective and nurturing manner. However, such treatment equally manages to insult and degrade. “The ‘caring’ that is expressed in maternalism might range from an adult-to-child to a human-to-pet kind of caring but ... it is not human-to-equal-human caring,” explains Rollins. She adds that the “female employer, with her motherliness and protectiveness and generosity, is expressing in a distinctly feminine way her lack of respect for the domestic as an autonomous, adult employee.”⁷⁰ So, along with kind offers to help with immigration, loans or salary advances, and small gifts like items of clothing also come subtly disparaging remarks and actions. Giving becomes a form of possession, and generosity a mask for control.⁷¹ Despite the fact that she trusts Ana with her infant daughter, Nancy, for example, consistently approaches the nanny as if she were a fragile, naïve infant herself. At one point, Nancy openly questions Ana’s ability to read (*LO* 19). Lydia is persistently referred to as a possession: “our little housekeeper” (*LY* 55). Eventually, the ostensible kindness demonstrated by Nancy and Rosa surfaces as self-serving. Their concern for the well-being of their respective domestic workers rests in a need for their labor and not in a genuine desire to see Ana or Lydia succeed. Dangling the promise of a green card in

⁷⁰ Judith Rollins, *Between Women: Domesticity and Their Employers* (Philadelphia: Temple University Press, 1985), 186. Rollins explains that a shift from “paternalism” to “maternalism” “is more than semantic: women, who have been the majority of employers of domestics in the West since the nineteenth century, are in a different structural position than are male employers and have modified the relationship in distinctively feminine ways, thus creating a dynamic similar to but not identical with paternalism” (179). Hondagneu-Sotelo juxtaposes maternalism—so prevalent in domestic work situations—with “personalism,” the less common dynamic reflecting “a bilateral relationship that involves two individuals recognizing each other not solely in terms of their role or office (such as clerk or cleaner) but rather as persons embedded in a unique set of social relations, and with particular aspirations” (Hondagneu-Sotelo, *Doméstica*, 172).

⁷¹ I paraphrase John Thompson here: “Giving is also a way of possessing: it is a way of binding another while shrouding the bond in a gesture of generosity” (John Thompson, “Editor’s Introduction” to Bourdieu, *Language & Symbolic Power*, 24 [see ch. 1, n. 42]).

front of the employees becomes merely a strategy to keep them in their current employ, or, at least in Nancy's case, perhaps a guilt-induced excuse for maintaining an undocumented worker. Ana's husband is more suspicious, convinced that Nancy's offers to help with immigration are simply so that Nancy won't have to "worry about hiring nobody illegal!" (LO 37).

Importantly, as evidenced by maternalistic practices, the dynamics of exploitation prevalent in domestic employment exceeds a strictly economic imbalance.⁷² Employers gain status and elevate their sense of worth at the expense of employees, who are forced to inhabit a position defined in negative terms. The very *illegality* of the employees serves as a bolster for the employers' identity as legal and natural members of society. Rollins suggests that "[a]ny identification the employer has with the domestic is a negative identification. The menial, unintelligent, physically strong, irresponsible, weak-charactered servant provides a convenient contrast figure upon whom might be projected those aspects of herself most despised and feared."⁷³ This type of symbolic violence—the coercive, imperceptible, misrecognized weapon of domination that, according to Bourdieu, "legitimizes distinctions by forcing [the dominated] to define themselves by their distance from the dominant culture" and "results in its recognition as legitimate"⁷⁴—operates to some degree because employers and employees belong to different ethnic groups. Indeed, patterns of employment in the United States today follow centuries of worldwide traditions of placing members of a different ethnic background in domestic

⁷² Rollins, *Between Women*, 155–56.

⁷³ *Ibid.*, 185.

⁷⁴ Bourdieu, *Language & Symbolic Power*, 167, 140.

posts.⁷⁵ As a result, domestic work becomes what Romero describes as an “occupational ghetto” for “women of color.”⁷⁶

Statistics well serve to support such a statement: most employers of domestic workers are white and a vast majority of these employees are not.⁷⁷ However, reducing the phenomenon of domestic workers in US households strictly to questions of race and ethnicity proves problematic. In a comical scene at the park, when Ana first meets Zoila and Sandra, the latter two educate the newly hired nanny on the particularities of various employers. Ana quickly learns that “[L]os Hindus pay the worst,” the Chinese “never talk to you,” and Latinos treat you like a slave (Colombians especially) (*LO* 23). The obviously racist jokes prompt laughter,⁷⁸ but they also alert us to the fact that an increasing number of employers of domestic workers are not white. By making the owner of the Felix Sanchez Domestic Agency Guatemalan and by placing Lydia in a Chicano home, Sánchez-Scott and Solis explore mono-ethnic exploitation. In so doing, *Latina* and *Lydia* tap into the heart of the class conflict involved in domestic work. More importantly, the two plays examine the way in which immigration status critically operates to maintain class divisions. By removing the issue of ethnic difference, Sánchez-Scott and Solis are able to stress how, to borrow Hondagneu-Sotelo’s words,

⁷⁵ Rollins, *Between Women*, 7–8.

⁷⁶ Romero, *Maid in the U.S.A.*, 57.

⁷⁷ “Minority and immigrant women are overrepresented in the occupation,” explains Romero, who, examining US Census Bureau documents, concludes that Latinas today make up the largest category of those entering the occupation. Because “Caribbean and Latin American immigrant women, many of them undocumented workers, are employed in private households throughout the United States ... the racial and ethnic stratification that marked domestic service at the turn of the century persists today” (Romero, *Maid in the U.S.A.*, 101).

⁷⁸ I base this observation of the jokes’ reception on the recording of *Living Out* available for viewing at the New York Public Library for the Performing Arts, Theatre on Film and Tape Archive, which I last visited on 13 April 2010. Hondagneu-Sotelo finds similar trends of stereotyping employers based on ethnic backgrounds among domestic workers (*Doméstica*, 57).

“the status of [domestic workers] as *immigrants* today serves to legitimize their social, economic, and political subordination and their disproportionate concentration in paid domestic work,” and, more specifically, how “[i]mmigration *status* has clearly become an important axis of inequality, one interwoven with relations of race, class, and gender” to facilitate exploitation. It is because employers and employees occupy different legal statuses, because domestics appear “foreign and unassimilable,” and because “they are ‘illegal’ and do not merit equal opportunities with U.S.-born American citizens” that exploitation is excused and even naturalized.⁷⁹

If, quoting Bourdieu, “social subjects, classified by their classifications, distinguish themselves by the distinctions they make,”⁸⁰ it follows that the Flores family lifts itself up by differentiating itself against Lydia’s lack of papers. Because they occupy a treacherous and relatively low position in US society, the Floresses need a “*chavala* from *Jalisco* who just came over” (LY 11) to begin living “a little *mas* better” (LY 54). The dismissive “*chavala*,” which connotes smallness and homeliness, well captures the role that Lydia must play in the Chicano household. At times exoticized and at times patronized (or “matronized” if we are to heed Rollins’s maternalism), Lydia must perform her job—clean, cook, tend to the brain-damaged Ceci, and in essence care for and somehow cure each family member—without being seen or treated as a legitimate employee or even person. “Mom, she makes chicken *molé* [*sic*] from scratch,” Misha says in awe of Lydia’s ostensible authenticity. He magnifies Lydia’s exoticness by adding, “She uses spices and stuff we don’t even know how to pronounce. She’s got

⁷⁹ Hondagneu-Sotelo, *Doméstica*, 18, 13. My emphasis.

⁸⁰ Pierre Bourdieu, *Distinction: A Social Critique of the Judgment of Taste*, trans. Richard Nice (Cambridge, MA: Harvard University Press, 1984), 6.

recipes the Aztecs used on the damn pyramids” (LY 29). Predictably, Misha falls in love—perhaps it is only lust—with the live-in *criada*, who is fully turned into a sexual object by the men of the house. For Claudio, himself an undocumented immigrant, “liv[ing] American” (LY 6) requires not only employing “our little housekeeper from Mexico-way” (LY 55) but also, in a most stereotypical manner, sleeping with her. As for Rosa, she begins to feel “quasi-middle class,” not because she can afford a domestic worker but because she can command and control Lydia. When she loses this control, Rosa has no option but to send Lydia back to Jalisco. In short, Lydia proves a catalyst for this family that is “[a]ll sad and wounded” (LY 7), because she represents something lower than what they are. By turning Lydia into a sexualized, otherworldly being, or a lowly child in need of instruction and protection, the Flores family in essence “Mexicanizes” or “illegalizes” the maid. Borrowing from Said’s ideas about “orientalizing,” we see how Lydia is turned into the “simple, symbolic, visible—without concern for [seeing her as] ‘natural.’”⁸¹ And these distinctions made against Lydia and her illegal status elevate the Floreses to a seemingly higher position. Thus, not only is Lydia being exploited with low wages, she is also the victim of a symbolic violence that helps the family construct a sense of self-worth, albeit a fragile one, at her expense.

In *Latina*, Sarita displays a similar strategy to boost her own worth, relying on the ostensible distance existing between her, an Americanized Chicana, and the agency’s undocumented domestic workers. Sarita makes her feelings clear at play’s opening. She speaks directly to the audience, while waiting for Sanchez to arrive:

⁸¹ Edward Said, *Orientalism* (New York: Vintage Books, 1978), 21.

I hate sleezy [*sic*] Sanchez, and I hate this stupid bus bench... (*kicks bus bench*) and the illegal women who come here everyday looking for illegal jobs... Well, I don't hate the women...it's just that...I am not one of them...I don't want to be identified with them. [...] I am not a maid, I am a counselor. Okay! (*LA 87*)

We see in such a statement, delivered while one of the undocumented women prepares to clean in the background, the seeds for some of the 1994 election results that approved California's controversial Proposition 187. A noteworthy 27 percent of "Latino" voters (as did a 52 percent majority of "Asian" voters) opted to support the measure that would drastically impede the livelihood of undocumented immigrants in the state.⁸² Such statistics remind us that ethnic categories do not neatly apply to questions of undocumented immigration. Like Sarita and the Floreses, many who identify as Latina/o despise undocumented immigrants, a group from whom they want defiantly and urgently to distinguish themselves. Of course, the major arc in Sánchez-Scott's play follows Sarita's change in perception, a change that the audience should applaud. I will discuss audiences below but focus for now on Sarita's initial approach toward illegal workers because it confirms the practice of using the undocumented to construct a sense of self. At least at first, Sarita's self-perception as a rightful citizen indeed comes at the expense of the other women's lack thereof.

⁸² "A summary analysis of Voting in the 1994 General Election," page 5, field.com/fieldpollonline/subscribers/COI-94-95-Jan-Election.pdf (accessed 11 June 2010). I keep the terms in quotes following the reports' model. I discuss Proposition 187 in the previous chapter. Of note, the road to Arizona's recent and controversial immigration legislation has been paved with similar voting initiatives. In 2004, 47 percent of Latina/o voters supported Arizona's Proposition 200, seeking to make proof of citizenship mandatory to receive government benefits. In 2006, 48 percent of Latina/o voters supported a seemingly anti-immigrant measure to make English the Arizona's official language (Alberto Acereda, "Conservative Republican Values and the American Hispanic Mind," American Thinker website, 31 May 2008, americanthinker.com/2008/05/conservative_republican_values.html [accessed 28 June 2010]).

Undocumented domestic workers, in particular, offer employers a readily accessible and specific hue with which to paint the backside of their mirrors. In their own homes, employers can turn their undocumented maids into objects that, beyond cleaning and caring, confer and validate status and self-worth. “Class is a slippery concept in the United States,” Hondagneu-Sotelo insightfully tells us, “where nearly everybody, from warehouse loaders to millionaire entrepreneurs, is likely to identify as middle class.”⁸³ It follows that, with less strictly defined class markers, the employment of a domestic worker, and especially her ostensible lack of (legal) status, can confirm or even bolster one’s own place on an otherwise ambiguous social ladder. We might fine-tune Bosniak’s tentative proposition by suggesting that first-world women’s sense of class belonging comes at the expense of their household workers’ seemingly lower status, a status often confirmed not by ethnic categorization alone, but by immigration classification as well. Thus, although Ana escaped El Salvador a professional dental student, she becomes the possibly illiterate, pitied lower class against which Nancy can pit her own upper-middle-class position. Indeed, most undocumented immigrants in the United States do not stem from the poorest sectors of their home countries or from the poorest countries in the world for that matter.⁸⁴ Once in the United States, however, their lack of papers becomes a marker of class, transforming the undocumented into a viable rung on which others can step to concretize an elusive middle-class status. When Lydia

⁸³ Hondagneu-Sotelo, *Doméstica*, 188.

⁸⁴ Rhacel Salazar-Parreñas, *The Force of Domesticity: Filipina Migrants and Globalization* (New York: New York University, 2008), 1. There are considerable costs associated with migrating to the United States, and both financial capital and social networks are needed to do so. Indeed, an entire industry—transporting, smuggling, document forging, safe housing, job finding, and even border city lodging and boarding—preys on those migrating without papers. Coutin makes clear that many border crossers view official fees and payments made to smugglers or forgers as “morally undifferentiated” (Coutin, *Nations of Emigrants*, 47).

removes all the plastic covers off Rosa's lampshades ("I saw the pictures in that catalogue," she explains), Rosa uneasily acknowledges the improvement. The employer's shock and subsequent glowering force the maid to apologize for being "so *presumida*" (LY 57), so presumptuous. Lydia's choice betrays Rosa's tenuous status, her own class pretensions. Ultimately, it is only at the expense of the *mojadita* that Rosa and her family can carve their niche in the United States.

The utility of a domestic worker as a status symbol prompts her dehumanization, her conversion into an object seen only at surface level. Like the right diaper bag, the right Mommy and Me class (both prevalent in the conversations of the women whom Nancy meets in the park), or the right baby name ("All the boys around here is name Jackson," Zoila tells Ana [LO 23]), the so-called right domestic lets others know how well you do. As a result, appearance becomes an essential element for successful job performance, as important and at times even more so than good cleaning or care-giving. Hondagneu-Sotelo notes that employment agencies "literally groom" domestic workers by "advising [them] how to dress, how to smile, or how to shake hands." Employers tend to prefer "Latina employees who are young, physically attractive, and relatively light-skinned—more mestiza than indigenous." And, as has been the case for centuries of domestic work, employers equally gain "satisfaction and feeling of superiority" from domestic workers who appear "humble."⁸⁵ All three plays stage physical transformations, with domestic employees donning the clothes that their employers prefer. Ironically, the very illegality that makes the workers useful contrasts for their employers can diminish their value as status symbols. Thus, post-nannygate, Nancy,

⁸⁵ Hondagneu-Sotelo, *Doméstica*, 109.

Wallace, and Linda adamantly assert each of their nanny's legal status, just as they affirm the generous "top dollar" that they pay (*LO* 33). But such falsehoods are only a means to project an image for their peers' benefit and, with regards to wages at least, perhaps a means to convince themselves that they are fair, reasonable employers.

Indeed, another way in which the undocumented domestic workers serve their employers is in manufacturing a benevolent sense of self. "She makes like she's doing me the big favor, letting me scrub her floors," Clara complains about her employer (*LA* 102). Precisely because undocumented immigrant workers so desperately need income, employers can begin to feel that the work they offer—regardless of salary, regardless of duties—is not only appropriate but also charitable. As the supporter of a poor, troubled, victimized maid, the employer can begin to "construct a sense of herself as generous, altruistic, and kind—key attributes of the ideal bourgeois feminine personality," as Hondagneu-Sotelo reports.⁸⁶ Much like an audience member watching a liberally minded play, a point to which I will return below, the employer, without leaving the safety of her home, "may get satisfaction from her intimate view of the private tribulations of a woman whose life is so unlike anything she knows that it might seem to have come from a novel—a woman who is poor, who lives in a crime-ridden neighborhood, who is raising children without the financial support of a husband, who is Latina and perhaps lacks U.S. citizenship or legal papers."⁸⁷ In all three plays, we are introduced to employers who, believing they can empower their domestic workers, dole out unsolicited and often thoughtless advice. At the Felix Sanchez Domestic Agency, Clara complains:

⁸⁶ *Ibid.*, 187.

⁸⁷ *Ibid.*, 186.

Sí, she [her “patrona”] like to talk. Eso de everybody equal. She go to meet with the other women, they talk everybody equal y de los husbands y como los hombres le tratan mal. They talk how the woman must be equal to men. Then she come to me and say, “Clara, you and me, equal.” Hmmmmmph! I don’t pay attention. (*Silence.*) She don’t know nothing. I been taking three buses every day to clean houses for fifteen years and she... (*LA 116*)⁸⁸

The ubiquitous complaint attests to the palpable distance that employers of domestic workers create and maintain.

The domestic’s immigrant status can actually serve employers as a weapon with which to demean the employees and, in turn, rationalize their hiring to tackle undesirable tasks. Romero explains that “[d]etailed descriptions of actual housework performed by domestics indicate that, while some women hire women to replace their own labor, others hire women to do much more demanding household labor.”⁸⁹ Asking someone else not only to perform work that one does not care to do (clean the floor) but also to do it in a particular way (scrub rather than mop) often requires distancing oneself from the employee. Loomer suggests this process predominantly through the character of Wallace, who easily demonstrates one such distancing technique. In conversation with her peers, Wallace ostensibly rebukes immigrant women for leaving their own children behind in other countries—“I mean, could you do that?” Although Nancy advises

⁸⁸ Through Clara, Sánchez-Scott here voices a common critique of feminist notions of “sisterhood.” As Romero explains, “Domestic service accentuates the contradiction of race and class in feminism, with privileged women of one class using the labor of another woman to escape aspects of sexism” (Romero, *Maid in the U.S.A.*, 45). It further “reveals the contradiction in a feminism that pushed for women’s involvement outside the home, yet failed to make men take responsibility for household labor” (128). Indeed, Romero, following the scholarship of Ann Oakley and Nona Glazer, reminds us that “the housewife carries the burden of housework regardless of whether she actually does the work, because social responsibility for the work has not been shifted from her shoulders” (49).

⁸⁹ Romero, *Maid in the U.S.A.*, 130.

Wallace to “take into consideration the political and economic situation” of their “caregivers” (LO 33), Wallace’s attitude confirms in her mind that her domestic worker, Zoila, is somehow less of a woman than she is. With distance between them, Wallace can charge Zoila, who does not have a driver’s license, to maneuver the children under her care through Los Angeles without access to a car, for example (LO 29). Wallace can similarly use Ana’s immigration status to justify her apparently unacceptable decisions. “She *was* illegal after all” (LO 60), rationalizes Wallace after learning that Ana lied about having a son in the United States and that she took Nancy’s baby without notice to see the boy in the hospital. Instead of seeing a panicked mother whose son has had a life-threatening asthma attack, Wallace sees in Ana a “rather mysterious person” (LO 60). While Nancy is less openly offended by Ana’s immigration status, she does dismiss the employee when the truths come to bear.

The dynamics at hand change an employer, regardless of her intentions. Just one day after having Ana in her home, Nancy is a different person. “Taping unsuspecting immigrants!?! Who *are* you!?” presses her husband upon discovering that Nancy has left Ana under the gaze of a Nanny Cam hidden in a teddy bear. “Aren’t you a member of the ACLU?” he asks in shock (LO 28). Nancy’s political inclinations, her concern for the global socioeconomic realities that might force someone like Ana to leave her children in another country, fall by the wayside when it comes to ensuring her baby’s safety. Although she feels tremendous guilt, Nancy nonetheless approaches Ana as the uneducated, untrustworthy, alien immigrant that Wallace or Linda expects. In the play’s climactic moment, when Nancy arrives to an empty home and a note reading “Emergency. Gone to Hospital. Okay” (LO 58), the mother’s worst fears return her to a

deep mistrust of Ana's foreignness and illegality. Earlier in the play, Ana had suggested giving the baby some hot tea to soothe a developing cold. At first surprised by the idea, Nancy, who has employed Ana for months now, assures the nanny that she fully trusts her (LO 53). But upon finding the note, Nancy's first thought is "Oh God, maybe the tea!" (LO 59). By amplifying the threat of tea, Nancy betrays in the moment her misgivings about Ana's difference, supposedly backwards ways, and ostensibly problematic decision-making. Even when the truth about Ana's having a son in Los Angeles surfaces, Nancy finds it difficult to let go of her distrust. "Wallace's nanny knew her from the park and apparently there were things I didn't... (*She gets a cigarette.*) I mean, can you ever really know someone—who's so—different from you?" (LO 63). Regardless of Ana's needs or wishes, Nancy and her husband agree it is probably best not to have the nanny come back.

Ana, like the majority of domestics, must often tolerate such treatment, "indulg[ing] Nancy's lopsided view of their relationship."⁹⁰ She must constantly perform a role for her employer, a part premised on the belief that employers prefer "subservient behavior and [do] not like a domestic's being too educated or intelligent, too materially well off, or too attractive." Rollins goes on in her study to admit that, in turn, employees must act "like the person the employer want[s] her domestic to be. The better this performance, the greater the probability of the domestic receiving more than the minimum in material and emotional rewards."⁹¹ Beyond a mere costume change, the

⁹⁰ Marks, "Living Out': The Hand That Rocks the Cradle." Through the performances that Zoila undertakes during phone conversations with her boss, retaining a deferential and agreeable tone but simultaneously lying and avoiding commands, Loomer demonstrates some of the ways in which employees can retain some control (LO 29, 50).

⁹¹ Rollins, *Between Women*, 147.

domestics must fully take on a theatrical role. For instance, although Nancy seemingly convinces Ana to drop the formal “Mrs. Robin” (*LO* 36), Ana’s use of “Nancy” becomes only an illusive marker of a budding friendship. In fact, we might read it precisely as a way in which Ana simply does what Nancy asks. After all, Ana continues to refer to “Mrs. Robin” or to “la señora” when speaking about Nancy to others (*LO* 36, 43).⁹² At play’s end, even when she has lost a son and a job, Ana remains deferential toward Nancy, concealing the boy’s death from “Mrs. Robin” (*LO* 65). “[P]ride doesn’t get you work,” believes *Latina*’s Sarita (*LA* 137). She enthusiastically directs the other women in the agency to transform a newly arrived Peruvian immigrant into an “*Americanized version...with a new slick hair style, make-up and SARITA’s clothes*” (*LA* 133). New Girl is given a few lines of English to memorize, provided some character background, and rehearsed to appear “responsible, neat, professional” (*LA* 125). Some, like Lola, disapprove of Sarita’s tactics, admonishing her for the idea that New Girl needs to be changed. Now donning New Girl’s Peruvian attire, Sarita comes to agree with Lola. “She was beautiful the way she was,” Sarita regrets about playing Pygmalion with New Girl (*LA* 134). However, Americanized New Girl, New Girl in-role we could say, is the only one who actually gets a job in the stage’s traffic. We are left to assume that the new New Girl in the play’s final montage will likewise have to take on a role in order to score some employment.

Most jobs, I dare say, require some sort of acting. But when undocumented workers are placed in private homes, the solo performances that are needed can prove

⁹² As Romero explains, the “inferior status of the nonwhite domestic and the superior status of the white employer [are] affirmed through daily rituals and practices involving the use of language and space.” Regardless of age, for example, employers tend to address domestic workers by their first names (if at all), while the employees generally refer to their bosses more formally (Romero, *Maid in the U.S.A.*, 145).

extreme. “We lie here everyday,” bluntly admits Sarita (*LA* 103). The secrecy and pretense that working without papers inevitably requires—Ana must lie about having a son in the US to get a job, Nancy must lie to her husband about Ana’s status, New Girl must use someone else’s address and Social Security number, etc.—is compounded with the stress of being asked to be nonpresent. Tasks must be completed, but the worker must not be seen working.⁹³ Lydia, for example, is asked to “be very quiet” while she tends to the house (*LY* 21), and Nancy and her husband argue about Ana, blind to the fact that she is in the room (*LO* 48). The domestic’s invisibility becomes completely dehumanizing. She becomes another appliance, or a mere “blur,” as Ceci describes Lydia (*LY* 135). Confronted by her boss after she has quit, Lola argues, “Each day you make me more nobody, more dead. You put me in nice white uniform so I won’t offend your good taste. You take away my name, my country. You don’t want a person, you want a machine” (*LA* 138). Forced to be both obedient and invisible, domestic workers must often forge identities predicated on negative identifications. “There’s no one home,” answered a live-in maid when I telephoned a household not long ago. I thanked her and hung up, saddened by her self-erasure, her failure to acknowledge her own existence in the house.

⁹³ “The practice of ignoring household workers while they move about the same space in which others are interacting is so common in domestic service that Erving Goffman used the experience to illustrate his concept of the ‘nonperson’ [in *Presentation of Self*],” explains Romero. “Although such extreme cases of the nonperson as cited by Goffman may be a thing of the past, household workers are still expected to be invisible and to move throughout the house cleaning, without interrupting the employer family’s routine” (Romero, *Maid in the U.S.A.*, 148). “Being treated as though one is invisible is a complaint commonly voiced by domestic workers of color working for white employers,” offers Hondagneu-Sotelo (*Doméstica*, 197). Of the invisibility she felt while working as a domestic, Rollins offers, “It was this aspect of servitude I found to be one of the strongest affronts to my dignity as a human being” (*Between Women*, 209).

Although such erasures might lead us to believe that an employer's identity somehow comes at the full expense of her domestic worker's, the plays do offer a countering phenomenon. The very presence of a domestic worker can render the employer invisible, an absence in her own home. At the Felix Sanchez Domestic Agency, Clara recounts the confrontation between her employer and her daughter. The girl castigates her mother, so Clara tells us, yelling, "Look at you. You no take care of your things. Your maids do all your work" (LA 116). In *Living Out*, we see Nancy's missing crucial moments in her daughter's life, and one of the baby's first words, "Ama," is ambiguously both "Mama" and "Ana," as well as an allusion to the Spanish term for "housewife" or "home keeper," *ama de casa* (LO 43). Admittedly, once Ana's presence allows Nancy to pursue her work, she begins to feel out of touch with both her baby and husband (LO 49). And in *Lydia*, we witness Rosa's realization that she does not, after all, "know everything in this house" (LY 18). Lydia's involvement in the lives of Rosa's children and husband somehow erode the wife and mother's place in the home. Before betraying Lydia to the border patrol, Rosa mourns, "What does the word *madre* mean in this country? Does it mean idiot? Does it mean pretending? [...] I'm a stranger to my own children. My husband won't touch me" (LY 78). In the employers' seeming failures as homemakers, the domestic workers find their own sense of strength and value.

Hondagneu-Sotelo emphasizes that domestics might be "well aware of the low status and stigma attached to paid domestic work," but they do find satisfaction and reward both in earning income that can meaningfully better the lives of their families and in successfully caring for homes and children.⁹⁴ Their employers' ostensible

⁹⁴ Hondagneu-Sotelo, *Doméstica*, 12. Of note, the domestic workers' sense of fulfillment can perpetuate constructions of gender in the United States. The work of caring for homes and children

shortcomings as effective homemakers can well serve to bolster the domestic workers' sense of self and to reduce the power of the employers' perceptions to squash it. "I don't pay attention to them. I just do my job," Clara admits (*LA* 115). She makes her employers invisible and continues cleaning as if she were alone. In this way, the domestic's sense of purpose and self-worth comes at the expense of her employer's, a point *Latina* emphasizes by relegating the employers predominantly to offstage. Played by a single actor in different costumes in the original production, the four demonized women who at times do appear onstage confirm that the protagonists at hand—the domestics—are, in contrast, superior, more fully developed human beings and more worthy of the audience's attention. Below, I explore such a staging practice as well as other performance conditions to assess more carefully how plays like *Latina*, *Living Out*, and *Lydia* succeed in making visible the generally invisible work of undocumented immigrants.

INVISIBLE WOMEN RISING

If undocumented domestic workers suffer from invisibility, what kinds of remedies does performance offer to counteract such a condition? What is gained when "sensitive attention" is given to "a sector of the American workforce that is rarely examined in cultural contexts," to borrow Isherwood's review of *Living Out*?⁹⁵

Certainly, the three plays at hand offer compelling and sympathetic approaches toward undocumented workers, making visible both their plight and their integrity. In this sense,

remains predominantly in the hands of women. At the same time, because they are breadwinners working outside both their own homes and their own countries, domestic workers can also challenge cultural stereotypes.

⁹⁵ Isherwood, *Variety*.

the plays counteract prevalent portrayals of domestic workers in the media as “throwaway characters without any dignity.”⁹⁶ And more positive, more considerate portrayals of undocumented workers can effect change. Theatre, especially, allows for the telling of social injustices “*tal cual*” (just as they are), to quote Lorena Moran, the Associate Artistic Director for the Teatro Jornalero Sin Fronteras, a Los Angeles–based traveling theatre troupe comprised entirely of day laborers. In Moran’s view, audiences have no choice but to confront face-to-face the humanity and emotions of the characters at hand.⁹⁷ The visibility theatre achieves can thus be quite powerful.

When she addressed the New York State senate in June 2010, Diane Savino passionately contended that, “finally allowing the invisible women to rise,” the proposed Domestic Workers Bill of Rights was necessary and morally imperative legislation.⁹⁸ Her phrase paid homage to a performance piece she had witnessed just a couple of weeks beforehand: *Invisible Women-Rise*, the centerpiece of a town hall meeting of the Domestic Workers United (DWU), an advocacy and support organization for nannies, housekeepers, and elderly caregivers in New York.⁹⁹ Like *Esclavitud moderna* (Modern Slavery) by Teatro Jornalero Sin Fronteras and *Super Doméstica* by the Domestic Workers’ Association (DWA) in Los Angeles, *Invisible Women-Rise* served to inspire

⁹⁶ Josefina López, in reference to *Ojalá!*, a play by Jennifer Berry exploring the relationship between Mexican domestic workers and the affluent children for whom they care that was recently produced at López’s Casa 0101 theatre in Los Angeles (Yvonne Villarreal, “Ode to the Women Who Give So Much,” *Los Angeles Times*, 26 May 2010, D10).

⁹⁷ Lorena Moran, interviewed by author at Cornerstone Theatre’s offices in Los Angeles, 11 June 2010.

⁹⁸ “Senator Savino on the Domestic Workers Bill of Rights,” video clip, YouTube, 1 June 2010, youtube.com/watch?v=r4mknIO4aeg&feature=player_embedded (accessed 10 July 2010).

⁹⁹ I attended the 22 April 2010 event held at Riverside Church in New York City. Savino was in attendance; she was one of several featured speakers. Playwright Lisa Ramirez conceived and directed *Invisible Women-Rise* in collaboration with members of the DWU as part of the Foundry Theatre’s *This Is My City/Esta Es Mi Ciudad* series (Foundry Theatre website, thefoundrytheatre.org/html/forums.html [accessed 15 April 2010]).

and to raise the consciousness of friends and advocates.¹⁰⁰ Domestic workers were not only the proud protagonists of these pieces but also the creators and performers, providing the many audience members who were also domestics with a bold, satisfying mirror image. Presented at events that brought together a specific audience—e.g., a group meeting or a workplace break—such performances celebrated the domestics’ labor, combated their invisibility head-on, and energized workers and advocates to unite and fight. In short, these didactic and cheerleading performance efforts invigorated their audiences and enhanced their groups’ political efforts.

My search for more long-lived theatrical products—pieces whose trajectory demonstrate a certain resilience or viability in their cultural settings—has led me to plays like *Latina*, *Living Out*, and *Lydia*, which all maintain the commitment to keep invisible undocumented workers in view but which cater to less explicitly unified and generally

¹⁰⁰ I learned about *Esclavitud moderna* during my interview with Juan José Mangandi and Lorena Moran, Director and Associate Artistic Director, respectively, of the Teatro Jornalero Sin Fronteras. The play is one of several created by the group specifically for audiences of day laborers. It deals with the mistreatment of domestic workers and offers lessons to improve communication and personal relationships with employers. An excerpt from *Super Doméstica* can be seen in the documentary *Maid in America* (DVD, directed by Anayansi Prado [Los Angeles: Impacto Films, 2004]). As Hondagneu-Sotelo explains, *Super Doméstica* first appeared in the 1990s in a comic book distributed by Los Angeles’ DWA. The group, which seeks to organize and support working domestics, used *Super Doméstica* as a tool to gain visibility and draw interest. *Super Doméstica* is inspired by Superbarrio, a masked activist who endeavored to empower disenfranchised tenants in 1980s Mexico City and has subsequently become a spokesperson for different activist groups across Mexico and the United States. The iconic superheroine, who dons “a red cape, a short skirt showing a spray bottle of cleanser and a feather duster attached to her thighs, and yellow rubber gloves on both hands,” became the protagonist in plays produced by group members. Showcased at group meetings, the DWA’s mascot empowers audiences to stand up for what is right and deserved (Hondagneu-Sotelo, *Doméstica*, 224). For more on Superbarrio, see, for instance, Edwin Corbin, “Transnational Barrio Politics: Staging Justice in Red Tights in DC” (paper presented at the annual American Society of Theatre Research conference, Boston, 2008); Berta Jottar, “Superbarrio Gomez for U.S. President: Global Citizenship and the ‘Politics of the Possible,’” *e-misférica* 1, no. 1 (2004), hemi.nyu.edu/journal/1_1/sb.html (accessed 3 September 2010); Heather Levy, *The World of Lucha Libre: Secrets, Revelations, and Mexican National Identity* (Durham: Duke University Press, 2008); and Mauricio-José Schwarz, *Todos somos Superbarrio: la verdadera y asombrosa historia del luchador social más enigmático de México* (Mexico City: Editorial Planeta, 1994).

more affluent audiences.¹⁰¹ *Living Out*, for example, which premiered at the Mark Taper Forum in Los Angeles and subsequently at Second Stage Theatre in New York City, did not aim to reach audiences composed predominantly of domestic workers.¹⁰² Only through special events did a select number of such workers get to experience the play—a telling reminder that *Living Out* was accessible primarily to individuals like Nancy and not like Ana. When the *Los Angeles Times* invited a pair of nannies and mothers to a Mark Taper performance and a subsequent discussion, one of the domestic employees, delighted, observed, “That’s me on the stage ... That’s my life.”¹⁰³ Loomer was also able to extend an invitation to nearly thirty nannies, who otherwise might not have been able to afford the ticket, to one of the Taper performances.¹⁰⁴ Of these women, all of whom Loomer had interviewed as part of her research process, the playwright observed that

[i]t is a very exciting thing to see something so close to your life up on a stage. It means your life is important. It means that people will “see” you. [...] The very idea that you are not a citizen, that you are “illegal” or “alien” means that society is refusing to see you as a full and equal human being. Just look at those words!¹⁰⁵

¹⁰¹ David Savran notes the “considerably higher admission price” of theatre in relation to other forms of mass culture in the United States. It follows that “most regular theatregoers have far more disposable income than the average moviegoer [and] are often well-educated and highly professionalized spectators” (Savran, *The Playwright’s Voice: American Dramatists on Memory, Writing and the Politics of Culture* [New York: Theatre Communications Group, 1999], xv).

¹⁰² Of the Mark Taper audience, Jorge Huerta noted, “a majority of the ‘usual suspects,’ seated around me: Anglo, middle-aged, affluent. And perhaps from the Westside, judging from their laughter at the references to Latina nannies and their adjustments to their employers, probably because many of them *have* or had Latina nannies” (Huerta, “A Comic and Sensitive Look at Undocumented Nannies: *Living Out* by Lisa Loomer,” *Gestos* 36 [November 2003]: 185).

¹⁰³ Michael Quintanilla, “Domestic Drama,” *Los Angeles Times*, 1 March 2003, articles.latimes.com/2003/mar/01/entertainment/et-quintanilla1 (accessed 15 May 2010).

¹⁰⁴ Alys Marshall and Shalini Dore, “Theater Crowd Fetes ‘Living’ Stage Birth,” *Daily Variety*, 5 February 2003, 11.

¹⁰⁵ Lisa Loomer, interviewed by Carlo Botero, “Telling the Stories,” *Revolutionary Worker* 1227, 1 February 2004, rwor.org/a/1227/lisainterview.htm (accessed 15 March 2010).

The stage can make the invisible both visible and compelling, thus combating the nonexistence in which domestic workers, particularly undocumented ones, find themselves. Yet, there are dangers involved in this process, particularly when the very figures being made visible are not prevalent in the audience, or in the broader theatremaking process for that matter.

First, plays about Latina domestic workers—played by Latina actors—can perpetuate rather than problematize stereotypes. Sánchez-Scott worried about *Latina* and eventually decided to stop promoting it: “This play poses problems for me because all of the women are maids and that is what we always play on television, in the movies.”¹⁰⁶ Indeed, many of the actors who have taken the major roles discussed in this chapter have found themselves playing a token maid or nanny elsewhere, the kind of roles the struggling Sarita feels she is forced to play as a Latina actor (*LA 89*).¹⁰⁷ Furthermore, casting practices, as does domestic work itself, seem to prefer conventionally beautiful, relatively light-skinned Latina actors in major roles. Thus, while the plays themselves endeavor to paint three-dimensional and complex figures, their productions participate in

¹⁰⁶ Huerta, introduction to *Latina, Necessary Theater*, 77.

¹⁰⁷ Zilah Mendoza (Ana in Taper’s and Second Stage’s *Living Out*), who voiced Julia in Culture Clash’s *Bordertown*, followed her Obie award-winning performance in *Living Out* by playing a Portuguese housekeeper in Sarah Ruhl’s *The Clean House* (Yale Rep, 2004); she has also played “Housekeeper” on television (*Curb Your Enthusiasm*). Maricela Ochoa (Sandra in Taper’s *Living Out*) played “Domestic Worker” on the TV show *Joan of Arcadia*; and Maria Elena Ramirez (Sandra in Second Stage’s *Living Out*) played housekeeper Gilda Cera in an episode of *Law & Order*. Adriana Gaviria (Lydia in Marin Theatre Company’s production of Solis’s play) took on the role of a maid, “Lucy Valdez,” in a *Law & Order: Criminal Intent* episode. Most of the women who played the domestics in AIPOP’s production of *Latina* have been cast as domestic workers on screen: Christine Avila (“Lupe,” a nanny, in the film *Liar Liar*); Alma Beltran (“Maid,” “Housekeeper,” and “Cleaning lady” in *Columbo*, *The Jeffersons*, and the movie *Oh, God! Book II*, among others); Rita Conde (“Maid” in such movies as *Time After Time* and *Reflections of Murder*); and Perla Walter (“Maid,” “Cleaning Lady,” “Housekeeper,” and “Caretaker,” on the big screen—*The Big Picture*, *Masked and Anonymous*, *The Man with Two Brains*—and the small—*Hill Street Blues*) (I relied on the Internet Movie Database for these credits, imdb.com [accessed 8 July 2010]). This is but a sampling of the stereotypical roles the actors and their colleagues have had to play on the stage and on the screen.

a broader system of stereotyping and reinforcing broadly held ideas about who takes or should take on domestic work. Much like hiring practices in the domestic field reproduce “a culture that systematically devalues older and overweight women” (and we could add “darker” to the description following Hondagneu-Sotelo’s own explanation of employer preferences),¹⁰⁸ the casting choices onstage help to maintain hierarchies of taste that naturalize power structures and social positions.¹⁰⁹ Repeated images of a nonthreatening, compassionate serving class dedicated to caring for white Americans also risk perpetuating other deep-rooted notions. In her study of late 1980s and early 1990s representations of “caregivers of color,” Sau-ling Wong convincingly argues that “by conceding a certain amount of spiritual or even physical dependence on people of color—as helpers, healers, guardians, mediators, educators, or advisors—without ceding actual structural privilege, the care-receiver preserves the illusion of equality and reciprocity with the caregiver.”¹¹⁰ By offering domestic workers capable of helping, healing, and educating their less caring employers, the plays at hand thus play into rather than disturb certain conventions.

Lydia, in particular, perpetuates the problematic clichéd image of the immigrant domestic worker as an exotic and sexualized being. While this portrayal partly results from the internal dynamics between Lydia and her employers described above, the efforts

¹⁰⁸ Hondagneu-Sotelo, *Doméstica*, 110.

¹⁰⁹ I follow Bourdieu here and his proposal that taste serves as “an ideal weapon in strategies of distinction” to maintain and reproduce hierarchies (*Distinction*, 66). The fact that only one of the productions on which I focus in this chapter, and the most recent one at that, was helmed by a so-called Latina/o director (Juliette Carrillo directed the premiere of *Lydia*) further complicates the power structures. Huerta notes the “curious and politically sensitive” issue of hiring non-Latina/o directors for productions of “Latino and Latin American plays” (Huerta, “Looking for the Magic,” 41 [see preface, n. 2]).

¹¹⁰ Sau-ling C. Wong, “Diverted Mothering: Representations of Caregivers of Color in the Age of ‘Multiculturalism,’” in *Mothering: Ideology, Experience, and Agency*, ed. Evelyn Nakano Glenn, Grace Chang, and Linda Rennie Forcey (New York: Routledge, 1994), 69.

to turn the maid into a seductive, magical creature are not entirely grounded in the Flores men's actions and attitudes. In an interview, Solis admits that "Lydia is really sort of a fantasy of what I wish I could have done—talked to pretty, young girls, who seemed so strange and so scared and somehow so exotic to me—and yet more real. They were like the real deal and we were imitations ... They came here to do this kind of work, and it was really kind of spooky."¹¹¹ It becomes tempting to focus strictly on what Lydia, seemingly powerful, does to the family, without regard for what the family, and by extension, the United States, does to Lydia. "It's hard to say if Lydia is a devil, an angel or some kind of witch or healer," reports an NPR review, "Clearly, she has strange powers."¹¹² In important ways, Lydia contradicts well-worn images of maids as passive, meek, obedient victims. She has clear effect while in the United States. Yet, it is problematic to forget that Lydia is victimized both by a home country in which she cannot exist and by a US legal system that forces her into nonexistence. After all, by labeling her "illegal," the United States has strange power over Lydia. And by turning her into a magical being, Solis risks our believing she is somehow above our earthly exploitations.

I do not wish here to repeat the arguments I developed in the previous chapter, but it is worth mentioning that Solis's magical realism, among other things, serves to pin a "Latina/o" label on the work—a mystical "melodrama like one might see on Spanish TV" or "the Latino cousin of *Death of a Salesman*."¹¹³ As such, the specific issues that the

¹¹¹ Solis, interviewed by Elaine Romero, "Memories on the Border," *American Theatre* 25, no. 10 (December 2008): 64.

¹¹² Neda Ulaby, "A Rising-Star Writer and a Miraculous Maid."

¹¹³ Robert Machray, "Theatre Review (LA): Lydia by Octavio Solis at the Mark Taper Forum," Blogcritics.org, 18 April 2009, blogcritics.org/culture/article/theatre-review-la-lydia-by-octavio/ (accessed

play and its productions raise about undocumented immigration can become diluted. Viewed more generally as a play about “Mexican immigrants” or “Hispanic immigration,”¹¹⁴ *Lydia* loses the specificity that juxtaposing American-born citizens, naturalized citizens, and undocumented immigrants bears. The “Americanness” of *Lydia*, or *Latina* for that matter (described in a review as a “neat microcosm of Latin experience”¹¹⁵), is partially concealed by its “Latinness.”¹¹⁶ Loomer resists such categorization in part by hiding her background.¹¹⁷ While evaluating the repercussions of such a strategy is beyond the scope of this chapter, I once again call attention to processes that push the plays, their productions, and their authors to be viewed through ethnic categorization.

Latina and, to a lesser degree, *Living Out* suffer from a different kind of stereotyping. In their efforts to turn real-life dynamics on their feet, the plays flesh out

7 July 2010); John Moore, review of *Lydia*, *Denver Post*, 27 January 2008, www.denverpost.com/theater/ci_8086972 (accessed 7 July 2010).

¹¹⁴ Anita Gates, “Amid Lives Gone Awry, a Struggle to Be Heard,” *New York Times*, 15 February 2009, CT8; Bob Bows, review of *Lydia*, *Variety*, 4 February 2008, 104.

¹¹⁵ William Harris, untitled, *Soho Weekly News*, 2 July 1980, n.p., “Latina by Milcha Scott” clippings file, New York Public Library for the Performing Arts.

¹¹⁶ As I do previously, I adapt here Shimakawa’s terminology. She analyzes “Asian Americanness” both in relation to and in conflict with “Americanness” (Shimakawa, *National Abjection*, 2 [see ch. 1, n. 40]). The Taper’s study guide for *Lydia* well attests to this phenomenon. It seeks to explain and to contextualize, among other things, *rancheras*, the *quinceañera*, and the *lotería*, but pays no attention to questions of immigration. Unlike the study guides and discussions surrounding *Living Out* that I mention below, supplemental materials for *Lydia* focus on the play’s otherness (Christopher Breyer, “Between the Lines,” Center Theatre Group, www.centertheatregroup.org/uploadedFiles/Plays_and_Tickets/Productions/2009/Lydia/files/Lydia_BTL%281%29.pdf [accessed 19 July 2010]).

¹¹⁷ Of Loomer, Julia Salamon writes, “She said that her own background was complicated and that she had spent a lot of time living in Mexico, but she refused to elaborate. (She also would not discuss her age. ‘I work in Hollywood,’ she said, referring to her writing for television and movies)” (Salamon, “Playwright Maps Limits of the Best Intentions,” *New York Times*, 14 October 2003, E1). She works “with almost absolute anonymity,” tells us Warren Etheredge (interview with Loomer, “Living Out – Screenwriter, Lisa Loomer,” *The Warren Report*, 18 January 2003, thewarrenreport.com/2003/01/18/living-out-screenwriter-lisa-loomer/ [accessed 11 July 2010]). Even for more theatre-savvy audiences, Huerta writes that what readers “may not know is that Ms. Loomer has also written plays with Latina/o themes” (Huerta, “A Comic and Sensitive Look at Undocumented Nannies,” 185).

the domestic worker characters at the expense of their employers, who can become so unlikeable that audience members might fail to see themselves onstage. Sánchez-Scott opts for a melodramatic conflict, painting her heroines with a nostalgic, buoyantly sympathetic brush and her antagonists with an equally condemning one. She romanticizes the experience that led to *Latina*: “I was working with my cousin at an employment agency for maids in Beverly Hills. It was the best job I ever had. These immigrant women, who had their feet on the ground, and their eyes on the stars, and their hearts full of love, strengthened me. It was like meeting at the river.”¹¹⁸ Accordingly, her immigrant characters prove positive role models for the misguided Sarita as well as for the audience. The playwright emphasizes the characters’ goodness by juxtaposing them against easily detestable employers. Don Felix, who enters the stage wearing Mickey Mouse pajamas (*LA* 91), is quite brazenly a lying snake-oil salesman trafficking in impossible dreams. A buffoonish entrepreneur, he is overwhelmed running his agency in conjunction with the Felix Sanchez Wedding Chapel, the Felix Sanchez Body Shop, and the Felix Sanchez Teen Disco. The women to whom he caters prove even more loathsome. Mrs. Homes “returns” Alma to the agency (*LA* 108); Mrs. Levine’s only knowledge of Spanish is the naming of household chores (*LA* 124);¹¹⁹ Ms. Harris

¹¹⁸ Milcha Sánchez-Scott, introduction to *Roosters*, in *On New Ground: Contemporary Hispanic-American Plays*, ed. M. Elizabeth Osborn (New York: Theatre Communications Group, 1987), 245.

¹¹⁹ Romero describes two of the books that have been published to teach English-speaking employers basic Spanish words and phrases to communicate with their domestic workers: *Home Maid Spanish* from Apron Pocket Press, which sold over 100,000 copies in the 1970s, and the 1980s *Tell-A-Maid* by Linda Wolf, which “consists of twenty-eight pages of Spanish and English clip-out phrases that can be left throughout the employer’s home as a method of communication” (Romero, *Maid in the U.S.A.*, 120). There are newer versions of these types of books: *Spanish-English Housekeeping* (1983) by Ruth M. Dietz, *How To Communicate with Your Spanish Speaking Help & Friends* (1989) by Liora A. Cohen, *Household Spanish: How to Communicate with Spanish-Speaking Employees and Fellow Workers* (1995 and 2005) by William C. Harvey, *Spanish Around the House: The Quick Guide to Communicating with Your Spanish-Speaking Employees* (2005) by José M. Díaz and María F. Nadel, and *Perfect Phrases in Spanish for Household Maintenance and Childcare* (2008) by Jean Yates are just some of the titles I found

specifically wants an “illegal” maid so that she can pay less, provided she is not “one of those fat ones with the gold teeth” (*LA* 131); and, as I described in the previous section, a belligerent Mrs. Camden threatens to report her maid to immigration (*LA* 139).

Adding to the flattening of these unlikable characters, all four women in the original production were played by the same actress, Susan Niven. The casting choice comments ironically on the attitudes of the employers, who seem to believe the domestic workers represented by the agency are interchangeable and easily replaceable. However, the use of a single actor to represent all the employers, especially in a play in which the other characters are so well developed, can, as evidenced by the review in *Drama-Logue*, prove “disconcerting”: “Although it’s a clever device, and Susan Niven is flawless as Mmes. Holmes, Levine, Harris and Camden, her characters become representations of *qualities* as opposed to personalities. As a result, they weaken the confrontation scenes between them and the Latinas by repetition twice too many times.”¹²⁰

More problematic, I believe, is the fact that audience members might not recognize themselves in such demonized and generalized characters. Assuming a predominantly, if not entirely, immigrant-friendly public,¹²¹ we might expect that those watching *Latina* will, or at least can, congratulate themselves for attending a socially responsible event and for possessing attitudes so unlike those of Niven’s cartoonish

on Amazon.com (accessed 10 July 2010). There are also audio-books and flash cards for learning the necessary Spanish phrases.

¹²⁰ Gretchen Henkel, review of *Latina*, *Drama-Logue*, 12–18 June 1980, 5–6. Emphasis in original.

¹²¹ Given the play’s subject, title, and its premiere at the Pilot Theatre—described as one of Los Angeles’ “key alternative venues for dance and performance art” (Zan Dubin, “The Artists Are Restless: Performers Need Their Space,” *Los Angeles Times*, 6 November 1988, articles.latimes.com/1988-11-06/entertainment/ca-84_1_performance-space [accessed 30 June 2010]), I feel confident in making such an assumption.

characters. Although Sarita offers a more complex position, the play's antagonists are so blatantly offensive that it becomes easy to blame the unjust situations depicted entirely on the narrow-minded. As satisfying as it might be to ridicule these employers, in so doing, the production prompts less thinking about a broader context for undocumented labor.¹²² The undocumented maids somehow exist only because of Don Felix's inherent badness, itself inspired by the employers' unmitigated greed and insensitivity. Since audience members will likely not think themselves bad, greedy, or insensitive, they can remove themselves from the system that, in the play, allows for the exploitation of undocumented labor. Therefore, in raising the workers' visibility—and we should applaud such an effort, especially in a 1980 play—*Latina* simultaneously renders complex realities of an economy dependent on their labor virtually invisible.

Twenty-three years later, Loomer endeavors to present this economy in a more nuanced manner. In her "Thoughts on Production," the playwright urges her actors to focus on "good intentions as opposed to caricature," explaining that "[e]very character in this play cares about children and is doing the best they can...in their own way" (*LO* 3). However, as foils for Nancy, the characters of Wallace and Linda can come across as one-note stereotypes of self-involved and insensitive gringas. As such, like the employers in *Latina*, they become easy targets onto which we can project blame for the problems at hand.¹²³ Still, the main Nancy–Ana dyad does offer a web of issues and

¹²² For instance, Bill Edwards opens his review with a description of the play: "comedy dealing with the working conditions of illegal Spanish-speaking aliens in Los Angeles and exploitation at the hands of a wheeler-dealer Chicano." Immediately, we can see that he has excused the women whose demand for cheap labor allow for Don Felix's business in the first place from any participation in the system of exploitation (Bill Edwards, review of *Latina*, *Daily Variety*, 12 June 1980, 7).

¹²³ A review of the original Los Angeles production described the employers depicted in *Living Out* as "two caricatures and one character" (Steven Leigh Morris, "Familiarity and Contempt," *LA Weekly*, 20 February 2003, www.laweekly.com/2003-02-20/stage/familiarity-and-contempt [accessed 18 July

questions to consider. Loomer admits that she wants *Living Out* to inspire “Los Americanos” to “think of the people they employ as people rather than conveniences” and to assure any domestic workers who may be in the audience that “their voices are being heard.”¹²⁴ To this end, Loomer insists that “the Anglo couple” and the “Latino couple” live in the same stage space; the audience must see “overlapping and parallel worlds” (*LO* 3). By using fluid transitions between one scene and the next, the same stage furniture to indicate both Nancy’s and Ana’s homes, and simultaneous scenes in one same space, *Living Out* discourages identifications based on “us” and “them.” The play urges thinking about the extent to which undocumented labor, especially Latina/o labor, is embroiled in the life of Los Angelinos and Americans more generally:

ANA: One day we should all stay home!

SANDRA: Everybody! The waiters, the parking peoples, the cleaners—

ZOILA: Los Americanos be driving around in their dirty clothes—
starving. Can’t go to a restaurant—there’s nobody to wash the plate! You
get home, the house is a mess—

ANA: The plants is all dead—

SANDRA: Nobody to deliver your pizza—

ZOILA: And then you got to take care of your own kids! (*LO* 30)¹²⁵

Moreover, the NPR-listening, law-practicing Nancy reminds herself often, and the audience in turn, that Ana’s immigration status is the result of global socioeconomic

2010]). Subsequent productions have seemingly retained Wallace’s and Linda’s lack of multidimensionality. Of the two characters in the New England premiere production, reviewer Carolyn Clay writes that they are “more-vacuous rich bitches,” that they “are spoiled, underemployed, and gossipy” (Carolyn Clay, “Nanny Diaries,” *Providence Phoenix*, 1–7 April 2005, www.providencephoenix.com/theater/tripping/documents/04570802.asp [accessed 18 July 2010]).

¹²⁴ Bates, “Lisa Loomer’s New Play.”

¹²⁵ Asking immigrant workers to skip work for a day is part of the premise for the May Day rallies introduced at the beginning of the chapter. The idea is also the basis for the movie *A Day Without a Mexican* (DVD, directed by Sergio Arau [Colonia Santa Fe, Mexico: Televisa Cine, 2004]).

inequities and of US international policies more specifically (*LO* 62). Never does Nancy—or Loomer for that matter—approach Ana’s decision to enter the United States illegally as a personal choice. Ana has been forced to leave war-torn El Salvador.

Through multiple productions, *Living Out* has generated meaningful dialogue. Producers of the play have often provided study guides and hosted supplementary conversations and panels.¹²⁶ While at the Taper and during most subsequent professional productions, *Living Out* has led to discussions about immigration and domestic work in the local media. For Loomer, in fact, the “most gratifying” aspect of the play is “that people talk about it on the way home.”¹²⁷ Thus, not only does the play raise the visibility of undocumented workers but its productions can also galvanize communities to reflect on issues of domestic labor. Loomer notes that she has had audience members tell her the play prompted them to reconsider how they compensate their nannies; in some cases, *Living Out* has led to salary increases.¹²⁸ We find here, then, concrete evidence for the type of “immediate effects” that Baz Kershaw terms “performance efficacy,” through which a theatre production can, “however minutely,” influence “the general historical evolution of wider social and political realities.”¹²⁹

¹²⁶ For some examples, see Theatre Works’ guide for schools and community engagement (Theatre Works website, www.theatreworks.org/images/Living%20Out%20Study%20Guide.pdf [accessed 15 March 2010]); or, Seattle Repertory Theatre’s study guide (Seattle Rep website, www.seattlerep.org/Learn/StudyGuides/Study04LO.pdf [accessed 15 March 2010]).

¹²⁷ Loomer, interviewed by Scott French, “Us and Them: A Conversation with Lisa Loomer,” Theatre Works’ guide for schools, worksheet 4. See also Etheredge, “Living Out – Screenwriter, Lisa Loomer.”

¹²⁸ French, “Us and Them.”

¹²⁹ Baz Kershaw, *The Politics of Performance: Radical Theatre as Cultural Intervention* (London: Routledge, 1992), 1. My discussion of theatre efficacy and social change is informed by Kershaw as well as by Sonja Kuflinec, *Staging America: Cornerstone and Community-Based Theater* (Carbondale: Southern Illinois University Press, 2003), to which I return in chapter 5’s discussion of Cornerstone’s *Los Illegals*. For a global perspective on theatre and social change, see Susan Haedicke and Tobin Nellhaus, eds., *Performing Democracy: International Perspectives on Urban Community-Based Performance* (Ann

Of course, a handful of raises and dialogue might not be enough to shake the structure of an economy that relies heavily on undocumented labor. Nearly a year after holding national attention, the Baird scandal and the subsequent front-page and prime-time dialogue about immigrant labor did little to alter employers' behavior.¹³⁰ Theatre can perhaps engender more meaningful conversations and even change individual practices, as evidenced by the feedback Loomer has received. But such results are necessarily limited given theatre's quantitative reach. All of the audience members who have seen professional and amateur productions of *Living Out* cannot possibly match the numbers of people Loomer reaches with a single airing of a television script. For example, nearly nine million viewers saw the premiere showing of "Beef," a 2010 episode of *Law & Order: Special Victims Unit* penned by Loomer that focuses on exploitative and unsanitary practices at a meat-packing plant.¹³¹ Millions more will see it when the show re-airs in syndication. Loomer is optimistic about writing for television, which like theatre, allows her to explore matters of importance and to delve into what "pisses [her] off." Yet, the nature of the much more commercialized medium limits the extent to which certain issues can be scrutinized, and Loomer acknowledges that television requires more careful attention to the demands of what she calls a "broader" audience.¹³²

Arbor: University of Michigan Press, 2001). An interesting forum on theatre's role as a tool for social change, which includes responses from nineteen theatre artists and scholars including Tony Kushner, Roberta Uno, Dorinne Kondo, and Rubén Martínez, can also be found in "How Do You Make Social Change?," *Theater* 31, no. 3 (Fall 2001): 62–93.

¹³⁰ Lena Williams, "Relatively Few Taxpayers Are Jolted by the Nanny Scandal," *New York Times*, 4 November 1993, C8.

¹³¹ TV by the Numbers website, 22 April 2010 posting, tvbythenumbers.zap2it.com/2010/04/22/wednesday-broadcast-finals-idol-1-accidentally-on-purpose-down/49489 (accessed 22 February 2011).

¹³² Etheredge, "Living Out – Screenwriter, Lisa Loomer." In the previous chapter, I discuss similar constraints in relation to *Real Women Have Curves*'s transition from stage play to film. In addition

As a stage piece, a play like *Living Out* “enable[s] audiences to consider hard truths within their comfort zone,” suggests NPR’s Karen Bates.¹³³ Herein might lie another challenge to its efficacy. Like the employers Rollins studies, audience members, from the comfort and safety of their (expensive) theatre seats, might feel “satisfaction” from their “intimate” look into the “tribulations” of a character who ultimately proves to be so unlike them. Ana’s lack of papers serves as a reminder of their own legal status, their own legitimized belonging. For as the stage picture demands parallel action and simultaneous use of space, access to the theatre creates a much different picture. On the one hand, ticket prices and marketing campaigns serve to homogenize the audience, especially in terms of class. On the other, labor practices in the professional theatre forbid the employment of ostensibly undocumented workers. So, everywhere but onstage, the undocumented remain invisible, if present at all. For the actor playing Ana, undocumentedness becomes a kind of mask, a defining character trait to be studied and portrayed. We could say that by impeding the undocumented from attending the event, from consuming the cultural product, and from producing or appearing in the play, the performance and the performers operate through a type of “undocumentedface.”¹³⁴ I

to foreclosing the possibility of dialogues, television, more specifically, continues to suffer from what Bourdieu so compellingly describes in *On Television*: Because it accepts the market as a legitimizing force, television production is driven by ratings and bottom lines. As such, it not only becomes a self-censoring mechanism that skews our vision and understanding of the world, but it also becomes a dangerous model for all the areas of cultural production (Pierre Bourdieu, *On Television*, trans. Priscilla Parkhurst Ferguson [New York: The New Press, 1998]). Showtime Networks has yet to develop a pilot based on *Living Out*, despite initial interest in the idea (see Suzanne Bixby, “Living Out,” *Talkin’ Broadway Regional Theatre News & Reviews*, 29 March 2005, www.talkinbroadway.com/regional/boston/boston100.html [accessed 21 February 2011]).

¹³³ Bates, “Lisa Loomer’s New Play.”

¹³⁴ I choose the term to evoke the particular dynamic grounding homologous practices—like blackface, yellowface, or what Katrin Sieg calls “ethnic drag”—in which a member of a dominant social group performs as a marginalized Other (Sieg, *Ethnic Drag: Performing Race, Nation, Sexuality in West Germany* [Ann Arbor: University of Michigan Press], 2002).

certainly do not wish to imply here that only undocumented actors can play undocumented characters. Nor do I aim to disparage plays and productions that I believe serve an important role in engaging audiences in necessary debates and promoting immigrant rights. Rather, I question the effects of combating the invisibility of undocumented workers without an explicit, concerted effort to engage them beyond the worlds created onstage.

When, in 1980, AIPOP's original production of *Latina* toured California, one of the ten women performing in it was undocumented (before 1986 IRCA, the theatre company was not federally mandated to check the status of its employee). But as Sánchez-Scott recalls, the actor refused to perform in places where she thought immigration authorities might be present. On those occasions, the playwright would take on the role.¹³⁵ The very visibility inherent to stage practices, the very visibility for undocumented workers sought by the play, forced the undocumented participant back into the shadows. Post-IRCA, the professional theatre, which must abide by national labor and immigration laws, has become even less inviting for undocumented workers. This does not mean undocumented workers do not participate in theatremaking processes.¹³⁶ But for professional endeavors (an important distinction, as it is the

¹³⁵ Sánchez-Scott, introduction to *Roosters*, 246. On this point, see also Arrizón, *Latina Performance*, 104 (see preface, n. 9). Arrizón briefly mentions this aspect of *Latina*'s touring production as part of her examination of the play as a site in which "the (re)construction of identity is shaped by economic and cultural factors" (103).

¹³⁶ First, not all theatre production is professional. The immigration status of amateur, student, and community theatremakers is irrelevant, as they are not officially employed. Second, not all professional participants are employees subject to a theatre company's I-9 forms. "Independent contractors," a category that may include some self-employed artists, allows for a company to contract out a service (e.g., writing a play, teaching a workshop) without the responsibility of checking immigration status. To be sure, this is not some easily exploitable loophole, as the Department of Labor regularly monitors the distinction between "employee" and "independent contractor" (Department of Labor website, www.dol.gov/oasam/programs/history/herman/reports/futurework/conference/staffing/9.1_contractors.htm [accessed 13 July 2010]). Although beyond the scope of this study, immigration authorities also alter the

professional theatre that might warrant the most visibility¹³⁷), it does mean that the undocumented might only be able to participate indirectly or under a falsified identity.

Once legalized, some artists have taken to the stage to share their experiences. Armed with papers, they no longer fear the visibility that the theatre affords. I discussed the work of Josefina López in the previous chapters, noting how legalization proved critical in shaping her career. To offer another example, Carlo Albán, who has played Misha in several productions of *Lydia*, shares his experiences as an undocumented child in the one-man, autobiographical *Intrínquilis* (“difficulty” or “trickiness”). He reveals in an interview that he had, since a young age, wanted to tell the story of his family’s move from Ecuador and life without papers in the United States. But, “for a lot of time I couldn’t because we were illegal and those things are not told.” Only with a green card in hand was Albán able to share publicly “the history, our history, my history” and ensure its continued telling.¹³⁸

landscape of visiting artists who can perform in the United States through a variety of regulations. For some recent examples, see Joan Channick, “Border Shenanigans,” *American Theatre* 19, no. 5 (May/June 2002): 4; Kate Mattingly, “Preventing Performances,” *Village Voice*, 9 April 2003, 54; and “Support the Families Without Borders Tour,” Politics of Immigration website, 7 April 2010, thepoliticsofimmigration.blogspot.com/2010_04_01_archive.html (accessed 13 July 2010).

¹³⁷ I am thinking here not only of the hundreds of thousands of people who have seen a production like *Living Out* but also of a structure in which the products of professional theatre tend to dominate amateur, student, and community production. It is more likely for professional theatre products to enjoy other types of lives, such as publications or adaptations into other media, as well as to receive critical and scholarly attention.

¹³⁸ Interviewed by Rebecca Fuentes, Palabras Acentuadas home page, 22 May 2009, palabrasacentuadas.wordpress.com/2009/05/23/entrevista-con-carlo-alban-interview-with-carlo-alban/ (accessed 1 July 2010). I am reminded by Albán’s words of Daisy Cuevas, the seven-year-old who very recently told First Lady Michelle Obama that her mother does not have papers during a televised event. The very public and compelling declaration, which some say have turned Cuevas into the “voice of US illegal immigrants,” has forced the girl’s parents into fearful hiding. In short, visibility threatens deportation (“Daisy Cuevas, Peruvian Child, Becomes ‘Voice’ of US Illegal Immigrants, Huffington Post, 1 June 2010, www.huffingtonpost.com/2010/06/01/daisy-cuevas-peruvian-chi_n_596081.html [accessed 2 June 2010]).

Living Out has prompted its creative teams and audiences to explore ideas about immigrant labor. What about its producing theatres? As an employee of an Off-Broadway not-for-profit theatre company—a sister theatre to the institutions that produced *Living Out* and *Lydia*—I am especially interested in such a question. Looking back at our playbills, I notice an absence that I must confess I had not pondered before. It prompts me to look back at the hundreds of playbills collecting dust under my bed. Admittedly a biased collection (the vast majority are from New York City productions, and many of those are published by Playbill Incorporated), it strikes me that these rosters share the common absence on the page or two dedicated to listing the many people whose work is indirectly but significantly reflected on the stage. Invisible to the audience members who care to read the listings are the names of the individuals who clean the theatres.¹³⁹ Perhaps, as Hondagneu-Sotelo observes, we have become accustomed to noticing or acknowledging cleaning efforts only when they are poorly accomplished.¹⁴⁰ Like the majority of its peers, the current Second Stage Theatre’s website offers a list of “special services” under its staff page: among them, advertising and marketing representatives, legal counsel, accountant, insurer, and technical support team. Either no

¹³⁹ Only did the 59E59 Theater and the Stephen Sondheim Theatre explicitly include “Housekeeping” and “Maintenance,” respectively, among their staff listings. The Joyce Theater (used exclusively for dance performance) also listed a credit for “Building Maintenance.” The Public Theater offered a roster of “Operation Assistants” under its Production and Facility Management staff. With the exception of these isolated examples, I found no mention of housekeeping or the like in the myriad lists, which did detail each usher, refreshments vendor, and, in some cases, security staff members associated with the production and theatre in question. There may be viable explanations for such omissions. Some theatres may not have the names of the individual workers who clean because the labor has been contracted out to a company. However, professional cleaning services are regularly absent from many of the rosters even though other contracted companies (for graphic design or accounting, for example) are expressly named. Cleaning duties may also fall on staff members whose official titles may disguise such tasks. A “building manager” may well be cleaning and/or administering an unnamed janitorial team. I was nonetheless struck by how challenging it is to match individual names to cleaning duties.

¹⁴⁰ Hondagneu-Sotelo, *Doméstica*, 10.

one cleans the space or such effort is not deemed special enough to warrant mention.¹⁴¹

But clearly, someone dusts and vacuums, someone scrubs the toilets and wipes the windows.

Such labor, I believe, must be taken into account, especially vis-à-vis plays focused on questions of work. As does domestic housework, the commercial cleaning industry employs a disproportionate number of undocumented workers relative to the entire US civilian workforce.¹⁴² Likewise, under current conditions, textiles, food manufacturing and services, farming, and construction in the US all depend on cheap undocumented labor. Thus, when costume designers buy clothing pieces at K-mart, when casts order meals from Burger King, when a new performance space is built or an old one renovated, when a theatre outsources its cleaning needs to local companies, when a touring company spends a night in a hotel, or when a performer relies on a nanny to look after her child—all common occurrences that involve some of the most prominent industries in which the undocumented work today—the ties between cultural production and undocumented labor become difficult, if not impossible, to untangle. (Both Loomer and *Living Out*'s director at the Taper, Bill Rauch, acknowledge that the nannies they hire allow them to work.)¹⁴³ With this, I return to a question posed in this dissertation's

¹⁴¹ Second Stage Theatre website, www.2st.com/about_2st/staff (accessed 23 December 2010). I would like to think that the sole individual listed as “building staff” is not alone responsible for the herculean task of cleaning all seventeen thousand square feet of Second Stage’s space, a four-level building that includes “a 296-seat theatre with lobby on the second floor; dressing rooms, green room, and rehearsal and production spaces on the third floor; theatrical office space in the penthouse; and entrance foyer and box office at street level (www.2st.com/about_2st/theatre).

¹⁴² The 2000 film *Bread and Roses* centers around the struggles undocumented Los Angeles janitors working in the commercial sector to unionize. *Bread and Roses*, DVD, directed by Ken Loach (Santa Monica, CA: Lions Gate, 2001).

¹⁴³ Huerta, “A Comic and Sensitive Look at Undocumented Nannies,” 186; Bates, “Lisa Loomer’s New Play.”

introduction: how does US theatrical production bear the imprints of undocumented labor?

Undocumented labor must be taken into account when we look at theatrical production as part of a broad capitalist system. Particular theatres, companies, and unions may take steps to verify that they are solely employing documented workers and may choose not to fundraise directly from businesses that ostensibly do otherwise. Yet, the realities of theatremaking in the United States today inscribe cultural producers in a system of corporate and charitable sponsorship that benefits from the depressed wages and unfair practices that those without papers must face. A surge of undocumented workers since the mid-1980s has allowed employers and consumers in turn, to reap large profits, profits that in many cases sustain both individual artists and performance art organizations that must sell tickets and/or seek donations to produce work.¹⁴⁴ We need but follow the money to realize the intricate and often contradictory links that such a system engenders. In many cases, producers of performances seeking to combat stereotypes and raise the visibility of undocumented workers depend or have depended on financial support from businesses that require the very invisible and oppressive illegal labor the performances protest. Certainly, these connections do not necessarily suggest hypocrisy or moral shortcomings—in fact, an argument could be made that the

¹⁴⁴ See, for instance, David R. Howell, “Do Surges in Less-Skilled Immigration Have Important Wage Effects? A Review of U.S. Evidence,” Political Economy Research Institute, University of Massachusetts at Amherst, Working Papers (March 2007), available at www.peri.umass.edu/fileadmin/pdf/working_papers/working_papers_101-150/WP128.pdf (accessed 27 July 2009). In her investigative report on the Koch Brothers, Jane Mayer points to what may be a most visible current example of corporate profits reaped from questionable practices making their way into cultural institutions. In this case, David and Charles Koch’s alleged “pattern of lawbreaking, political manipulation, and obfuscation” has allowed, among other things, for huge profits and consequent donations to institutions such as the Metropolitan Opera, the American Ballet Theatre, and Lincoln Center (Jane Mayer, “Covert Operations,” *New Yorker*, 30 August 2010, www.newyorker.com/reporting/2010/08/30/100830fa_fact_mayer?currentPage=all [accessed 30 December 2010]).

performances channel tainted capital into more socially responsible and productive activities—but they do call attention to the difficulty in separating today’s cultural production from other sectors of the US economy and, thus, from undocumented labor.

Sánchez-Scott, Loomer, and Solis, like most major playwrights working in the United States, have received multiple grants. The three plays at the center of this chapter were developed and produced thanks also to cash awards. *Lydia*, for example, was commissioned, workshopped, and produced at the Denver Center Theatre Company, a division of the Denver Center for the Performing Arts. One of this center’s donors is Target Stores.¹⁴⁵ Target benefits, or has benefitted, from employing undocumented labor.¹⁴⁶ Thus, the underpaid work of night janitors giving Target stores their taken-for-granted sheen, in part, however small, made possible the staging of *Lydia*. The links need not be direct or involve huge amounts of money. But there is no escaping the reality that theatre funding and theatre artists’ careers in the United States depend on profits, corporate and individual, that exist because of cheap, exploitable workers. Albán, to offer an artist as example, jumpstarted his career by appearing in *Sesame Street*, a television show produced by the non-profit organization Sesame Workshop and distributed through public broadcasting television, which in several markets is funded by

¹⁴⁵ Denver Center Annual Report, available at its website, www.denvercenter.org/Libraries/Annual_Reports/Annual_Report_2008-2009.sflb.ashx (accessed 2 July 2010). Target Stores is also a major donor for the Center Theatre Group in Los Angeles, where the Mark Taper Forum resides and where *Living Out* was commissioned and first produced (Center Theatre Group website, Corporate Circle Membership Listing, www.centertheatregroup.org/giving/corporate/membership.aspx [accessed 23 December 2010]).

¹⁴⁶ Recently, for example, a group of night-shift janitors brought suit on the Target Corporation, alleging unfairly low wages. Target wanted, among other things, to raise the issue of the janitors’ immigration status as a way to dismiss the case. On the janitors’ behalf, the Transnational Worker Rights Clinic at University of Texas at Austin won a significant procedural victory prohibiting the interrogation of the employees on immigration matters during depositions. Eventually, the parties reached an out-of-court settlement (Jerry de Jaeger, “Workplace Justice, Global Workers, Practical Lawyering: The Transnational Worker Rights Clinic, University of Texas at Austin website, www.utexas.edu/law/academics/clinics/transnational/feature_2008_transnational_clinic.php [accessed 1 July 2010]).

Wal-Mart, a company now infamous for employing cheap, undocumented labor, as well as for selling garments manufactured by illegal immigrant work.¹⁴⁷ Albán—like the vast majority of individuals in the United States who eat, drink, wear clothes, walk into business establishments, travel, buy theatre tickets, and in essence, consume—cannot remove himself from an economic system in which undocumented workers provide underpaid labor.

Latina, *Living Out*, and *Lydia* seek to personalize the struggles of undocumented domestic workers, to “look at a political issue on a very intimate level,” if I may apply Loomer’s words about her play to all three.¹⁴⁸ They tug at heartstrings and offer much-needed, specific human faces to the statistics with which the immigration debate is often waged. Yet, precisely because pity is evoked, it is perhaps difficult to notice how performances of these plays also contribute to the maintenance and reproduction of exploitative practices. The very issues the plays try to make visible are often ignored in the broader context of theatremaking. The situations onstage, isolated from the labor and financial realities in which their production occur, can appear personal rather than systematic. And, as a review of *Latina* attests, a blind spot can develop. Sánchez-Scott and her director, *Variety* tells us, “explore the attitudes of women who degrade themselves to be debased by working for peanuts as domestics.”¹⁴⁹ The grammar is telling. Somehow, after watching *Latina*, the reviewer (still) believes that it is the immigrant women who activate the exploitation. It is they who degrade, not the

¹⁴⁷ See, for example, Greg Schneider, “Wal-Mart’s Damage Control: Longtime Price Message Takes a Back Seat to Blitz Designed to Mend Reputation,” *Washington Post*, 24 January 2004, E01; and Andrew Gumbel, “Fashion Victims: Inside the Sweatshops of Los Angeles,” *Independent* (London), 3 August 2001, 1.

¹⁴⁸ Bates, “Lisa Loomer’s New Play.”

¹⁴⁹ Edwards, *Daily Variety*, 7.

employers. Like *Living Out*'s Wallace, the reviewer can locate the women's actions in the women themselves, so that a lack of papers reflects individual decision-making rather than structural realities.

Variety's Bill Edwards is, of course, just one person reviewing a single performance of one production. His writing style may not accurately reflect his views; yet, his sentence prompts me to consider the limits of the productions discussed in this chapter. Audiences are urged to see onstage what is invisible. The domestic workers in the plays indeed rise to compelling visibility. But if the theatres' and audiences' complicity in maintaining and benefiting from an economy that relies on undocumented labor remains somehow invisible, what have we really seen? When the undocumented are not actually in the theatre to be seen, how can we? I am left with a nagging sense of *intrínqulis*, applauding plays and artists who urge us to consider how legal status shapes the consciousness of both those with papers and those without, but fearing at the same time that the equity projected by *Living Out*'s curtain call is partly a mirage.

Chapter 4

“The Future of This Country Depends on Couples like You”: Constructing and Performing (II) Legal Relationships

Deporting the Divas begins with a “‘Church Lady’ type,” Marge McCarthy, emerging from the audience to address those in attendance. She introduces herself as the Chairwoman-for-Life for the Ladies of the Church and soon-to-be mayoral candidate for San Diego and submits some basic information about the “little *divertissement*” about to begin. After mispronouncing the playwright’s name in an exaggerated gringo accent, Marge assures us that while “Guillermo Reyes” may sound “foreign and illegal,” the writer is, thankfully, a US citizen. She goes on to warn us that the play at hand traffics in issues of homosexuality and immigration, but she promises the performance will be “fun.”¹ Marge makes her second and only other appearance onstage—this time as part of the main action—when she runs into the play’s protagonist, Michael, during an excursion in Tijuana. She advises the recently separated INS officer, “If I may say so, the future of this country depends on couples like you and Teresita getting back together again.” The Chairwoman-for-Life suggests that heterosexual marriages are “good for the kids” and that divorce has “messed up” even Ronald Reagan’s children. Since Michael is, at the moment, sharing his daytrip with a “cute” young man (*DD* 164), Marge’s sentiments take on a threatening tone. Marge, a cousin of the infamous Joseph McCarthy, is known to blackmail her enemies. And as much as she believes that “America is for Americans only” (*DD* 165), that a nation’s borders need constant protection, Marge also considers that the borders delimiting traditional marriage and relationships require careful policing.

¹ Guillermo Reyes, *Deporting the Divas*, in *Asking and Telling: A Collection of Gay Plays for the 21st Century*, ed. John M. Clum (Garden City, NY: Stage & Screen, 2000), 116. Subsequent references to this play will be noted parenthetically and abbreviated *DD*. Unless otherwise noted, all italics and ellipses are found in the original script.

Individuals and couples who do not fit inside these borders should be outlawed. Gay and immigrant stories might well serve as entertaining and titillating theatre, but, in Marge's view, gay and immigrant individuals need not be tolerated off the stage.

Played by a male actor, as are all the characters in *Deporting the Divas*, Marge becomes one of the tools that Reyes's self-referential theatre piece uses to comment on the many tensions and anxieties surrounding questions of gender and sexuality as well as immigration. We are obviously intended to laugh at Marge's hardheadedness and rigid values. A reviewer for the Diversionary Theatre's 2003 production in San Diego offered Marge as the highlight of the satirical romp: "[she] is a riot as she pointedly, charmingly, and with offhanded breeziness, bashes everyone."² Reyes's humor, however, is more than cartoonish. Given that laws today very much attempt to control what "couples like you" means, a dark, uneasy undercurrent flows alongside the campy and bold-stroked characterization that *Deporting the Divas* requires.

By focusing on the endeavors of US immigration authorities to define and control personal relationships, I consider in this chapter how illegal immigration can both threaten and bolster such definitions. Moreover, I delve into the ways in which regulating immigration inevitably demands the evaluation of performances. In determining what "couples like you" and other such categorizations possibly suggest, immigration law tends to monitor not interpersonal relationships per se but rather the ways in which those relationships are put on display.

² Rob Hopper, review of *Deporting the Divas*, *National Arts Digest*, theatre.artsdig.com/reviews/reviews_div_deportingthedivas.asp (accessed 8 August 2010). San Diego's Diversionary Theatre produced the play in 2003, directed by Kirsten Brandt.

In the chapter's first section, I make a case for mutually considering immigration law and family structures and thus set a foundation to examine the three plays. In the next section, I turn initially to *La víctima* (The Victim), conceived and first performed by the collective Teatro de la Esperanza in 1976, in order to explore how immigration law generally, and a lack of papers more specifically, can rupture family structures.³ Teatro de la Esperanza's documentary play follows a family during nearly six decades of alternating between the United States and Mexico, their lives periodically shaken by economic downturns and immigration regulations. Ultimately comprised of individuals with different legal statuses, the play's central family highlights the power of law to shape an individual's sense of identity and belonging. *La víctima* culminates with an INS officer deporting his own mother, proving to be an almost mythic tale about law's power to break a family apart. Although the play stands as a fierce polemic against US immigration policies, *La víctima*'s reiteration of traditional family values and structures simultaneously sustains the categorical distinctions through which immigration law aims to function.

A less contentious piece, Janet Noble's 1989 *Away Alone* celebrates an alternate kind of family.⁴ In the chapter's third section, I investigate how the difficulties prompted by a life without papers can lead to such alternatives. *Away Alone* follows a year in the life of a group of undocumented Irish immigrants in 1980s New York City, depicting the intense and intimate bonds forged by relative strangers living and working in the United

³ Teatro de la Esperanza, *La víctima*, in Huerta, *Necessary Theater*, 316–65 (see ch. 1, n. 87). I use this publication throughout, noting all references parenthetically and abbreviated *V*. Unless otherwise noted, all italics and ellipses are found in the original script. All translations from the Spanish are mine.

⁴ Janet Noble, *Away Alone* (New York: Samuel French, 1990). Subsequent references to this play will be noted parenthetically and abbreviated *AA*. Unless otherwise noted, all italics and ellipses are found in the original script.

States illegally. Noble stages their newfound domestic lives, small triumphs, and shared fears as they carve out a life away from Ireland. With *Away Alone*, I highlight how illegal immigration creates new types of families and family dynamics as it forces individuals to live in fear-producing spaces of nonexistence. Again, I pause to reflect on how the play reiterates other, more conventional meanings of “family.” *Deporting the Divas*, Reyes’s self-acknowledged response to the infamous Proposition 187 in California,⁵ presents Michael’s journey—in his life and in his imagination—as he questions his sexuality. The San Diego immigration officer falls in love with an undocumented immigrant, thus propelling a play that looks at intersections among love, sexuality, and legal status. As a companion to *Away Alone*, *Divas* serves me well to investigate the complications that arise from immigration law’s interest in defining what constitutes a family and patrolling counterhegemonic lifestyles. These core concerns—defining and patrolling—promote a system in which performance plays a key role. In the chapter’s final section, I reflect on the subversive, but limited, power of performance to interfere with immigration laws and the familial categories those laws seek to protect.

Before delving into my arguments, I want quickly to underscore that my examples here highlight issues of crossing borders or labor practices already covered. Marge’s opening monologue in *Deporting the Divas*, for example, relies on prevalent employment trends to play with the audience. Her jokes about “illegal nannies and gardeners” and “Salvadoran window washer[s]” (*DD* 116–17) begin a play that, like *Latina, Living Out*, or *Lydia*, comments on the United States’ reliance on and exploitation of immigrant labor. Both *Away Alone* and *La víctima* present the struggles of undocumented

⁵ Reyes, “Author’s Introduction” to *Deporting the Divas*, 114.

immigrants to secure stable employment within an exploitative system.⁶ Noble's characters also demonstrate their transformation into exotic objects once inside the United States and illustrate the type of Americanization and transformation through consumption that I previously introduced.⁷ *La víctima* emphasizes the violent nature of spaces of nonexistence created by legal national borders.⁸ And Reyes's challenges in casting his play echo Milcha Sánchez-Scott's concerns about *Latina*.⁹ Likewise, several of chapters 2 and 3's central plays might well serve a discussion about family and immigration law. Apt subjects for this chapter include Estela's negotiating her lack of papers when the rest of her family has been legalized (*Real Women Have Curves*), the different standards set for male and female immigrants at Angel Island (*Paper Angels*), and the struggles of undocumented mothers with children living outside the United States (*Living Out, Latina*).

I emphasize that bringing new examples into the discussion allows me to engage more fully with broadly circulating images of undocumented immigrants on US stages

⁶ "We're just more cheap labor for them," complains Noble's Desmond about US employers. Like *Living Out*'s Ana, he wonders, "What would happen if we all just stayed home?" (AA 67). *La víctima* begins with a narrator that sets the tone for the story that follows. "The Chicano is a victim of a subtle yet complex form of oppression which differs from traditional forms, yet results in the same end: The exploitation of one group for the benefit of another," the audience hears (V 325).

⁷ In New York, the immigrants discover that the poverty-ridden Ireland they have left is viewed by US citizens as a land of "wee cottages," "thatched roofs," "turf fires," and "a leprechaun under every bush" (AA 78). The most recent arrival, Liam, soon begins to surround himself with material goods, prompting Desmond to castigate him by play's end: "And you, Liam. Just look at yourself. You've bought the American Dream too. The dream of ownership. Look at all the stuff you've dragged in here. Do you really need a battery-operated, automatic toothpaste dispenser? Ask yourself" (AA 67).

⁸ Most prevalently, near play's end, a scene depicting a labor dispute offers the observation that Mexican nationals on strike "face the additional threat of deportation" (V 357), a fact that adds "*violence* [...] [*c*]haos, confusion and screams" (V 360) to an enterprise that would play out quite differently for nonimmigrants.

⁹ "I've had some Latino actors who don't want to play Latino characters," Reyes has said in reference to performers who "don't want to be stereotyped or typecast" and who don't want to perpetuate particular images (Amanda Scioscia, "Man on the Verge," *Phoenix New Times*, 20 July 2000, www.phoenixnewtimes.com/2000-07-20/news/man-on-the-verge/1 [accessed 1 September 2010]).

and to make bolder claims about a shared legal consciousness rooted in the distinction between legal and illegal statuses. *La víctima*, a “Chicano Theater classic,” is the oldest play in my consideration of post-1965 INA theatre.¹⁰ Yet, if its 2010 revival at Los Angeles Theatre Center (LATC) is any indication, immigration law’s disruption of family life “remains dishearteningly pertinent,” in the words of a reviewer.¹¹ First performed at the University of California at San Diego in 1976 and soon after becoming a mainstay of Teatro de la Esperanza’s repertoire, *La víctima* seems to surface cyclically, as the narrative it tells would predict. Former Esperanza member José Luis Valenzuela, who has directed major productions of *La víctima*, including the play’s professional premiere at LATC in 1987 and the 2010 revival, marvels at the fact that “a work that’s nearly 40 years old, that was written for a specific historical moment, is returning now.”¹² The play today seems to protest directly Arizona’s legislative attempts to criminalize immigrants, just as a 1994 staging in Plaza de la Raza in Los Angeles served to rally support against California’s Proposition 187. Still, the play’s newest professional incarnation returns to a script that relies heavily on Spanish, unlike the 1987 LATC production that translated most of the text into English. This fact alone speaks to a

¹⁰ The descriptive phrase comes from Los Angeles Theatre Center’s website, advertising the 2010 production of *La víctima* in celebration of the Latino Theater Company’s twenty-fifth anniversary. The play was LTC’s inaugural production (thelatc.org/seasons/face-of-the-world-2010/la-victima/ [accessed 9 September 2010]).

¹¹ Margaret Gray, “Theater Review: ‘La Victima’ at the Los Angeles Theatre Center,” *Los Angeles Times*, Culture Monster, 7 October 2010, latimesblogs.latimes.com/culturemonster/2010/10/theater-review-la-victima-at-the-los-angeles-theatre-center.html (accessed 11 January 2011).

¹² Valenzuela, quoted in Reed Johnson, “Immigration Debate Takes to L.A. Stages,” *Los Angeles Times*, 30 September 2010, articles.latimes.com/2010/sep/30/entertainment/la-et-immigration-plays-20101001 (accessed 11 January 2011).

changed cultural landscape, one in which Latinas/os have gained meaningful visibility as cultural producers and consumers.¹³

Without rehashing arguments from chapter 2, I do want to point out that *La víctima*'s circulation beyond Los Angeles has been predominantly as a "Chicana/o" or "Latina/o" play.¹⁴ Noble's *Away Alone* enjoys a similarly ethnically marked trajectory. It travels as a product that is seemingly strictly "[f]or those who are Irish, Irish-descent or just plain lovers of the Irish."¹⁵ The play premiered in 1989, under Terence Lamude's direction, at the Irish Arts Center in New York City, where it ran for several months. It was subsequently staged in Los Angeles and Boston, as well as at Dublin's Abbey Theatre in the early 1990s. *Away Alone* has been a staple for Irish American theatre groups, although Noble's play has circulated more broadly, anthologized as a "new American play" in 1992 and adapted into a film in 1998.¹⁶ *La víctima* and *Away Alone* thus fit effectively into a discussion of ethnic labels to motorize the field of cultural

¹³ Valenzuela explains that "times have changed. Los Angeles has a Latino Mayor, California has numerous Latino/a elected officials, the Latino Theatre Company runs the LATC and Downtown LA is buzzing" (José Luis Valenzuela, "Víctima Holds Relevancy Today," LA Stage Times, Blogs, 1 October 2010, www.lastagetimes.com/2010/10/the-story-of-la-victima-holds-relevancy-today/ [accessed 10 January 2011]).

¹⁴ In addition to Teatro de la Esperanza's productions—these include performances at the TENAZ festival in San Diego (1977), INTAR in New York City (1978), the Kalambur Festival of Theatre and Open Air in Poland (1978), Yugoslavia's BITEF festival (1978), and a revival in Los Angeles (1982)—*La víctima* has been regularly staged by other companies in the nearly forty years since its creation. Among representative productions in the 1980s are those at Teatro Latino de Minnesota, Sacramento State University's Teatro Espejo, Teatro Chicano de Tucson, Guadalupe Cultural Arts Center in San Antonio, and Austin's Zachary Scott Theater; in the 1990s, at Teatro Vivo in Austin and City Lights Theater in San Jose; and more recent stagings at the Quinto Sol Community Cultural Center, the Festival of Chicano Theater Classics at UCLA, and Austin's Teatro Vivo once again.

¹⁵ Irene Backalenick, "A Grand Irish Night," *Westport News*, 2 February 1990, A36.

¹⁶ *Away Alone* appears in *New American Plays 2* (Portsmouth, NH: Heinemann, 1992), 219–87. In collaboration with Noel Pearson, Noble adapted *Away Alone* into a screenplay. The 1997 film featuring James Belushi, *Gold in the Streets*, follows the play closely (*Gold in the Streets*, DVD, directed by Elizabeth Gill [London: ITV Studios Home Entertainment, 1996]). *Away Alone* has been produced by the likes of the Chicago's Erin Go Bragh! Irish-American Theatre Company (1991), New England's Súgán Theatre Company (1992), and the Tara Players of Winnipeg, which in 1995 presented its version at the Acting Irish International Theatre Festival.

production. Reyes's *Deporting the Divas*, on the other hand, has been able to move from one label to another more freely since its 1996 premiere, finding multiple productions and publications in "Latina/o" as well as "gay" forums.¹⁷ This movement attests to the value of undocumentedness as a metaphoric category, as I explore below.

(RE)DEFINING FAMILY THROUGH IMMIGRATION LAW

Robert Lee writes that "the family unit has been a key entry point for state intervention in every area of daily life."¹⁸ We cannot understand the concept of family today without considering the legal regulations that underpin the construction of kinship. What it means to be a "child," a "minor," a "dependant," a "husband," a "wife," or a "parent," to offer some general examples, depends to some degree on the legal parameters under which such categories are constructed and understood. As I write this, two seemingly unrelated debates playing out in the media prompt me to question how state institutions confer labels on individuals and how those labels then grant or deny particular rights. Should children born in the United States to undocumented parents receive US citizenship?¹⁹ Should same-sex couples have the right to marry?²⁰ Both

¹⁷ *Deporting the Divas*, subtitled "Postcards from the Edge," premiered at Los Angeles's Celebration Theatre in March 1996, directed by Jorge Huerta, who had overseen the piece through its developmental stages. After considerable revisions, the play was produced in the summer of 1996 at the Borderlands Theatre of Tucson under Chris Wilken's direction. That fall, Huerta directed a further revised version, coproduced by San Francisco's Teatro de la Esperanza and Theatre Rhinoceros. The script from that production was published in *Gestos 27* (April 1999): 109–58. Clum then included it in his "collection of gay plays." *Deporting the Divas* has since been regularly produced. Productions include those at Portland's Miracle MainStage (1999), Phoenix's Mixed Company (2000), HERE's fifth annual Queer Festival in New York City (2001), San Diego's Diversionary Theatre (2003), Georgetown's Teatro Xispa (2006), and New York University's SHOP Program (2007).

¹⁸ Lee, *Orientalism*, 8 (see ch. 1, n. 91).

¹⁹ Republican Senator Lindsey Graham suggested during a 2010 television appearance that the Fourteenth Amendment, which grants citizenship to all US-born individuals including the children of undocumented immigrants, needs to be changed. Subsequently, prominent members of the Republican Party have entered the debate, variously defending or condemning the 1860s constitutional amendment (Julia Preston, "Citizenship From Birth Is Challenged on the Right," *New York Times*, 7 August 2010, A8).

debates—the first predominantly a product of political posturing during a heated election year, the second a Supreme Court-bound legal battle—remind us how definitions of family are intricately entwined with and dependent on law. One’s place within family structures and, in turn, within broader social networks necessarily involves the various privileges—awarded or refused—that a legal label like “spouse”—or “citizen”—begets. Immigration law, by deciding what constitutes legitimate familial bonds and what fraudulent relationships are, can powerfully shape one’s sense of belonging, not just to the nation but also to one’s own family. Slow to adapt to changing definitions of gender roles and alternative families, immigration law has also proven a robust weapon with which the US government imposes traditional understandings of family within its borders.

The 1965 reforms to US immigration law canonized family reunification as the “major cornerstone” of the current immigration admission system.²¹ Although protecting and respecting family units had been of importance before, the amended Immigration and Nationality Act officially replaced a system that prioritized immigrants based on national origin and/or skill sets with a schedule of “preferences” that overwhelmingly favors

The debate has since gotten increasingly more heated, with legislators from several states initiating a national campaign to end automatic citizenship for children born on US soil to undocumented parents (Julia Preston, “State Lawmakers Outline Plans to End Birthright Citizenship, Drawing Outcry,” *New York Times*, 6 January 2011, A16).

²⁰ On 4 August 2010, Federal District Judge Vaughn R. Walker struck down California’s voter-approved ban on same-sex marriage, Proposition 8. Walker cited the 2008 ban, supported by 52 percent of California’s electorate, as unconstitutional. In so doing, he set in motion a series of appeals that will most probably culminate with a Supreme Court ruling (Jesse McKinley and John Schwartz, “Court Rejects Same-Sex Marriage Ban in California,” *New York Times*, 5 August 2010, A1). On 4 January 2011, the Ninth Circuit Court of Appeals sought a ruling from the California Supreme Court on whether private organizations that sponsored Proposition 8 have standing to defend the law that government actors, primarily former Governor Arnold Schwarzenegger and his successor Jerry Brown, have refused to defend (Jesse McKinley, “California: Judges Ask for Clarity on Same-Sex Marriage Measure,” *New York Times*, 5 January 2011, A13).

²¹ Bill Ong Hing, *Deporting Our Souls: Values, Morality, and Immigration Policy* (Cambridge: Cambridge University Press, 2006), 118.

family relations. By the late 1980s, a vast majority of all legal immigrants to the United States arrived with a visa obtained using family-based categories.²² The new act continued its predecessor's imperative to grant unlimited entry to "immediate relatives" of US citizens—their children, spouses, and parents—but also ensured preferential treatment for limited numbers of visas to other family relations of US citizens and legal residents. The system set in place by 1965 INA was amended in 1990 and today consists of four separate categories for preferred access to annually allotted immigration papers: unmarried adult sons and daughters of US citizens comprise the first group; spouses and unmarried sons and daughters of US permanent residents, the second group; married sons and daughters of US citizens, the third; and brothers and sisters of US citizens, the fourth.²³

Nevertheless, the law's commitment to helping relatives live together has often failed. On the one hand, the process for sponsoring non-immediate relatives to come into the United States can be lengthy and expensive, so that immigrants following legal paths to entry often suffer significant separation before the desired reunification.²⁴ On the other

²² Ibid., 119. Hing joins the large chorus of scholars and social scientists who tie the 1965 shift in immigration policies to a marked rise in immigrants from Asia and Latin America.

²³ INA, § 203(a), codified at *U.S. Code* 8 (2010), § 1153(a). The 1990 legislation, which slightly lowered the allowed percentage of family-based admissions in favor of skilled workers, followed years-long attacks on the changing ethnic makeup of US immigrants (Hing, *Deporting Our Souls*, 119). Nonetheless, the overall percentage of family-based admissions remains quite high, at about 75 percent, and many work-related visas continue to go to individuals who are also seeking to reunite with relatives (Hiroshi Motomura, "The Family and Immigration: A Roadmap for the Ruritanian Lawmaker," *American Journal of Comparative Law* 43, no. 4 [Autumn 1995]: 535, 540). My terminology here does not reflect fully the complex set of categories and definitions used by immigration authorities. What "son" and "daughter" mean, for example, depends on the individual's age, his/her marital status, and in some cases, the legitimacy of his/her birth (Motomura, "The Family and Immigration," 512).

²⁴ Depending on the preference category and the country of origin, obtaining a visa can prove a years-long process. Growing demand for visas, generally as well as specifically from one particular nation or another, can extend the waiting period. Additionally, the considerable costs associated with applying for and obtaining visas as well as with sponsoring relatives to enter the United States can easily delay the process (Motomura, "The Family and Immigration," 521–25).

hand, these lengthy and bureaucratically complex processes are available only to relatives of US citizens or legal residents. Susan Bibler Coutin reminds us that one of the characteristics of legal nonexistence in the United States is that one's family relationships are "legally inert" for the purposes of immigration.²⁵ Moreover, the discovery of one's illegal status can well preclude legalization through categories of sponsorship altogether. In other words, a US citizen may not, under current law, sponsor a spouse or a parent who has been found to be present in the United States unlawfully.²⁶ The state thus regularly "privileges legal definitions of belonging," to cite Coutin, over other classifications, including blood and marital ties.²⁷ In short, immigration law's primary goal—to reunite relatives—operates alongside the harsh reality of families that remain apart.

Importantly, by creating seemingly discrete categories, US immigration law has frequently had to (re)define the contents of each. What is a "spouse"? What is a "child"? What is a "sibling"? The seeming simplicity or obviousness of the terms betrays the intricate, contested processes through which they gain meaning. As Ian Haney López stresses, "Law is one of the most powerful mechanisms by which any society creates, defines, and regulates itself[, particularly] in highly legalized and bureaucratized late-industrial democracies such as the United States." Adapting Haney López's words from

²⁵ Coutin, *Legalizing Moves*, 32 (see ch. 1, n. 27).

²⁶ IIRIRA severely limited the possibility of altering an unauthorized immigrant's status. Since 1996, an undocumented immigrant's case is "not subject to being reopened or reviewed [and] the alien is not eligible and may not apply for any relief" (INA, § 241[a][5], codified at *U.S. Code* 8 [2010], § 1231[a][5]). In 2006, the Supreme Court upheld IIRIRA's retroactive power. Thus, individuals who entered the United States illegally before IIRIRA went into effect and who under previous legislation might have been eligible for relief are also subject to the newer, harsher mandate. See *Fernandez-Vargas v. Gonzalez*, 548 U.S. 30 (2006).

²⁷ Coutin, *Nations of Emigrants*, 18 (see ch. 1, n. 27).

his study about the law’s integral participation in the construction and maintenance of racial categories, we could say that “courts [have been] responsible for deciding not only who [is family], but *why* someone [is family].”²⁸ Since familial relationships are critical to the immigration process, immigration law has served a meaningful role in dictating what certain relationships are and how these are manifested. In *Young v. Reno*, for instance, the Ninth Circuit Court of Appeals denied Karen Yuen Fong Young’s petition to grant preferential immigration status to her “siblings” in Hong Kong. Since Young is adopted, the court reasons, her natural siblings are not eligible for the immigration preference.²⁹ Long before same-sex marriage was a front-page issue, the same court ruled in *Adams v. Howerton* that Richard Frank Adams, a US citizen, could not sponsor his chosen same-sex spouse to reside in the country.³⁰ These cases showcase the court’s ability to create and maintain categorical standards while failing to take into account the nature of a particular relationship. Regardless of Young’s ties to her siblings, regardless of Adams’s shared life with his partner, the rulings in essence vacate the relationships of their effectual meaning.

In seeking to prevent purported sham marriages, immigration statutes and cases have also aided to delineate what a marital relationship might substantively entail.

Thomas Aleinikoff, David Martin, and Hiroshi Motomura affirm that “it is a more complex matter than might be expected to specify conceptually just what constitutes a

²⁸ Haney López, *White by Law*, 9–10, 3 (see ch. 1, n. 14). Emphasis in original.

²⁹ *Young v. Reno*, 114 F.3d 879 (9th Cir. 1997). The nature of “natural” siblings was made even more problematic in this case by the fact that Young’s adoptive mother was her “natural” paternal aunt.

³⁰ *Adams v. Howerton*, 673 F.2d 1036 (9th Cir.), *cert. denied*, 458 U.S. 1111 (1982). Richard Adams and his partner, Anthony Sullivan, were married by a minister and held a marriage license issued by a city clerk in Boulder, Colorado. Still, the court supported the immigration authorities’ decision to deport Sullivan, whose tourist visa had expired, despite the men’s claims that such deportation would cause Adams, a US citizen, undue hardship.

sham marriage.”³¹ So, in trying to ascertain the nature of a bogus relationship, immigration law inevitably also demarcates the limits of a so-called real marriage. Court cases have attempted to pinpoint, among other things, a couple’s specific intentions at the moment of marriage, the nature of a “factually dead” relationship, and the possible meaning of maintaining separate finances while married.³² Although courts insist that “[a]liens cannot be required to have more conventional or more successful marriages than citizens,”³³ aliens who seek a visa through marriage nevertheless must often defend or prove the nature of their relationships. In so doing, their cases participate in the construction of those conventions through which “marriage” is understood. In short, through immigration law, the state has imposed meaning and value on various interpersonal relations, tackling not just the nature of siblinghood and marriage but also that of parenthood.³⁴ As the *Adams* and *Young* decisions attest, the legal fictions that result from law’s determinations have clear, material effects. Whatever personal relationships the individuals involved build, it is within and against the allowances of the law that they forge connections and resulting identities.

Undocumented immigration, as an ostensible defiance of the law, can challenge legally imposed definitions of family and personal relationships. The “illegal” alien, in

³¹ Aleinikoff, Martin, and Motomura, *Immigration and Citizenship*, 308 (see ch. 1, n. 93).

³² *Bark v. INS*, 511 F.2d 1200 (9th Cir. 1975); *Dabaghian v. Civiletti*, 607 F.2d 868 (9th Cir. 1979); and *Nikrodhanondha v. Reno*, 202 F.3d 922 (7th Cir. 2000).

³³ *Bark v. INS*, 511 F.2d at 1201–02.

³⁴ With *Fiallo v. Bell*, for instance, which defended the INA’s constitutional right to accord preference to unwed mothers over unwed fathers, the Supreme Court in essence provided that a woman’s relationship to her child is somehow more important or valid than a man’s relationship to his (*Fiallo v. Bell*, 430 U.S. 787 [1977]). The Court has upheld the INA’s differential treatment of mothers and fathers, most recently in *Nguyen v. INS*, 533 U.S. 53 (2001). Immigration law similarly prioritizes the relationship between fathers and their “legitimate” or “legitimated” children over that between fathers and “illegitimate” offspring (*De Los Santos v. INS*, 690 F.2d 56 [2nd Cir. 1982]).

other words, can surface as a subversive force that challenges not only immigration law but also the familial definitions that such a law helps to (re)produce. At the same time, given the tremendous difficulties that many immigrants face to bring their loved ones into the United States, undocumented immigration proves a necessary strategy to sustain the very reunification and familial definitions that immigration law seemingly encourages in the first place. (Studies indeed suggest a significant correlation between family connections in the United States and levels of unauthorized immigration.)³⁵ As my previous chapters have already explored, life in the United States without papers presents myriad challenges. My inquiry into *La víctima*, *Away Alone*, and *Deporting the Divas* stresses how undocumentedness complicates the maintenance and management of personal relationships.

BREAKING FAMILIES APART: *LA VÍCTIMA*'S MIXED-STATUS FAMILY

In his introduction to the anthologized *La víctima*, Jorge Huerta admits that the play, which was written in response to increased efforts to deport undocumented workers in the mid-1970s, “could lose its potency if the threat of deportation were to cease.”³⁶ In the 1989 publication, Huerta offers the hopeful possibility for policy changes, still uncertain about the effects of the then newly enacted IRCA. The sad irony is not merely that IRCA strengthened the Immigration and Naturalization Service’s (INS) enforcement capabilities, but that the US government increasingly relies on deportations and detentions.³⁷ *La víctima* thus appears today both as a document of historical realities and

³⁵ Motomura, “The Family and Immigration,” 522.

³⁶ Huerta, introduction to play in *Necessary Theater*, 324.

³⁷ In line with the collapse of the US economy, the latest numbers of deportations are markedly higher than those in preceding periods: 10 percent above 2008 levels and 25 percent above 2007 levels

as a forewarning of what families living in the United States might continue to endure and suffer.

After Teatro de la Esperanza's first documentary effort met with considerable success, the young theatre collective began to research the INS's efforts to repatriate Mexican nationals, especially during economic slumps.³⁸ The California-based company saw in the 1976 realities of increased deportations an opportunity to share a longer history of attacks on undocumented migrants that consistently accompanied financial and industrial slow-downs. *La víctima* uses a fictional family to portray how immigration policies and economic cycles have devastated families living in and alternating between northern Mexico and southern California. It is clear in the piece, which frequently relies on narrators, placards, and third-person commentary set to popular music, that the story of Amparo and her children is a widespread one.³⁹ As one of the play's more recent producers explains, *La víctima* "personalizes the impact of policy and attitudes toward

(Peter Slevin, "Deportation of Illegal Immigrants Increases under Obama Administration," *Washington Post*, 26 July 2010, www.washingtonpost.com/wp-dyn/content/article/2010/07/25/AR2010072501790_pf.html [accessed 12 September 2010]).

³⁸ See Jorge A. Huerta, "El Teatro de la Esperanza: Keeping in Touch with the People," *The Drama Review: TDR* 21, no. 1 (March 1977): 37–46, esp. 42–46. See also Huerta, "Chicano Theatre in a Society in Crisis," in *Text & Presentation, 2007*, ed. Stratos E. Constantinidis (Jefferson, NC: McFarland, 2008), 5–23, esp. 11–12. The company's 1973 *Guadalupe*, its first piece based on archival research and interviews, chronicles the hardships confronted by the Chicano community in the eponymous small rural town (Teatro de la Esperanza, *Guadalupe*, in Huerta, *Necessary Theater*, 208–57).

³⁹ Huerta, who served as Teatro de la Esperanza's director when it was a student group called Teatro MECHA, describes the play's techniques as "Brechtian" (introduction to play in *Necessary Theater*, 322–23; "El Teatro de la Esperanza," 44). William Worthen also introduces *La víctima* as an example of Teatro de la Esperanza's "rigorous, explicitly Brechtian formality" (William B. Worthen, "Staging América: The Subject of History in Chicano/a Theatre," *Theatre Journal* 49, no. 2 [May 1997]: 110). But Yolanda Broyles-González cautions against categorical impositions of European techniques on Chicana/o performance styles "while discounting the Mexican reference and tradition." She reminds us that Luis Valdez, for example, "reverses the relationship that critics falsely establish by indicating how very much like Cantinflas Brecht is" (Yolanda Broyles-González, *El Teatro Campesino: Theater in the Chicano Movement* [Austin: University of Texas Press, 1994], 7, 248n4).

immigrants” through its portrayal of “a family ripped apart by US and Mexican immigration policies that impacted over three million migrants in the Southwest.”⁴⁰

The ripping apart happens in different ways, but immigration policies and practices are consistently responsible for the complications and suffering that *La víctima* stages. Near the end of the play, a narrator summarizes:

The immigration laws become stringent or lenient depending upon the fluctuations in the United States economic system. Because of this, during times of recession, thousands of Mexican families continue to suffer deportations and are denied the fundamental human right of working for a decent living either here [the US] or in Mexico. (V 360)

By this point, we have seen Mama, Papa, a young Amparo, and her brother escape the Mexican Revolution during the “mass migration” to the United States (V 326); policemen hassle a teenage Amparo and her family and friends as part of the “first deportations” of the 1920s (V 327); and Amparo’s husband, Julián, announce his decision to leave his pregnant wife and young son to return to Mexico during the Great Depression. When there are no jobs, Julián explains to Amparo, Mexicans are the first and easiest scapegoats (V 335). *La víctima* then offers a harrowing separation during the “Repatriation 1935” scene.⁴¹ As Amparo and her two children attempt to board a train bound to Mexico, a young Sammy “*gets lost in the crowd on the platform in slow*

⁴⁰ Austin’s Teatro Vivo presented *La víctima* at The Off Center in March and April of 2007. The quote is from Teatro Vivo’s description of the piece (event information, Now Playing Austin website, www.nowplayingaustin.com/event/detail/68900 [accessed 10 August 2010]).

⁴¹ Mae Ngai explains that the repatriations of the 1930s, mass campaigns during the Great Depression to send back all “Mexicans” to Mexico regardless of their immigration or citizenship status, were not officially organized or funded by the Immigration Service. However, immigration authorities certainly “encouraged repatriation by generating an atmosphere of fear of deportation” (Ngai, *Impossible Subjects*, 72–73 [see ch. 1, n. 93]).

motion” (V 336). Although she screams for him, and he for his mother, they fail to find each other.

Amparo and Sammy’s separation underpins the remainder of the play. Sammy’s participation in the Korean War, his marriage to Clara, and his work as an INS officer—an extension of his experience with the US military forces—are juxtaposed against Amparo’s poverty-stricken life in Mexico, her other two children’s return to the United States, and her own eventual illegal reentry into California. The parallel storylines come together in the final scenes, when an immigration officer arrests Amparo at a workers’ strike, and the woman subsequently faces interrogation by Sammy. Her stern pleas for mercy—“your job is to chase and push people as if we were animals” (V 362)—are met with a mechanical adherence to policy. She goads Sammy, asking him whether he would like to be separated from his mother. But the INS agent only intensifies his effort to deport the ostensible stranger. “Out! Take her out! Take her out!” he screams (V 362). The play’s final scene, introduced by a placard reading “The victim,” offers a distraught Sammy, haunted by the image of his mother. “I hate you! I hate you!” he lashes at Amparo, who appears onstage as a dreamlike figure. “She’s not my mother,” he repeats “*with growing intensity*” (V 364). The family has been completely destroyed.

The play’s prologue urges the audience to consider how the “Chicano is a victim of a subtle and complex form of oppression,” setting the stage for a story about “what happens to the poor who are looking to remedy their despair” (V 325). One of select words in Spanish that refers to both male and female individuals, “*víctima*” makes it difficult to single out one character as the casualty of unfair economic conditions. While Amparo certainly bears the burden of suffering, Sammy does not surface as an easy

antagonist. The seeming betrayal of his mother, of his blood kin, results from Sammy's own needs to survive and to offer his wife and daughter a better life. He might be a *vendido*,⁴² but Sammy, too, is a victim of a dehumanizing system. *La víctima* thus espouses the view that an economic base creates living conditions and forges relationships. We are presented with the "exploitation of one group for the benefit of another" (V 325), but it is important to note that this exploitation, specific here to the Mexico-US border, operates mainly through immigration policies. Economic imbalances may well explain the vulnerable position in which Amparo and her family, representing all poverty-stricken Mexicans, find themselves. Yet, the realities of a divided family stem from immigration policies' compounding of economic needs.

Indeed, *La víctima* reveals the power of immigration laws to mold family dynamics. For Amparo's kin, much more than geographic distance and separation are at stake, although the pressures of these cannot be discounted. The 1987 professional premiere of *La víctima* at LATC relied on myriad suitcases and sliding panels to suggest the "ever-present trains" marking the constant exits that keep immigrant families apart.⁴³ Amparo and Julián not only lose Sammy but are also forced to say goodbye to their younger children, Antonia and Meño, when the two leave for the United States in search of income. "The poor are like that, separated," bemoans Amparo, reflecting on a life marked by departures and farewells (V 350). Certainly, economic considerations impede regular transnational reunions. The words of Irishman Eamonn Wall well apply to all

⁴² The term "vendido" refers to individuals of Mexican descent living in the US who have "sold out" their ostensible people and culture in favor of Anglo American ways. *Los Vendidos*, a 1967 Teatro Campesino *acto*, satirizes various stereotypes of "sellouts" available for purchase at Honest Sancho's Used Mexican Lot and Mexican Curio Shop (in *Luis Valdez—Early Works*, 40–52 [see ch. 1, n. 128]).

⁴³ Sylvie Drake, "Political Ardor Revamped in 'La Víctima,'" *Los Angeles Times*, 14 February 1987, 7.

struggling immigrants seeking some time, however short, to spend together with those they love: “I commute between exile and Ireland, but it’s an expensive business. I often wish I were another person; if that were the case, I wouldn’t always have to be saving up my money to go ‘home.’”⁴⁴ But the challenges of “commuting” for undocumented immigrants are exacerbated by immigration policies. Coutin makes plain that the threat of detention and deportation renders the undocumented virtually “immobile.” They try to stay home, avoid travel, and move about “only as necessary.”⁴⁵ Leaving, reentering, and even navigating within the United States become, quite simply, too risky.

More critically, an immigration system that creates spaces of legal nonexistence causes people to disappear. On the one hand, the undocumented’s “footsteps are erased.”⁴⁶ Entering a space of nonexistence, in other words, can mean a total erasure from the people and places left behind. On the other hand, as *La víctima* stages, the undocumented can face insurmountable obstacles to track those they have lost. Julián and Amparo “tried everything” to find Sammy. They “wrote letters” and “even returned” to the United States, risking detection (V 342). But given the constraints placed on those

⁴⁴ Eamonn Wall, *From the Sine-é Café to the Black Hills: Notes on the New Irish* (Madison: University of Wisconsin Press, 1999), 3. Like *La víctima*, *Away Alone* (as do *Paper Angels*, *Latina*, and *Living Out*) present characters desperate to reunite with family members, either in the US or abroad.

⁴⁵ Coutin, *Legalizing Moves*, 33. She adds: “Immobility, which in medical practice could be a sign of death, prevents full social personhood” (34).

⁴⁶ This line—“Our footprints are erased”—is spoken by the character Undocumented 1 in Hugo Alfredo Hinojosa’s “Deserts” (unpublished translation by Caridad Svich, 40 [draft date 19 November 2007]). I use it here to alert the reader that several plays by Mexican writers deal with the disappearance of migrants in *el Norte* and those they leave behind. *Deserts* has been performed in translation in the United States, as have Javier Malpica’s *Our Dad Is in Atlantis* (trans. Jorge Ignacio Cortiñas, *American Theatre* 25, no. 6 [July/August 2008]: 69–82) and the unpublished “La Casa Rosa,” created in collaboration by the members of the community group Soame Citlalime and Daniel Carlton (unpublished, undated manuscript), a piece to which I will return in the dissertation’s conclusion.

without papers—the persistent need to remain “clandestine”⁴⁷—manipulating the kind of resources necessary to find a person can prove impossible. An accidental separation can easily become permanent. (Tellingly, *Away Alone*, to which I turn below, begins with a disappearance: Liam arrives in search of Seamus only to discover that the latter has “[done] a fade to the west. Followed the sun” when “Immigration got wind of him” [AA 6].)⁴⁸

La víctima also illustrates the dehumanizing and literally painful means that families seeking to be together must often undertake to circumvent immigration laws. Through a simple theatrical convention—having the actors playing Antonia and the Coyote sit atop the actor playing Amparo—the play stages a short, but incredibly tense border scenario.⁴⁹ Amparo’s position suggests, the stage directions tell us, that she is “*hiding under the seat of the vehicle*” (V 347). But her serving as the literal seat for Antonia and Coyote, who must bear the Border Patrol’s required inquisition, also strains and objectifies Amparo. We are reminded of the countless bodies that have crossed into the United States, sometimes with fatal results, crammed in cars and trucks, vans and trains, what Sasha Lewis describes as “the coffin ships of today’s slave trade.”⁵⁰ Amparo will be lucky; the Border Patrol will be called away before detecting her. Huerta explains that when Antonia manages to keep her mother concealed from the Border Patrol,

⁴⁷ Coutin, *Legalizing Moves*, 33. Coutin stresses also in *Nations of Emigrants* that the “clandestine nature of unauthorized immigrants’ journeys [make] separations particularly hard (108).

⁴⁸ I continue to explore issues of disappearance in the following chapter. In terms of family structures, it is important to note that immigration policies and policing have caused many to “confront life without their fathers, mothers, children, husbands, or wives” (Human Rights Watch [HRW], “Forced Apart: Families Separated and Immigrants Harmed by United States Deportation Policy,” 16 July 2007, available through HRW’s Publications page on their website, www.hrw.org/en/publications [accessed 21 November 2010]).

⁴⁹ I will not reiterate here the ideas on border scenarios already proposed in chapter 2.

⁵⁰ Lewis, *Slave Trade Today*, 10 (see ch. 3, n. 8).

“audiences generally cheer this blatant disregard for unjust laws that would separate families. [...] When Amparo successfully gets across, it is a victory for all Mexicans and Chicanos.” He adds that the members of Teatro de la Esperanza “carefully created this moment of suspense to heighten the point about how families can be kept apart.”⁵¹ The play thus relies on a most rhetorically compelling case against an immigration system that criminalizes reunification. Motomura explains that, “[e]specially among those [analysts] who choose to deemphasize or disregard [strict] economic analysis, family reunification assumes a unique and sometimes irresistible rhetorical power.”⁵² *La víctima* certainly utilizes such a tactic, opting to engage its audience through an emotional appeal that “leave[s] the realm” of didacticism and a strictly “Marxist-Leninist,” anti-capitalism vocabulary, as Huerta describes it.⁵³

In fact, the ripped family that the play presents exemplifies one of the most pressing, influential kinds of arguments used by advocates of undocumented immigrants. Issues of family call attention to the complicated nature of the immigration debates; they allow for rather unexpected partnerships that problematize assumptions about how conservatives/liberals or Republicans/Democrats might feel about undocumented immigration. For instance, many self-identified conservative church groups, fervent advocates of so-called family values, have vehemently defended undocumented immigrants’ “basic common rights to a livelihood, to maintaining family unity, and to physical and emotional safety” through the Sanctuary and New Sanctuary Movements.⁵⁴

⁵¹ Huerta, introduction to the play in *Necessary Theater*, 324.

⁵² Motomura, “The Family and Immigration,” 540.

⁵³ Huerta, “El Teatro de la Esperanza,” 44.

⁵⁴ Miguel A. De La Torre, *Hispanic American Religious Cultures* (Santa Barbara, CA: ABC-CLIO, 2009), s.v. “Sanctuary Movement.” In the 1980s, the Sanctuary Movement sought to designate

As one representative church leader states, “We don’t accept a broken law that causes separation of families.”⁵⁵ Relying on melodramatic techniques, particularly during the climactic moments in which Sammy deports Amparo, *La víctima* amplifies the impact that immigration law can have as it tears families apart.⁵⁶

Moreover, through its central family, *La víctima* shares with its audiences the uneven family dynamics that can result from members’ different legal statuses. Michael Fix and Wendy Zimmerman explain that the United States is home to a surprisingly large number of families made up of both citizens and noncitizens and that these rather understudied mixed-status families can include any combination of naturalized, legal, and undocumented immigrants.⁵⁷ The family’s legal composition by play’s end well reflects

spaces of worship as safe zones for undocumented immigrants. It ultimately established several thousand havens in public refutation of federal immigration authorities. The loosely connected network of faith-based and humanitarian organizations worked in reaction to the policies of the Reagan administration, which denied refugee status to Central American immigrants escaping the violent conditions created in large part by US interferences. The Sanctuary Movement could be seen as “one of the most important acts of civil disobedience of the late twentieth century” (María Cristina García, *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada* [Berkeley: University of California Press, 2006], 99). Prompted by the 2006 deportation of Elvira Arellano following her year-long shelter in a Chicago church, the New Sanctuary Movement parallels its predecessor’s interest in energizing faith-based organizations to protect the sanctity of immigrants’ families and to involve themselves directly in the immigration debates (Rachel Ida Buff, “Toward a Redefinition of Citizenship Rights,” introduction to *Immigrant Rights in the Shadows of Citizenship*, ed. Buff [New York: New York University Press, 2008], 17). Miguel De La Torre writes, “Jesus too was an undocumented alien, a victim of circumstances beyond his comprehension or control. Jesus understands what it means to be seen as inferior because he was from a culture different from the dominant one” (Miguel A. De La Torre, “For Immigrants,” in *To Do Justice: A Guide for Progressive Christians*, ed. Rebecca Todd Peters and Elizabeth Hinson-Hasty [Louisville: Westminster John Knox Press, 2008]).

⁵⁵ Richard Estrada, associate pastor at Our Lady Queen of Angels Catholic Church in Los Angeles, quoted in Brooke Levitske, “Illegal Immigration and the Church: Philanthropic Lawlessness,” *Acton Commentary*, 11 July 2007, Acton Institute website, www.acton.org/pub/commentary/2007/07/11/illegal-immigration-and-church-philanthropic-lawlessness (accessed 12 September 2010).

⁵⁶ Sammy’s emphatic screams, his engrossing physical transformation from determined officer to weeping child “*curl[ed] to the ground*” (V 364), as well as the music underscoring Amparo’s reprise of a lullaby easily “create [and] enhance emotional agitation” characteristic of traditional melodrama (Michael Booth, *English Melodrama* [London: Herbert Jenkins, 1965], 36).

⁵⁷ Michael Fix and Wendy Zimmerman, “All Under One Roof: Mixed-Status Families in an Era of Reform,” *International Migration Review* 35, no. 2 (Summer 2001): 397.

real-life trends.⁵⁸ It is far from rare for an immigrant without papers, like Amparo, to have both US citizen children, like Sammy and Antonia, and undocumented ones, like Meño. Fix and Zimmerman enumerate four major reasons for the prevalence of mixed-status families in the United States: birthright citizenship, immigration policy's commitment to reuniting family members, increases in the types of permanent and temporary immigration statuses available, and, finally, high levels of sustained legal and illegal immigration.⁵⁹ Many problems and complications arise for mixed-status families. To begin with, life for undocumented immigrants is marked by increased probability of poverty and homelessness, each compounded by possible language barriers, lack of records, misinformation about US bureaucratic structures, and constant psychological tensions resulting from the ever-present fear of deportation. As Coutin makes clear, such fears can literally sicken the body.⁶⁰ And health care becomes considerably less available and effective for those without papers.⁶¹ The panic of any inquiry into their immigration status prevents most undocumented individuals from taking advantage of the few civil and economic rights guaranteed to them or of the many more guaranteed to their legal or citizen children.⁶² In essence, then, even citizen children of undocumented parents,

⁵⁸ In a recent study, Jeffrey Passel and Paul Taylor confirm that a substantial share of undocumented immigrants in the United States live as part of a mixed-status family, with nearly 40 percent of undocumented adults being parents to US citizens (Jeffrey S. Passel and Paul Taylor, "Unauthorized Immigrants and Their U.S.-Born Children," Pew Hispanic Center Report, 11 August 2010, 4, pewhispanic.org/files/reports/125.pdf [accessed 13 September 2010]).

⁵⁹ Fix and Zimmerman, "All Under One Roof," 403.

⁶⁰ Coutin, *Nations of Emigrants*, 13. On the difficulties described above, see also Ana Huerta-Macías, María Luisa González, and Linda Holman, "Children of Undocumented Immigrants: An Invisible Minority among Homeless Students," in *Children on the Streets of the Americas: Homelessness, Education and Globalization in the United States, Brazil and Cuba*, ed. Roslyn Arlin Mickelson (London: Routledge, 2000), 238–46.

⁶¹ Gabrielle Lessard and Leighton Ku, "Gaps in Coverage for Children in Immigrant Families," *The Future of Children* 13, no. 1 (Spring 2003): 100–115.

⁶² Bosniak, *The Citizen and the Alien*, 69–70 (see ch. 1, n. 28).

entitled to every right and program that all US citizens enjoy, often go without the services, educational opportunities, and assistance to which they are entitled. Fix and Zimmerman's italics are adamant: "*most policies that advantage or disadvantage noncitizens are likely to have broad spillover effects on the citizen children who live in the great majority of immigrant families.*"⁶³ But, because papers can at times, however seldom, open doors that are defiantly shut for the undocumented, mixed-status families must also contend with lopsided balances of power and subsequent jealousies, resentments, and even abuse. Coutin's studies demonstrate that those without papers are inevitably "'different' from [their] peers."⁶⁴

Huerta describes the actions in *La víctima* as representative of "the ultimate repudiation of [Sammy's] history as a Mexican, a denial of who and what he really is."⁶⁵ I find in the play a more subtle critique, one that moves us away from a categorical conception of "Mexican" as a solid and easily identifiable identity. After all, Sammy is not "a Mexican," at least not legally, and the consequences of that reality alone are

⁶³ Fix and Zimmerman, "All Under One Roof," 400.

⁶⁴ Coutin, *Nations of Emigrants*, 28. Huerta-Macías, González, and Holman describe some of the particular challenges stemming from cases in which a "documented parent has all the power in [a] relationship" ("Children of Undocumented Immigrants," 240). In her investigation of four teenage girls growing up in Colorado, Helen Thorpe describes the frustrations of the two who are undocumented. Thorpe quotes Yadira, an undocumented child among documented siblings: "My brother would cough a couple of times, and there they would go off to the doctor again! ... But I'm having a fever, and we don't go" (65). Similarly, Marisela and her undocumented sister resent her two brothers' US citizenship: "All the benefits, it was the guys ... If we got the flu, we just had to take care of it at home, but they could go out the hospital because they had Medicaid" (38) (Thorpe, *Just Like Us* [see ch. 3, n. 68]). More recently, Leisy Abrego and Roberto Gonzales have described how the Latina/o population is "stratified by legal status" in terms of educational opportunities and trajectories (Leisy J. Abrego and Roberto G. Gonzalez, "Blocked Paths, Uncertain Futures: The Postsecondary Education and Labor Market Prospects of Undocumented Latino Youth," *Journal of Education for Students Placed at Risk* 15, no. 1/2 [Jan-June 2010]: 144–57).

⁶⁵ Huerta, introduction to Teatro de la Esperanza in *Necessary Theater*, 317. Others agree with the categorical conclusion. Yvonne Yarbrow-Bejarano, for instance, writes that Sammy has "'sold-out' as U.S. immigration agent" (Yvonne Yarbrow-Bejarano, "The Female Subject in Chicano Theatre: Sexuality, 'Race,' and Class," *Theatre Journal* 38, no. 4 [December 1986]: 399); and Sylvie Drake describes Sammy's "co-option" as a "most pernicious" form of abuse (Drake, "Political Ardor Revamped in 'La Víctima,'" 1).

significant. “We’re American citizens and don’t you forget that!” he argues with his daughter (and, I would add, with Huerta). We are to side with the younger Janie, who accuses her father of forgetting his heritage, of deporting “his” people (V 356). Yet, the play also stresses that Sammy is a victim; he is not a deliberate traitor. Rather, a system that has uprooted and separated his family, both physically and legally, has altered and corrupted him. Sammy is not the cause of the family’s downfall, but rather a manifestation of a system that detrimentally categorizes differently members of the same family. “Who and what he really is” is conflicted, conscious of the fact that he and his mother are separated not only by time and space but also by law. The nation to which Sammy ostensibly belongs simultaneously denies his mother entry. Sammy therefore cannot easily be blamed for repudiating or selling out his family; he is but part of a legal structure that has, from birth, stressed his difference.

The use of language is telling, adding another layer to the divisions that have been created within the family.⁶⁶ While Sammy interrogates Amparo entirely in his mother’s Spanish during the play’s penultimate scene, the final interchange between Sammy and his wife is completely in English. In an earlier time, Sammy and Clara had peppered their English with each of their family’s Spanish—Sammy proposes marriage to Clara in Spanish (V 338). But, unlike Amparo’s first home in the United States, where a constant alternation between Spanish and English, even within a single thought or sentence, helps

⁶⁶ The published script of *La víctima* follows the extensive use of Spanish in the play’s original production. The 1987 English-language premiere at LATC did away with most of the Spanish in an effort to appeal to a broader audience. So, some of my ideas here might not easily apply. This said, through sporadic use of Spanish phrases and through a spoken English marked by accents, an English-language version of *La víctima* can still stress some of the differences between Sammy’s and Amparo’s manners of speech. For the 2010 production at LATC, director Valenzuela decided to return to the original script, opting to maintain “authentic language with scenes in Mexico written in Spanish. As the characters move to the U.S. they speak Spanglish and eventually assimilate to English” (Valenzuela, “*Víctima* Holds Relevancy Today”).

to negotiate the gap between Mexican-born mother and US-born son, Sammy's adult home becomes an English-only sphere. It is not the case that Sammy "denigrate[s] or even den[ies] the existence" of Spanish, to borrow Marvin Carlson's words about codeswitching.⁶⁷ In fact, given that we have never seen Sammy speak exclusively in Spanish, his adept use of the language at play's end demonstrates a vested interest in, or at least the conscious mastery of, his mother's tongue. For Sammy, Spanish becomes a necessary tool, one of the skills required to succeed as an INS officer. The shift toward the official language of the United States could be seen as Sammy's attempt to perform his own citizenship rather than as a deliberate attempt to negate "his history." I adapt Coutin's words slightly to suggest that Sammy's "asserting citizenship entail[s] staking a claim to particular [practices]," such as building an English-speaking home or working for the US government.⁶⁸ In short, to expect Sammy to be, think, and act like "a Mexican" (whatever set of qualities and practices that may entail) denies concrete legal realities that compel him to see himself otherwise.

The play's depiction of Meño, Sammy's Mexican-born younger brother, in juxtaposition with the US-born Antonia, further emphasizes a concern with portraying a mixed-status family. Meño and Antonia fight "like dogs and cats," complains their

⁶⁷ Marvin Carlson, *Speaking in Tongues: Language at Play in the Theatre* (Ann Arbor: University of Michigan Press, 2006), 96. Laura Callahan includes, but does not meaningfully discuss, *La víctima* among examples of drama that rely on codeswitching (Laura Callahan, *Spanish/English Codeswitching in a Written Corpus* [Amsterdam: John Benjamins, 2004], 87).

⁶⁸ Coutin, *Legalizing Moves*, 150. In her own context, Coutin suggests that assertions to citizenship are claims to "particular places." Sammy's position as an INS agent follows the same pattern that *Lydia*'s Alvaro displays: a stint with the US army paves a path for work as an immigration officer. Josiah Heyman finds that INS officers "of Mexican ancestry," who at the time of research comprised one-third of the corps, tend not to identify with immigrants from Mexico or other Latin American countries. Rather, Heyman concludes, "they understand themselves as U.S. citizens who reject both domestic racism and ethnic loyalties that cross national borders" (Josiah McC. Heyman, "U.S. Immigration Officers of Mexican Ancestry as Mexican Americans, Citizens, and Immigration Police," *Current Anthropology* 43, no. 3 [June 2002]: 479).

mother (V 350). Amparo urges her son and daughter to remember their blood tie when the two argue over an imminent strike at the factory in which they both work. Antonia is convinced that a strike—a risk—is essential to improve the workers’ lot, but her brother disagrees. To him, Antonia is merely looking for trouble (V 348). When Antonia strikes him with “Coward,” the truth about Meño’s feelings surfaces: “I don’t have papers,” he reminds his sister (V 350), a fact reiterated later by Amparo. “Remember, girl, that your brother doesn’t have papers,” she pleads with Antonia (V 358). Yvonne Yarbrow-Bejarano sees Antonia as Teatro de la Esperanza’s purposeful attempt to create strong, active female characters.⁶⁹ But Antonia’s boldness and commitment as a labor organizer stem not only from her gender but also, and crucially, from her position as a US citizen. In fact, she shares Sammy’s determination to take action. While the type of action each of the siblings takes is to be judged differently by the audience, Sammy and Antonia are much more alike in their confidence, optimism, and daring than Sammy and Meño are alike in their maleness. Meño, I dare say, is a character defined more distinctly by his lack of papers than by his gender. His timidity in the face of conflict lies squarely in his undocumentedness. Meño, like Amparo, proceeds with a caution that neither Antonia nor Sammy displays. *La víctima* thus paints a family portrait using two very different types of brushes, making impossible the type of solid identity that Huerta suggests Sammy fails to attain. Instead, the play offers its broken central family as an image characteristic of the mixed-status families that so commonly result when immigration law prevents legal reunifications.

⁶⁹ Yarbrow-Bejarano, “The Female Subject in Chicano Theatre,” 399.

In critiquing immigration policies, *La víctima* nevertheless defends the family structure so central to immigration law. In other words, the appeal that *La víctima* most vehemently makes—the nuclear family must not be separated—is also the core and long-standing guiding tenet of contemporary US immigration policy. Hence, the critique of the system suggests its failure to operate properly rather than a failure of the system itself. In *Entry Denied*, Eithne Luibhéid makes plain that, since its earliest incarnations in the late nineteenth century, federal immigration policies have consistently constructed and reified a narrow, rather inflexible understanding of “family.” “[T]he model of family codified in immigration law involve[s] a husband, a wife, and children born to the couple,” Luibhéid writes, explaining that, to this day, “immigration law still promotes sex and childbearing within marriage, endlessly reproducing both heteropatriarchy and classes of immigrants who face exclusion for nonreproductive sexuality or childbearing outside marriage.”⁷⁰ *La víctima* similarly insists on the primacy and inevitability of heteronormative, biologically grounded family units. As archetypal Mother and Son, Amparo and Sammy become incomplete after their separation. Sammy’s adoption by the Mendozas, who he admits “gave him the love of parents” (V 338), becomes, at least theatrically, irrelevant. After all, such characters are only spoken about—briefly at that—and never appear onstage. The play unapologetically pursues the notion that we somehow only belong to and with our biological parents. Likewise, *La víctima*’s attention to traditional unions and romances (we witness Amparo and Julián’s first date and Sammy’s proposal to Clara, for instance) perpetuates heteronormative images. The play culminates in a final song that further naturalizes heterosexual social reproduction:

⁷⁰ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), 3, 75.

Es hora ya de nuestra libertad / It's time now to get our freedom
Hay que formar la nueva sociedad / We must build the new society
Renacer el hombre y la mujer / Man and woman must be reborn
Para vivir como es nuestro deber / To live as is our duty (V 364)

Clearly, it is a very specific type of union and family structure that *La víctima*'s future vehemently demands, a union much like those also enshrined by immigration law.

Yarbro-Bejarano points out that *La víctima*, as does Teatro de la Esperanza's other work, both (re)emphasizes the male subject's centrality in narrative forms and fails to problematize the family structure itself. In so doing, Teatro de la Esperanza's stagework sustains hierarchies that the collective itself sought to upset offstage (Yarbro-Bejarano praises Teatro de la Esperanza's "efforts to distribute power within the group among both men and women involved" as well as its sensitivity to women's issues).⁷¹ In short, *La víctima* (re)produces narratives that, in turn, can (re)produce legal structures. The play exemplifies the kind of cultural product that can reinforce rather than challenge the logic behind an immigration system, a system that, like the play, naturalizes and glorifies the heteropatriarchal family structure.

In their efforts to demystify legal reasoning, Anthony Amsterdam and Jerome Bruner stress that

[l]aw begins, as it were, *after* narrative. It is shaped in some measure not only by the narrative claims of contending parties in litigation, not only by "findings of fact" and "rules of law" announced by judges who have heard

⁷¹ Yarbro-Bejarano, "The Female Subject in Chicano Theatre," 398, 400. The other works by Teatro de la Esperanza to which Yarbro-Bejarano refers are *Guadalupe*, *Hijos* (Children), *Once a Family*, *El pulpo* (The Octopus), and *La muerte viene cantando* (Death Comes Singing). On the role that women have played in the company, see also Yarbro-Bejarano's "Chicanas' Experience in Collective Theatre: Ideology and Form," *Women & Performance* 2, no. 2 (1985): 45–58.

testimony and legal argument, but by the stock of familiar categories and story types within which all people in a culture live their lives.⁷²

We can easily place *La víctima* within a web of cultural products that sustains understandings of “family” identical to those underpinning immigration law. The play participates in the construction of narrative models that precede the logic of law. Indeed, “family”—as conceived mutually in both legal and cultural spheres—holds a powerful grip over US immigration policies. So, while *La víctima* passionately condemns a system whose failures split families apart, the play also celebrates the unit at the base of that system’s structure.

**CONSTRUCTING ALTERNATIVES:
AWAY ALONE’S AND *DEPORTING THE DIVAS’S* “FAMILIES”**

If immigration processes, despite their intended goals, prevent family reunification, it is important to consider how they simultaneously create alternative systems of love, support, and cohabitation. By attempting to forge a particular vision of “family” and by failing to allow for all desired reunifications, US immigration law also leads to new arrangements. “[L]aw produces its own alterities,” Coutin urges us to keep in mind.⁷³ I thus pay heed here to the ways in which immigration law, in its production of illegal identities, also generates distinctive relationships and ways of living.

Precisely because post-1965 immigration law has favored particular familial ties to organize a system of preferences, circumventions of the legal system have often involved breaks with and reinventions of traditional family units. In chapter 2, I discussed the ways in which fictional family ties fabricated by Chinese “paper sons”

⁷² Amsterdam and Bruner, *Minding the Law*, 283 (see preface, n. 15). Emphasis in the original.

⁷³ Coutin, *Legalizing Moves*, 55.

complicated and eventually transformed family relationships for generations. The way around exclusionary immigration laws led to the creation of kinship networks that ultimately defied the type of family structure which immigration law sought to safeguard. As Peter Li observes, “kinship ties such as pseudo-sons [and] hasty marriages,” prevalent in Chinese American communities in the early twentieth century, resulted directly from responses to immigration constraints placed by the US government on immigrants from China.⁷⁴ While different in its scope and mechanisms, the experience of Irish immigrants in the 1980s resulted in a similar need to devise new types of “families,” the kind not preferred by immigration law. Irish-born writer Helena Mulkerns explains that “[b]ecause emigration skipped a couple of generations at home in the clement times of the sixties and seventies, many [men and women in Ireland] didn’t have immediate family to bring [them] over legally, and so very often, the Irish found themselves illegal.” This limitation “led to a necessary bonding among the younger Irish, the New Irish, as opposed to the established Irish Americans.”⁷⁵ Indeed, “The New Irish,” described by Brian Doyle as “a cohort of generally well-educated young men and women clustered in New York City, whose experience of immigration often lacked the extended family systems that had supported earlier migrants,”⁷⁶ had to build surrogate families in the United States.

“[H]ugely popular with New Irish,”⁷⁷ Janet Noble’s *Away Alone* invites us to track one young man’s incorporation into such a family. Liam will learn that living in

⁷⁴ Li, “Fictive Kinship, Conjugal Tie and Kinship Chain Among Chinese Immigrants in the United States,” 61 (see ch. 2, n. 54).

⁷⁵ Helena Mulkerns, interviewed by Wall, *From the Sine-é Café to the Black Hills*, 61.

⁷⁶ Brian Leahy Doyle, “‘In the Pocket’: Larry Kirwan’s Restless Writings,” *New Hibernia Review* 11, no. 3 (Autumn 2007): 132.

⁷⁷ *Ibid.*, 140.

New York among other Irish immigrants without papers is “like a family situation.” His neighbor Mary continues to explain that “[w]e’re all away from our own homes so we have to stay together here and sort of look out for each other” (AA 74). The need for creating a support structure stems from an ever-present fear of immigration authorities. “She didn’t know what would await her / Immigration left her in fear” (V 332), portends one of *La víctima*’s songs about what life in California would bring for the Mexican-born Amparo. Across the country in New York City, undocumented Irish immigrants must similarly live in a perpetual state of anxiety and mistrust. As a reviewer of the 1989 New York City production of *Away Alone* notes, the single, most prominent, and “most painful” difference between the characters in the play and other “Americans seeking their fortunes in the big city” is their illegal status, which causes “even the most everyday activities [to] have an air of furtiveness.”⁷⁸ The feeling that “the immigration’s everywhere” (AA 22) inevitably drives Liam and his friends to “live a pretty isolated existence” (AA 68). In reference to IRCA, Owen warns, “Since that fecking law was passed, the feds are on everybody’s case” (AA 13). The pressing and chronic awareness of legal nonexistence unavoidably alters whatever sense of “home” or “family” the undocumented immigrants have. The “enormous vitality” inherent to the play in performance is persistently inhibited by what critic Irene Backalenick describes as a palpable “black cloud”: fear of deportation.⁷⁹

⁷⁸ Stephen Holden, “Illegal Immigrants on the Irish Mile,” *New York Times*, 16 December 1989, 18.

⁷⁹ Backalenick, “A Grand Irish Night.” The *New York Post* critic concurs that there was “a vitality spilling all over the stage” in the Irish Arts Center production of *Away Alone* (Jerry Tallmer, “Pretty Good Palaver from the Irish,” *New York Post*, 9 February 1990, 37).

The characters' residence on Bainbridge Avenue in the Bronx, in what is known as the "Irish Mile" (AA 94), ostensibly provides a sense of safety and belonging. Gilberto Giménez makes clear that "physical 'deterritorialization'—such as that occurring through migration—does not automatically imply a deterritorialization in symbolic and subjective terms."⁸⁰ The high concentration of Irish immigrants and businesses on the Irish Mile allows Liam and other newcomers to surround themselves with peoples, foods, signs, and sounds from "home." For the play's premiere production, for instance, director Lamude cast mostly Irish newcomers and enlisted Larry Kirwan to compose incidental music. A "rich ... Irish tongue," to quote one critic, underscored by melodies blending traditional Irish music with urban sounds, accentuated what Backalenick describes as Noble's "ear for the language [and] rhythm of the [immigrants'] speech."⁸¹ Sounds from a cross-Atlantic home literally reverberated throughout the space.

However, the ever-present pressure of living in a space of nonexistence transforms any feelings of belonging or solidarity. "Home," therefore, becomes an increasingly unstable phenomenon. We first hear from local bartender and friend-to-all Mario that "New York City's the Homeless Capital of America" (AA 6). With this, he reassures the newly arrived Liam that he is sure to persevere, even if his only local contact has skipped town. Liam quickly comes to discover that he will not be physically homeless in New York; within minutes Owen takes Liam under his wing and invites him to live in the "Irish Embassy" (AA 12), the apartment he already shares with his cousin

⁸⁰ Gilberto Giménez, "Cultura, territorio y migraciones. Aproximaciones teóricas," *Alteridades* 11, no. 22 (July–December 2001): 13, redalyc.uaemex.mx/pdf/747/74702202.pdf (accessed 13 September 2010). My translation. Similarly, Coutin compellingly explains in her study of Salvadoran migrants to the United States that El Salvador can be "conceptualized as existing in" the US territory (Coutin, *Nations of Emigrants*, 4).

⁸¹ Tallmer, "Pretty Good Palaver from the Irish"; Backalenick, "A Grand Irish Night."

Desmond and Paddy. Rather, Liam begins to learn that, as Desmond puts it, “The truth is, there’s no more home” (AA 66). Legal nonexistence intensifies this sense of existential homelessness. Living in an environment in which one must “watch out with the small talk” (AA 13), not “look anyone in the eye” (AA 15), “keep the old eyes open...but see nothing” (AA 15), and “keep [one’s] mouth shut around strangers” (AA 22) severely complicates the forging of intimate, meaningful relationships often associated with a home.

Heightened fear and mistrust compel the undocumented immigrants to turn exclusively to one another. In so doing, they fashion bonds and connections that in essence replace the family so specifically defined by immigration law. Liam is swept into an environment in which the inhabitants of the “Irish Embassy” and their female neighbors across the hall are the entire world. Noble offers several scenes for the characters to come together in the kitchen, sit around a table, and share a meal.⁸² Lamude’s direction of the Irish Arts Center ensemble further stressed familiarity and closeness through fast-paced dialogue and tightly knit movement.⁸³ The domesticity staged in this kitchen, described as “*neater than the rest of the room*” (AA 12), transcends the “vituperative anger and social alienation” characteristic of kitchen sink dramas by

⁸² *Gold in the Streets*, Noble’s adaptation of the play into film, emphasizes this domesticity through close-ups of food preparation and panning shots of the group sitting around the kitchen table. Although it presents a traditional nuclear family, the much-lauded *In America*, Jim Sheridan’s 2002 semiautobiographical film about undocumented Irish immigrants in 1980s New York City, also highlights how legal nonexistence can isolate individuals but simultaneously strengthen familial bonds (*In America*, DVD, directed by Jim Sheridan [Los Angeles: 20th Century Fox Home Entertainment, 2004]).

⁸³ See, for example, Backalenick, “A Grand Irish Night”; Robert Massa, review of *Away Alone*, *Village Voice*, 26 December 1989, n.p., found in the New York Public Library for the Performing Arts’s Collection of Newspaper Clippings of Dramatic Criticism, 1989/90; Erika Milvy, “A Shamrock Grows in the Bronx,” *West Side Spirit*, 13 February 1990, 26; Roy Sander, review of *Away Alone*, *Backstage*, 9 February 1990, 48A; and Tallmer, “Pretty Good Palaver from the Irish.”

emphasizing closeness and comradeship.⁸⁴ While Des easily surfaces as the angry young man integral to the kitchen sink naturalist critique of social realities, “railing against this evil empire [the United States] is not really the focus of the play,” as one reviewer explains.⁸⁵ Instead, *Away Alone* tempers its critique of the American Dream (“I’m unemployed in the Land of Opportunity,” bemoans Des [AA 67]) by romanticizing the power of friendship. The play depicts strangers-turned-friends into sharers of food, clothes, and shelter. They trim the Christmas tree together (AA 61), share beds (AA 11, 29, 73), and help each other get dressed (AA 34–35, 38, 76). The title’s “away” and “alone” aptly “connote the loneliness of exile, the alien in a strange world,” as one reviewer writes,⁸⁶ but also emphasize the cohesion of a group isolated in a space of legal nonexistence. Facing doomed prospects because of their legal status, the immigrants rely on the only people they can trust—each other—and *Away Alone* boldly celebrates friendship’s potential for creating new kinds of families.

In performance, the friendships can prove so effervescent that, as critic Jerry Tallmer remarks, one “ach[es] to be right up there in that room with those people on stage.”⁸⁷ Newcomer Liam easily becomes “like a brother” to both Desmond (AA 71) and Mary (AA 74). Of note, these new relationships—built in the United States and catalyzed in the first place by a shared legal consciousness, among other commonalities—temporarily sate the need for the nuclear family so cherished by US immigration law.

⁸⁴ Susan Rusinko, *British Drama 1950 to the Present: A Critical History* (Boston: Twayne Publishers, 1989), 152.

⁸⁵ Milvy, “A Shamrock Grows in the Bronx.”

⁸⁶ Don Nelsen, “A Dead End to Dreams,” *New York Daily News*, 17 January 1990, 34.

⁸⁷ Tallmer, “Pretty Good Palaver from the Irish.” Backalenick offers a related sentiment about her experience witnessing the friends’ interactions: “we are caught up in their lives, and find ourselves concerned with their fates long after the show ends” (Backalenick, “A Grand Irish Night”).

Much like the “*makeshift*” furniture that characterizes the “Irish Embassy” (AA 11)—reviewer Erika Milvy describes the set at the Irish Arts Center as a “shabby one-bedroom apartment [with] the feel of a college dormitory”⁸⁸—the relationships forged in the apartment provide an essential, albeit provisional, function.

For example, Owen surfaces as interim parent to his roommates. His self-appointed role as cook turns Owen into a disciplinarian concerned with the well-being of the other men. “I refuse to poison you,” explains Owen when Paddy demands a fried egg instead of rice and beans. “If you want to destroy your bellies with fast food and commercial additives, do it on your own time,” he adds (AA 18). Fearing a police raid, Owen also chides Liam when he begins to bring a variety of gadgets and appliances into the home. The parental tone betrays both a fear of the authorities and a father-like disappointment with a misbehaving Liam. Owen scolds him, “I swear to jaysus, you are a receiver of stolen goods” (AA 33). As he plays parent and looks after his roommates, Owen also fails his legally recognized family. Admittedly in the United States to earn enough money to open a diner back in Ireland, Owen develops a close and openly sexual relationship with Mary in New York. Of his Irish wife, we discover near play’s end that she, too, has been unfaithful during Owen’s absence. The marriage, as well as the dream of returning a restaurateur, completely dissolves. Des explains that Owen is a man transformed; “[now] his wife and kids mean nothing to him” (AA 65). Similarly, Mary’s and Des’s family ties change completely during their time in New York. Mary comes to see that she would “rather live in Outer Mongolia” than face her relatives in Ireland ever again (AA 54), and Desmond learns through a letter that the Irish girl he once intended to

⁸⁸ Milvy, “A Shamrock Grows in the Bronx.”

marry has opted to marry somebody else (AA 41). Noble does not offer much to paint the lives of her characters before New York (we do learn that Des and his father do not get along [AA 37]). Although we can only guess at the specific reasons driving each of the characters out of Ireland, it is certainly the case that their relationships to relatives left behind change substantially. Simultaneously, the bonds established in New York appear to offer a psychological and emotional support system similar to those that partly underpin rationales for family-based immigration.⁸⁹

The two characters in *Away Alone* who are living legally in the United States serve to emphasize much of the above. A Jersey City native, barkeeper Mario appears to all intents and purposes as a loyal and trustworthy friend. By the end of the play, he has taken Liam under his wing and offered him a job at the Old Sod Bar, the preferred hangout for those living on the Irish Mile. Yet, from very early on, Owen's suspicions about Mario prevent us from seeing him as a full-fledged member of the makeshift family. "You want to watch out with the small talk," Owen warns Liam at the mention of Mario. Although Owen does not believe that Mario directly caused the immigration authorities to come "sniffing around [the disappeared] Seamus," he does urge Liam to dissociate from the bartender: "you don't know who Mario's friends are. You don't know who he talks to when he's not at the bar" (AA 13). In fact, neither do we. In performance, Mario's interactions with other customers at the bar are played directly to

⁸⁹ Hing admits that it is difficult to calculate the "psychic value" of reuniting families but argues that immigrants' well-being, productivity, and stability necessarily improve when they can live alongside their loved ones (Hing, *Deporting Our Souls*, 134–35). Still, immigration law stresses a sanctity of family based strictly on blood, adoption, or marriage, and Congress's plenary power over immigration issues often contradicts domestic concerns with protecting so-called family values and relationships (Linda Kelly, "Preserving the Fundamental Right to Family Unity: Championing Notions of Social Contract and Community Ties in the Battle of Plenary Power Versus Alien Rights," *Villanova Law Review* 41, no. 3 [1996]: 725–83).

the audience; these customers are to remain “*unseen*” (AA 8). The most ready link to a world beyond the isolated existence Liam describes, Mario can offer help—he assists with the arrangements after Des’s sudden death (AA 93)—but always with a question mark hovering over the repercussions of his involvement. Furthermore, appearing only in the scenes set at the bar, Mario is clearly an outsider to the group’s domestic system.

The character of Breda, a fortunate recipient of a Donnelly visa (AA 22),⁹⁰ surfaces even more patently as an outsider. What we first hear about Breda, before she has appeared onstage, is the mocking tones of the men: “She’ll spoil me appetite,” teases Paddy; “Wait’ll till you see her, Liam. [...] She goes all purple in the face. It’s fuckin’ gruesome,” adds Owen (AA 19). Their dislike stems from Breda’s apparent conservatism (*New York Times* critic Stephen Holden described Bronagh Murphy’s Breda as “a prudish husband-hunting hysteric with a will of iron”⁹¹). While Breda suffers many of the same economic struggles her roommates and neighbors endure, it is clear that her immigration status affords her different priorities. Most obviously, Breda can quit a job she does not like because her prospects of landing another one are markedly better. “[The others] can’t even get jobs and you’re throwing yours away,” screams Liam when Breda tells him she has left her restaurant post (AA 47). The mere possibility of more stability and easier travel might help explain Breda’s concern with establishing and defending traditional family. Of all the characters, she is the only one who remains boldly attached

⁹⁰ Beginning in 1986, Congress approved various visa lottery programs for immigrants from a limited set of countries who failed to fit the family-reunification preferences established by the 1965 immigration legislation. Irish immigrants were particularly targeted to receive these lottery visas. Named after its sponsoring congressman, Brian Donnelly from Massachusetts, the 1986 Donnelly Program distributed 40 percent of a total 40,000 visas to Irish immigrants. The 1992 Morrison Program, also named for its sponsor, again distributed 40 percent of 48,000 visas to Irish applicants (Linda Dowling Almeida, *Irish Immigrants in New York City, 1945–1995* [Bloomington: Indiana University Press, 2001], 63).

⁹¹ Holden, “Illegal Immigrants on the Irish Mile.”

to her family in Ireland. For instance, she invokes her brothers as a defense mechanism when Liam challenges her. She is “used to” her brothers’ protection (AA 47), and even from a distance, they retain a functional place in Breda’s life.

Moreover, Breda surfaces as the true defender and proponent of love and marriage. Amid bachelors and a couple involved in an extramarital affair, Breda insists that “[i]t’s natural” for “most people [to] get married.” Part of her conviction includes castigating Des for the disintegration of his relationship. According to Breda, Des’s fiancée has opted to marry another man because “[y]ou can’t leave a girl to just sit and wait at home” (AA 49). Where the others see a support system, Breda finds dysfunction. In her eyes, the “Irish Embassy” and the apartment across the hall are not a new kind of home but rather a hotbed for disease. Adapting Holden’s description of David Raphael’s set for the Irish Arts Center, we might say that Breda sees only shabbiness and no homeyness at all in her surroundings.⁹² “Overcrowding can actually cause TB,” she anxiously cautions (AA 44). The sole legal immigrant in the play thus echoes the fears of anti-immigrant advocates, who paint pictures of immigration into the United States, especially uncontrolled, undocumented immigration, as “plague, infection, or infestation and immigrants as disease (social and physical), varmints, or invaders.”⁹³

To be sure, Breda’s core beliefs about marriage and family are not mocked in Noble’s play. Breda might be too intense, too close-minded to allow for the other characters’ new relationships in New York, but on the whole, *Away Alone* portrays these interpersonal bonds as temporary or experimental. Much like the “impossible subjects” I described in chapter 1, the undocumented characters in Noble’s work and the

⁹² Ibid.

⁹³ Chang, *Disposable Domesticity*, 2 (see ch. 3, n. 34).

relationships they forge in the space of legal nonexistence are individually, albeit not systematically, unsustainable. Through Paddy, Noble offers the most conventional comedic exit out of undocumentedness. He will achieve “the pot of gold at the end of the rainbow” by marrying a wealthy American citizen (AA 40). Although not a marriage of convenience, Paddy’s real love conveniently affords him—through a traditional, legally sanctioned union—both legalization and the possibility of a “regular jet-sett[ing],” bicontinental lifestyle (AA 79). As for Des, an undocumented immigrant unwilling to take just any job (AA 17, 37, 82) and a man whose heterosexuality and masculinity come briefly into question (AA 69, 83), the only appropriate dramatic fate seems to follow *A View from the Bridge*’s tragic pattern: the queered character must be sacrificed. His questionable death—Noble does not resolve whether Des is the victim of accident, malicious murder, or suicide—means that Owen and Breda will return to Ireland, the former to bring his cousin’s body back “home” and the latter, “wearing black,” to grieve someone she loved (AA 94). As mourners, Owen and Breda can return to well-established, traditional familial roles. Only Liam and Mary remain in the United States at play’s end; he will continue to work at The Old Sod, eager to “chance [his] arm here for a bit,” and she will take up design classes after moving to Manhattan (AA 94). Although their legal status remains unchanged and their prospects are left predominantly to chance, Liam and Mary’s pairing connotes a future very similar to the one promised in *La víctima*’s concluding song. Whatever hope exists for a better tomorrow remains in the hands of a man and a woman.

Away Alone’s final image—a young woman with a heavy backpack arrives at the bar and, like Liam in the first scene, asks for Seamus (AA 94)—insists on a cyclical

system.⁹⁴ The characters we have just met might eventually leave the makeshift family life they have created, voluntarily or not, but new undocumented immigrants will necessarily continue to live in tightly built, insular, and isolated family-like groups. The play thus stages a phenomenon characteristic of living without papers.⁹⁵ After all, if the law seeks to control and mold family life, then circumventions of the law will produce alternatives. By creating legally nonexistent, vulnerable groups, for whom resources and aid are extremely limited if not also nonexistent, immigration law simultaneously encourages other types of support mechanisms and domestic life.

Through what Haney López calls the “conscious design of U.S. immigration and naturalization laws,”⁹⁶ federal policies have consistently sought to determine not only the ethnic composition of the national population but also its familial structures.

Immigration control in particular has served as “a key site for the production and reproduction of sexual categories, identities, and norms within relations of inequality” that, as Luibhéid stresses, operate to enshrine, promote, and support heteronormative, nuclear family life.⁹⁷ *Away Alone* makes visible a different kind of family life, reminding us of performance’s power to bring the legally nonexistent to light.⁹⁸ And yet, like *La*

⁹⁴ Noble’s ending, promising the repetition of events and circumstances, relies on the same strategy as that used by Lim in *Paper Angels* and by Sánchez-Scott in *Latina*.

⁹⁵ The New Irish immigrants encountered relatively fewer obstacles than other immigrant groups. The play itself reminds us through Mario that the Irish are “lucky [to] speak English” (AA 9). Their European descent and ostensible whiteness allows for less contentious integration. As Mario continues to explain to Liam, all that he will require to be “an American” is “the passport” (AA 9). *Away Alone*’s emphasis on its protagonists’ isolation bespeaks other undocumented immigrants’ “exceptionally marginalized” condition (Bosniak, *The Citizen and the Alien*, 66).

⁹⁶ Haney López, *White by Law*, 37.

⁹⁷ Luibhéid, *Entry Denied*, x.

⁹⁸ In her review of the Irish Arts Center production, Milvy praises *Away Alone*’s effectiveness in illuminating “a niche in our city that we might not have known to exist” (“A Shamrock Grows in the Bronx”). We see here the potential for theatre pieces to combat the general invisibility of undocumented immigrants, as I have already stressed in preceding chapters. Productions of both *La víctima* and

víctima, *Away Alone* makes visible these realities without questioning the inevitability of the family model through which immigration law prioritizes and excludes potential entrants. Noble's play, then, contributes also to the web of cultural narratives that prop up immigration law's emphasis on "family" as a narrowly defined concept.

In her study of border practices that have aimed to control female sexuality, Luibhéid stresses that US immigration policies have consistently marginalized "other kinds of long-term relationships that [are] not based on state-sanctioned marriage, with its implied interest in regulating blood and property."⁹⁹ A long history of bans on the entry of prostitutes, unmarried women, homosexuals, and AIDS victims, among others, speaks to immigration authorities' role in "boundary marking ... by which mainstream institutions empower and legitimize themselves, while producing diverse minoritized populations."¹⁰⁰ As late as 1990, US law denied legal immigration status to perceived or self-identified homosexuals. Shannon Minter points out that, until Congress amended this practice with the Immigration Act of 1990, "the United States was the only country

Deporting the Divas similarly make visible realities and peoples often ignored by US stages. As Reyes succinctly reminds us, overproduction is not a trend affecting so-called Latina/o plays and artists ("Teatro Bravo and Remember the Mummies," *Theatre Journal* 56, no. 3 [October 2004]: 475).

⁹⁹ Luibhéid, *Entry Denied*, 25.

¹⁰⁰ *Ibid.*, 78. Luibhéid's fascinating study addresses the history of these exclusions. I described in chapter 1 the United States' earliest efforts in the nineteenth century to bar prostitutes from entering the country. Similar bars on lunatics and people of ostensible mental instability served to bar homosexual men and women. Early immigration laws also saw single women as potential public charges and thus periodically denied them entry (5). Luibhéid explains that the "most extensive records about immigration-service efforts to police the border against lesbians and gay men date from after the passage of the 1952 McCarran-Walter Act," which banned homosexuals as part of the undesired "psychopathic personalities" (77–78). Seven years after the American Psychiatric Association decided to remove homosexuality from its list of mental diseases and one year after the Surgeon General warned that immigration processes could no longer label gay men and women diseased, immigration authorities stopped relying on medical exclusions and simply denied entry to entrants admitting to homosexuality (98). The legal limitations on people with HIV and AIDS are quite strict: "All applicants for legal permanent residence are currently required to take an HIV test from an INS-approved doctor; if they test positive, they are denied residency." Although there are some waivers and, ironically, some opportunities for HIV-positive individuals to get asylum in the United States, most are deemed inadmissible (26–27). I take up the subject of HIV-positive entrants in the next chapter, when I consider Ntare Mwine's *Biro*.

in the world with an explicit policy of excluding visitors and potential immigrants because of their sexual orientation.”¹⁰¹ The immigration system was and continues to be a disciplining mechanism that penalizes homosexual relationships.¹⁰² Even homosexual partnerships that may be legally recognized in some manner, such as the marriages or civil unions sanctioned by law in some US states or foreign countries, fail as legitimate families in the eyes of federal immigration authorities. Christopher Duenas points out that the United States stands alone in the English-speaking, industrialized world in its reluctance to offer immigration rights to same-sex couples; even nations that do not recognize same-sex marriage afford homosexual partnerships immigration privileges.¹⁰³ To paraphrase Judge Vaughn Walker’s recent decision overturning California’s ban on gay marriage, US immigration policies blatantly “enshrine” the idea that “opposite-sex couples are superior to same-sex couples.”¹⁰⁴ By marking a boundary around heterosexual marriage as the foundation of “family,” immigration law simultaneously marks homosexual relationships as something other than family, as something unworthy of protection and perhaps even illicit. Immigration law pushes homosexuality into a space of nonexistence.

¹⁰¹ Minter adds that “[a]lthough the word ‘homosexual’ has never appeared in U.S. immigration law, from 1952 to 1990 most U.S. courts interpreted the [INA] provision excluding persons ‘afflicted with a psychopathic personality’ to require the exclusion of any person identified as homosexual or who engaged in homosexual acts” (Shannon Minter, “Sodomy and Public Morality Offenses Under U.S. Immigration Law: Penalizing Lesbian and Gay Identity,” *Cornell International Law Journal* 26 [1993]: 771).

¹⁰² I follow Luibhéid here, who acknowledges her reliance on Foucault’s theories about discipline. She explains that the 1990 changes to immigration law, while important for gay men and lesbians, do not prevent immigrants from being denied citizenship under a “good moral character” requirement. Furthermore, homosexual immigrants are denied the opportunity to use long-term relationships with US citizens as a means to obtain residency (*Entry Denied*, 99). See the Stop the Deportations project website, stopthedeportations.blogspot.com (accessed 14 February 2011).

¹⁰³ Christopher A. Duenas, “Coming to America: The Immigration Obstacle Facing Binational Same-Sex Couples,” *Southern California Law Review* 73, no. 1 (May 2000): 813.

¹⁰⁴ *Perry v. Schwarzenegger*, 704 F. Supp. 2d 921, 1003 (N.D. Ca. 2010).

We could say, then, that undocumented, homosexual immigrants occupy a doubly framed space of legal nonexistence. On the one hand, they have misused a visa or crossed the national border without proper authorization. On the other, they belong to a group that is particularly unwanted and actively turned away. One of only a few plays that concern this twice-marginalized population, Reyes's *Deporting the Divas* thus offers valuable insight into the construction of identity through and against legal categorization.¹⁰⁵ Moreover, the play invites (re)consideration of law's power to shape family structures and police alternatives, as well as cultural products' participation in such processes.

At the top of *Divas*'s second act, Teacher/Lecturer interrupts the play to offer the audience some thoughts on "a very pressing matter": the aesthetics of Carmen Miranda and their systematic exclusion from academia (*DD* 155). His lesson-cum-rant includes an answer for "one of the great mysteries of sexual identity: what's the connection between the gay male and the female Diva?" (*DD* 156). He offers his theory:

¹⁰⁵ In 1999, Huerta wrote that "to [his] knowledge, *Deporting the Divas* is the first full-length play about a central character who is gay and Chicano written by a gay Latino, to be professionally produced and published" (Jorge Huerta, "Some Thoughts On Casting *Deporting the Divas*," *Gestos* 27 [April 1999]: 159). Of course, other artists have dealt with the "disidentification" characteristic of "queers of color," to borrow José Esteban Muñoz's title phrase (*Disidentifications: Queers of Color and the Performance of Politics* [Minneapolis: University of Minnesota Press, 1999]). Huerta himself tracks a longer history of homosexual themes and characters in Chicano literature and theatre in the fourth chapter of his *Chicano Drama*, "Rebelling Against Damnation" (Jorge Huerta, *Chicano Drama: Performance, Society and Myth* [Cambridge: Cambridge University Press, 2000], 140–82). For more on the subject, see also David William Foster, ed. *Chicano/Latino Homoerotic Identities* (New York: Garland Publishing, 1999); and Cherríe Moraga's, Alberto Sandoval's, and Sue-Ellen Case's contributions to Taylor and Villegas, *Negotiating Performance* (see preface, n. 2). It is definitely the case that Reyes's treatment of a self-identified gay, Latino, undocumented figure remains rare. In *The Hungry Woman: A Mexican Medea*, Cherríe Moraga deals with interrelated questions of gender, sexuality, law, nation, and the border, although her characters are less explicitly marked as undocumented (in *Out of the Fringe: Contemporary Latina/Latino Theatre and Performance*, ed. Caridad Svich and María Teresa Marrero [New York: Theatre Communications Group, 2000], 289–363; and, in slightly revised form, in Cherríe L. Moraga, *The Hungry Woman* [Albuquerque: West End Press, 2001], 1–101). More recent performances of *The Hungry Woman*, such as one codirected by Moraga at Stanford University, have departed somewhat from the published script to portray a fracturing of the United States into separate nations not only as a result of the Civil Rights movements of the 1960s and 1970s but also of post-9/11 xenophobic resurgences (Nicole Eschen, review of *The Hungry Woman: A Mexican Medea*, *Theatre Journal* 58, no. 1 [March 2006]: 103–6).

[T]he Diva has been battered, trashed around, used, and spat out like a queer or like an illegal alien, or combinations thereof, and yet she has fought back with sweat, guts, and tears and continues to occupy a space in our collective imagination. She's tough, she's grand... (DD 156)

The comparison between and mutual construction of queer and undocumented identities lie at the heart of Reyes's play, which presents what Beatriz Cortez describes as "characters [that] are able to negotiate a flowing hybrid identity that makes it possible for them to simultaneously belong to a variety of spaces of difference and/or to shift from one space to the other."¹⁰⁶ Among Reyes's nearly fifteen personages are Michael, a bisexual US Border Patrol officer; his lover Sedicio, a proud, openly gay, undocumented immigrant; Miss Fresno, a Guatemalan beauty queen of German descent struggling to hide both her illegal immigration status and her male sexual organs; and Silvano, a wealthy, AIDS patient from El Salvador living in San Diego without papers. All of *Divas's* characters, performed through crossgender and multiple casting techniques, well fit into Reyes's broader repertoire, which "makes art out of poking fun at the concept that identity can be boxed up and pigeonholed," to quote a profile of the author.¹⁰⁷

Several critics have commented on Reyes's ability to "investigate and subvert intersections of gender, sexuality, sexual object choice, and immigrant status," as Huerta

¹⁰⁶ Beatriz Cortez, "Hybrid Identities and the Emergence of Dislocated Consciousness: *Deporting the Divas* by Guillermo Reyes," in Foster, *Chicano/Latino Homoerotic Identities*, 132.

¹⁰⁷ Scioscia, "Man on the Verge." Some of Reyes's other plays include *Men on the Verge of a His-Panic Breakdown* (1994), *The Hispanick Zone* (1998), and *Places to Touch Him* (2002). *Men on the Verge*, which brought Reyes national attention, is published in an acting edition (Woodstock, IL: Dramatic Publishing, 1999) and anthologized (in *Staging Gay Lives: An Anthology of Contemporary Gay Theater*, ed. John M. Clum [Boulder: Westview Press, 1996], 401–24). *Places to Touch Him* appears in Sandoval, *Borders on Stage*, 177–221 (see ch. 1, n. 143). The playwright himself is "difficult to classify": Reyes is a "United States Citizen born in Chile ... a Latin American playwright in the United States who writes mainly in English, and [whose] plays deal with the identity of both the Latin American immigrant communities and the Latino communities in the United States. And yet they also explore gay identity inside and outside those communities" (Cortez, "Hybrid Identities and the Emergence of Dislocated Consciousness," 131).

puts it, and to problematize, in Jon Rossini's words, "the concept of being defined by borders and the possibility of refusing that form of identification."¹⁰⁸ Deemed an "illusion-packed fantasia on the ingeniously paired themes of immigration and homosexuality" by a reviewer of the 1996 San Francisco production,¹⁰⁹ *Deporting the Divas* brashly plays with undocumented status as a phenomenon in itself as well as a metaphor for sites of gender and sexual identity. Thus, the danger but also the power of Michael's experimentation with homosexual desire—the core action driving *Divas*—gains additional meaning and weight precisely because the object of his desire is quite literally illegal. Michael's role as a border agent, much like his role as a married, heterosexual man, involves making categorical choices. There are no in-betweens. The undocumented, a figure marked by legal nonexistence, surfaces as a potential means to transgress the limits of a seemingly stable, concrete identity; he surfaces as an agent through which a heteronormative family and its prescribed gender roles might possibly be transgressed. Coutin cautiously observes that, "[b]ecause they are placed outside the law, those who do not exist legally are strangely liberated." Without celebrating a space that is inherently violent and unsustainable, Coutin explains that "subversions ...

¹⁰⁸ Huerta, *Chicano Drama*, 173; Rossini, *Contemporary Latina/o Theater*, 132 (see preface, n. 7). For other valuable examinations of *Deporting the Divas* and Reyes's work more generally, see Melissa A. Fitch, "Gender Bending in Latino Theater: *Johnny Diego*, *The His-Panic Zone*, and *Deporting the Divas* by Guillermo Reyes," in *Latino/a Popular Culture*, ed. Michelle Habell-Pallán and Mary Romero (New York: New York University, 2002), 162–73; Melissa Fitch Lockhart, "Queer Representations in Latino Theatre," *Latin American Theatre Review* 31, no. 2 (Spring 1998): 67–78; David William Foster, "Guillermo Reyes's *Deporting the Divas*," *Gestos* 27 (April 1999): 103–8; Foster, "Phoenix in Guillermo Reyes's *Places to Touch Him*," *Latin American Theatre Review* 43, no. 1 (Fall 2009): 71–86; and George Woodyard, "Rompiendo las fronteras: El teatro de Guillermo Reyes," in *Théâtre et territoires Espagne et Amérique Hispanique, 1950–1996/Teatro y territorios España e Hispanoamérica*, ed. Sara Bonnardel and Geneviève Champeau (Bordeaux: Maison des Pays Ibériques, 1998), 333–43.

¹⁰⁹ Steven Winn, "Witty 'Divas' Crosses More Than One Border," *San Francisco Chronicle*, 18 September 1996, articles.sfgate.com/1996-09-18/entertainment/17783107_1_illegal-immigrant-san-diego-divas (accessed 1 September 2010).

are made possible by nonexistence.”¹¹⁰ Michael therefore needs someone like Sedicio, a self-described “‘special citizen’ of the borderland” (*DD* 184), to usher him into a site where the kinds of boundary markings Luibhéid proposes lose some of their power. With a name that defies unity, integration, and order—the Spanish *sedición* means “sedition”—Sedicio also defies the notion that lawlessness or undocumentedness is a negative condition. “I’m undocumented and proud!” (*DD* 137), he tells the border patrol agent before their first kiss. For Sedicio, having no papers, like being gay, flouts convention(s). Huerta writes that “[i]n a clever reversal of sexual borders, it is the undocumented Mexican who can be openly comfortable with his sexuality, while the citizen must hide his. Further, as an undocumented gay immigrant, Sedicio represents everything Michael has been taught and trained to fear and to reject, both figuratively and literally.”¹¹¹ As such, Sedicio and the other “divas” with whom Michael interacts become the necessary Others through which he might expand, albeit perilously, his narrow notions of Self. They “function as temptation for Michael or as projections of his sexual anxieties.”¹¹²

But the focus on Michael detracts from Sedicio’s own notions of Self; viewing Sedicio as the inevitable Other merely repeats the marginalization that a lack of papers and/or homosexuality prompts. Michael might be the play’s central figure, but as Sedicio himself urges after being rebuked for breaking the fourth wall to speak directly to the audience, Michael needs to “share [his] narrative” (*DD* 131). The original production’s casting choices, imitated by several subsequent stagings, further insist on viewing Sedicio

¹¹⁰ Coutin, *Legalizing Moves*, 43.

¹¹¹ Huerta, *Chicano Drama*, 175.

¹¹² Woodyard, “Rompiendo las fronteras,” 338. My translation.

as a trustworthy narrator, one whose views merit particular consideration. The role of Sedicio, like that of Michael, required what Huerta calls a more “realistic and complex” approach than that needed to play Miss Fresno or Silvano, some of the other “exaggerated characters” Rene Moreno portrayed simultaneously in the 1996 Celebration Theatre production. Less dependent on “wigs and accessories,” Moreno-as-Sedicio therefore commanded an air of truth, of depth.¹¹³ I thus propose homing in on the figure of Sedicio to consider some of the play’s commentaries on family structures. In doing so, I find that *Deporting the Divas* does not wholly unsettle traditional notions of family or the use of legal-like rules to protect and define relationships. After all, Sedicio, Michael’s guide into “alternate families [and] other ways to live” (*DD* 184), persistently betrays his own belief that weddings are “[b]reeder concepts” (*DD* 132). Sedicio believes that the “love between two responsible adults is sacred—in the pagan sense of the word” (*DD* 163) and desires to spend the rest of his life in a traditional, love-based, monogamous relationship (*DD* 161). He is eager to leave a life of meaningless sex and “marry a man by the time [he is] twenty-five” (*DD* 131), to pursue a “relationship” rather than “a series of quick insertions” (*DD* 140). Sedicio enrolls in Spanish for Assimilated Latinos at the City College because he is “attracted to Latino men who speak lousy Spanish” and “need[s] to meet a husband” (*DD* 133). He confesses to his roommate that he “believe[s] in a long-term relationship or, better yet, a marriage” (*DD* 167) and fantasizes about a housewarming party and a commitment ceremony with Michael (*DD*

¹¹³ Huerta, “Some Thoughts On Casting *Deporting the Divas*,” 159. Director Huerta details that Moreno (and later Joseph Ponce in the San Francisco production) had to work quite hard to achieve some believability as Miss Fresno. The implication, of course, is that playing the “straighter” Sedicio came much more naturally to the actors, that there was less distance between performers and role in that case (160). Juan Manzo played Sedicio, Miss Fresno, and Silvano in the 2003 Diversionary Theatre production.

161). Sedicio claims to represent an “‘open border’ lifestyle” but doesn’t “believe in bisexuals” (*DD* 151).

To attain his goals, Sedicio sets up concrete, categorical regulations. When Michael expresses interest in a one-night stand, Sedicio calmly explains: “I have rules about all this, I’m gonna be a teacher one day, and I believe in establishing the rules right up front. Three dates might get you a hickey” (*DD* 134). Although he succumbs to passion somewhat—“To hell with my boundaries, baby, come to mamma” (*DD* 137)—Sedicio permits Michael to go only so far. “[T]hat type of sex,” the type that Michael wants to experience in order to truly “come out” (*DD* 140), remains strictly off-limits. In a moment of desperation, fearing he is losing Michael, Sedicio holds out “*a single condom*,” avers he has lost interest in “respectable” gay marriage, and offers himself to the man with whom he has fallen in love (*DD* 183–84). Ultimately, however, Sedicio fails to “give up all [his] silly rules” (*DD* 185) and refuses a relationship that will not be true to his desires. Not only does he remain a staunch advocate for traditional unions but also validates an understanding of relationships as rule-bound constructs. Sedicio’s rules, in turn, help to restrain performances of *Deporting the Divas*, limiting displays of nontraditional sexual desire. Huerta reminds us that, onstage, Michael and Sedicio share but one long and later one truncated kiss, hardly a transgressive display of one man’s sexual desire for another.¹¹⁴

Cortez offers the view that, “[t]hroughout the process of their relationship, Michael and Sedicio challenge the stereotypical view of intimacy,” that “the characters in

¹¹⁴ Huerta, *Chicano Drama*, 181. Huerta adds that “We do see the kiss between the Sergeant and Sirena, but that kiss is [also] not transgressive. If performed well, we come to perceive of Sirena as a ‘real woman,’ and there is no shock in the kiss” (181).

the play do not have to subscribe to any type of predetermined ideal of what a sexual encounter should be, and they are able to try different perspectives and to participate in different types of relationships.”¹¹⁵ But given that their relationship fails in the end and that Sedicio refuses to have anything but a full and strict commitment from Michael, it becomes difficult to assert that Reyes’s characters have truly challenged traditional notions of couplehood. David Foster suggests that Reyes’s conclusion “queers” and “decenter[s] narrative expectations.”¹¹⁶ Indeed, *Divas*’s dominant comic energy—despite the play’s functioning through a collage of various theatrical and dramatic styles—seems to demand a final union. However, minutes before the play concludes, Sedicio leaves Michael. Their happy ending—a “big party for the two of [them] to celebrate [their] union” (*DD* 186)—is impossible. Like Miss Fresno before, Sedicio departs “*in a grand, fabulous manner like any other of the Divas. Lights and music support him*” (*DD* 186). Michael, too, then “*gets to stage his own grandiose finale*” (*DD* 187). The longing inherent to this sequence, like the longing of all great divas, attests to the misery and injustice of having to lose Sedicio. We are left with “[t]his distance” between Sedicio and Michael (*DD* 186). The original casting choice of having the same actor playing Sedicio, Miss Fresno, and Silvano, among others, kept Sedicio from even appearing in Michael’s fantastical finale, which featured the beauty queen instead. With INS uniform and badge back on, Michael laments his loneliness but also celebrates the power of the Divas, who will “transport [him] to that grand, fabulous world where [he] will arise, one day, ready and eager to face the music and sing along!” (*DD* 187).

¹¹⁵ Cortez, “Hybrid Identities and the Emergence of Dislocated Consciousness,” 142, 143.

¹¹⁶ Foster, “Guillermo Reyes’s *Deporting the Divas*,” 107.

Only two unions occur by play's end, couples that the audience never actually gets to see: Michael's sister marries his boss and Michael returns to Teresita. "We're one big INS family now," Michael confesses (*DD* 186). It seems he has dutifully followed his boss's advice ("The family comes first" [*DD* 174]) and resigned himself to continue married life despite feeling that "[m]arriage is overrated" (*DD* 161). In short, only heterosexual, legally married couples like Michael and Teresita remain together. Chairwoman-for-Life Marge McCarthy, the "church lady" and mayoral candidate with a keen interest in Michael's personal affairs and an express dislike for border-crossers of all types, would be pleased. I do not think this ending necessarily decenters expectations. The belief that a protagonist couple must emerge at play's end remains quite prevalent, albeit unmet. Michael simply ends up with the wrong partner. Sedicio, and not the unseen Teresita, is Michael's proper dramatic love interest. By keeping them apart, *Divas* does not urge its audience to demand something other than a couple as a satisfying conclusion but stresses instead the need for a less limiting definition of such a couple. The play urges a more inclusive type of narrative, one that may help usher in more inclusive legal thinking.

Existing laws (both immigration and family laws) mark the homosexual union that Sedicio demands from Michael as not only unconventional but also possibly illegal. When Sedicio suggests running away, Michael reminds him that the "type of things [he] like[s] to do are illegal in Arizona" (*DD* 159).¹¹⁷ In this sense, Sedicio is very much

¹¹⁷ In 2003, seven years after the premiere of *Deporting the Divas*, the Supreme Court finally outlawed antisodomy laws with its notable *Lawrence* decision that now ensures private sexual conduct between consenting adults is a protected constitutional right (*Lawrence v. Texas*, 539 U.S. 558 [2003]). As of this writing, thirty-one states have bans on same-sex marriage, and these bans remain constitutionally protected (*Citizens for Equal Protection v. Bruning*, 455 F.3d 859 [8th Cir. 2006]). The federal

minoritized, to evoke Luibhéid's language once again, and necessarily pushed into a space of legal nonexistence. But if he lives "[n]ear the Gay Center on Normal Street" (*DD* 134), it is clear that Sedicio is more interested in making the Gay Center a bit more like Normal than in changing the structures underpinning Normal. He wishes Normal were a more inclusive category. Arguably the play's most reasonable character, Sedicio thus offers a critique of a system that denies him full existence based on its exclusivity rather than on its inner logic. In his introduction to *Deporting the Divas*'s first publication, Foster posits "two varieties of the assertion of nonexistence" plaguing homosexual individuals in heterosexist contexts. "One is simply to deny that there can be anything such as a gay identity," Foster writes. The second space of nonexistence, more prevalent in popular discourses, is "the acceptance of a 'homosexual type,' but concomitantly a rhetorical exercise by which every possible attribute of identity is shown to be nothing more than a distortion of the master narrative of the patriarchy, and therefore, if not inconsequential ... at least existentially invalid."¹¹⁸ Sedicio's ideal society, it seems, endeavors to un-distort and to realign his identity—at least his identity as one half of a loving couple—with the standards espoused by the master narrative, without much change to the standards themselves. In short, Sedicio does not really seek an alternate way of living but rather a place of full existence at the table that has already been set.¹¹⁹

government maintains its definition of marriage as that between a man and a woman (Defense of Marriage Act [DOMA], § 3, codified at *U.S. Code* 1 [2010], § 7).

¹¹⁸ Foster, "Guillermo Reyes's *Deporting the Divas*," 104.

¹¹⁹ This is a common argument levied by myriad theorists who see same-sex marriage as a victory for conservatism. William Eskridge and Darren Spedale explain that at the crux of the arguments rests the conviction that "[f]ormal access to oppressive institutions such as marriage would only strengthen them; gay liberation must seek to transform the status quo rather than join it" (William N. Eskridge, Jr. and

Sedicio is less specific about fitting into a so-called normal national citizenry. Although he is supposedly “proud” of his lack of papers (*DD* 137), Sedicio does not reveal his immigration status until long after divulging that he is “openly gay” (*DD* 128). There is much more at stake, it seems, in embracing one’s illegal status than one’s homosexuality. After all, this is a universe in which even the staunchest of conservative voices, Marge McCarthy, opines that “[h]aving a gay son these days is not as tragic as having an immigrant in the family” (*DD* 116) and in which immigrating is more “shocking [and] immoral” than sodomy (*DD* 139). At the moment in which Sedicio finally offers a “carnal and immediate” experience for him, Michael, tempted, still “*has to control himself*.” “Ah—look—how come we’ve never discussed your legal status?” Michael manages to inquire (*DD* 184). Indeed, the subject of immigration status has seldom arisen between the immigration officer and his love interest. Sedicio replies:

Maybe I don’t mind passing for something I’m not. Yes, most of us learn how to hide it, learn English correctly, get the right false ID’s, try to “look white.” But I don’t need to lecture you on the art of hiding, Miguel Angel, you’re the expert. (*DD* 184)

Undocumentedness surfaces as a metaphor for the closet. But *Deporting the Divas* carefully stages the limits of the analogy.

The need for concealing a lack of immigration papers proves much more pressing than the need to pass as heterosexual. In the play’s world, in which, as Cortez tells us, there exists “a range of possibilities for the negotiation of a hybrid identity through which an individual can be part of different spaces at the same time, even spaces that are

Darren R. Spedale, *Gay Marriage: For Better or for Worse? What We’ve Learned from the Evidence* [Oxford: Oxford University Press, 2006], 17).

contradictory or incompatible among themselves,”¹²⁰ the space of legal nonexistence still surfaces as the most (potentially) violent. It is the most difficult space from within which one may negotiate. Deportation, or the threat of deportation, becomes a prevalent strategy to keep those without papers in check. Marge, for example, threatens Sedicio’s roommate, who has been impersonating her in a drag act. Leonel complains, “[I]f I don’t stop, she’ll send the INS after me” (*DD* 166). With a student visa that has, in fact, expired, Leonel decides to leave the United States. He claims that he is “disgusted with everything that’s going on” (*DD* 166), but it is obvious that his decision to return to Costa Rica and to leave Sedicio, his “comadre” (girlfriend, sidekick, *DD* 167), stems from Marge’s actions. In Michael’s “Tango Fantasy”—a play within the play—the femme fatale Sirena also finds herself left vulnerable by her lack of papers. “[Y]ou cooperate with me or I’ll have you deported” (*DD* 146), warns the sergeant involved in a murder investigation. And in what is “perhaps the most moving scene in the play,” as its first director Huerta describes it,¹²¹ Michael deports the AIDS patient and diva extraordinaire Silvano. The Salvadoran native claims that he “could have gotten [his] papers straightened out by marrying a senator’s daughter,” that he has “those types of connections,” and that his “father owns San Salvador” (*DD* 169). What becomes clear is that Silvano’s fabulousness masks the fact that his family has “abandoned him long ago because of his sexuality.”¹²² The deportation thus forces Silvano out of the safety and comfortable zone he has created in the United States and back into a dangerous space.

¹²⁰ Cortez, “Hybrid Identities and the Emergence of Dislocated Consciousness,” 133.

¹²¹ Huerta, *Chicano Drama*, 177.

¹²² *Ibid.*

Likewise, Sirena faces unresolved accusations and troubles in Argentina, to where the sergeant promises to send her if she fails to collaborate (*DD* 145).

A media frenzy over deportations makes the threat within the space of nonexistence all the more palpable. Even within the highly theatrical world of *Deporting the Divas*, in which everyone clearly performs roles, deportations become intensely watched performances. The “glare of a news camera” accentuates Silvano’s deportation; he is “blinded by the lights” (*DD* 172) as Michael escorts him out of the hospital room and into the street. The diva’s final exit marks the beginning of what will surely become a most-watched event. “Ladies and gentlemen of the press, I’m ready for your questions,” Silvano utters before leaving the stage (*DD* 172). He exits, and we know the spotlight will follow. A few minutes later, Michael gets paged for a work emergency. Miss Fresno has been “caught” just as she was about to be crowned the new Miss USA. “Marge McCarthy denounced her in front of the cameras,” Michael explains. He adds that “now Marge is up twenty points in the polls” (*DD* 178). Together, the instances of deportations that are part of the play’s action bespeak a culture that broadcasts and consistently reiterates images of captured undocumented immigrants: handcuffed, heads down, marshaled by some uniformed officer. The very public nature of the deportations, as well as the empowerment they bring for anti-immigrant advocates like Marge, return us in some manner to the world of torture as public spectacle that Foucault attributes to an age long gone. The showing of the immigrant caught becomes the “horrifying spectacle” threatening “additional shame” through which not just the perpetrator but also all observers can be disciplined.¹²³

¹²³ Michel Foucault, *Discipline & Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977), 9. Although Silvano attempts to maintain his dignity during the deportation ordeal

Given that Michael cares deeply for him, it is perhaps the threats made against Sedicio that are most troubling within his space of nonexistence. Facing the possibility of consummating their relationship, Michael attempts to normalize, or naturalize, Sedicio. “Maybe we can get you a lawyer and...,” Michael pleads before Sedicio interrupts him (*DD* 184). When it is clear that Sedicio is not interested in “legality,” Michael fumes: “[H]ow can you say things like that? How can you live the way you do? [...] Tell that to the INS. I’m just warning you—we’ve got your file” (*DD* 184). The warning proves especially menacing within the context of performances that abide by the original cast breakdown. We have already seen Michael deport a body just like Sedicio’s—Silvano’s. The prospect becomes not only imaginable but, in some ways, already lived. Although Michael condemns Sedicio’s desire for an open homosexual relationship as much as his lack of papers, attacking his vulnerable immigration status becomes the only way for Michael to control the situation. Sedicio gets a preview of the possible life he ultimately rejects, a life in which a relationship marked by uneven immigration status opens the door for easy manipulation and even abuse. Indeed, statistics reveal that immigrant spouses of citizens and permanent residents are made more vulnerable by a system that makes their immigration status contingent on their partners’ demonstrated support.¹²⁴ In short, the metaphor aligning undocumentedness with minoritized sexualities falls slightly apart once we consider the power dynamics at play between those with papers and those without. Much like the central family in *La víctima*, the central relationship in *Deporting*

(“I’ve been waiting for cameras all my life!” [*DD* 172]), it is clear that his exit is also distressing, marked by “the pain, the struggle, the essence of all diva-dom” (*DD* 171).

¹²⁴ See, for example, Michelle J. Anderson, “A License to Abuse: The Impact of Conditional Status on Female Immigrants,” *Yale Law Journal* 102 (1993): 1401–30; Luibhéid, *Entry Denied*, 25; and Joe A. Tucker, “Assimilation to the United States: A Study of the Adjustment of Status and the Immigration Marriage Fraud Statutes,” *Yale Law & Policy Review* 7, no. 1 (1989): 94.

the Divas crumbles in part because immigration policies place individuals in decidedly different positions.

PERFORMING FAMILY

As I discuss in chapter 2, immigrating into the United States inevitably requires a performance of sorts. Especially for immigrants seeking to enter without papers, the process requires a performance of credibility or of invisibility during the border scenario. Issues of immigration law and family alert us to a related, longer-term performance. Using Butler's notions from *Bodies That Matter*, Luibhéid describes immigration policies in the United States that "compel the formation of families in particular ways, or else compel the performance of being a family within parameters that are designed to satisfy immigration officials."¹²⁵ Importantly, because immigration authorities can choose to investigate a particular case beyond the moment and site of entry, the performances required of immigrants can last extended periods of time and actively change their experiences while living in the United States. Additionally, immigrants may rightly come to see, as Owen's misgivings about Mario attest in *Away Alone*, that non-official encounters extend and intensify this need to perform. Luibhéid confirms that "inspection at the border is not a one-time experience but is rather, as Foucault's image of the carceral archipelago suggests, a process that situates immigrants within lifelong networks of surveillance and disciplinary relations."¹²⁶ One's immigration status as well as the validity of the familial relationship underpinning it can come under scrutiny at countless points. Reworking Foucault's language, we could say that bureaucrat-immigration

¹²⁵ Luibhéid, *Entry Denied*, 71, 202n83. Judith Butler, *Bodies That Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993).

¹²⁶ Luibhéid, *Entry Denied*, xvii. Foucault, *Discipline & Punish*, 296–308.

judges, teacher–immigration judges, doctor–immigration judges, social worker–immigration judges, neighbor–immigration judges, and even relative–immigration judges supplement the ever-present threat of checks and inquiries by official immigration authorities.¹²⁷

Linda Bosniak explains that all immigrants—documented or not—must live in “the shadow of immigration law,” their identities and experiences profoundly affected by the ever-present threat of deportation. Of immigrants living without or in violation of their papers, Bosniak adds that the “collateral effects” of always-looming and oft-enforced deportation policies “arguably structure their experience in this country more than any other single factor.”¹²⁸ Immigration authorities can conduct unscheduled, surprise visits to couples suspected of marriage fraud, and increasingly, non-immigration authorities as well as everyday citizens are indoctrinated to “say something” if they “see something.”¹²⁹ Living in the shadow of immigration law, then, can come quite close to living under the “perfect eye” that Foucault proposes in *Discipline & Punish*. Immigration control, or the threat of control, becomes a type of “perfect disciplinary apparatus” seeking “to see everything constantly.”¹³⁰ Therefore, while performing

¹²⁷ Foucault, *Discipline & Punish*, 304.

¹²⁸ Bosniak, *The Citizen and the Alien*, 69, 9, 70.

¹²⁹ Allen Kay of the advertising agency Korey Kay & Partners coined the slogan “If You See Something, Say Something” on 12 September 2001. New York City’s transit authority adopted the phrase in 2003 and subsequently plastered it throughout the city. The security-awareness campaign, which capitalizes on the purposeful vagueness of “something” to make suspect all sorts of behaviors, has been funded in large part by the Homeland Security Department, and the slogan has become a “global phenomenon” (Manny Fernandez, “A Phrase for Safety After 9/11 Goes Global,” *New York Times*, 11 May 2010, A17). Generally, it has become the case that non-immigration authorities are asked to assess the immigration status of individuals. As I have already explained in chapter 2, the task of policing the border and checking a person’s right to be and work in the United States has spread beyond official federal channels. Certainly, in several of the plays that I discuss in this dissertation, undocumented migrants have been betrayed to immigration authorities or threatened with such action by non-official agents.

¹³⁰ Foucault, *Discipline & Punish*, 173.

ostensible heterosexuality or real marriage might well carve an initial passage through immigration authorities, immigrants need—or might feel compelled—to maintain such performances vis-à-vis a system that deems their residence within the nation’s borders a tenuous privilege rather than a right.¹³¹ Ironically, those living in a space of nonexistence, marked as invisible in so many areas, as I have previously discussed, can simultaneously become hypervisible. Adapting Foucault’s ideas about the ideal prison, we might say that the ubiquitous possibility of coming under investigation and facing detention and deportation places those living without papers—and possibly all noncitizens—in “small theatres,” where successful performances of “normal” might deflect the spotlights. If the “[immigration] judges of normality are present everywhere,” then immigrants in fear of immigration authorities understandably erase, disavow, or mask alternate lifestyles and family structures. The “art” of immigration authorities “normalizes.”¹³²

Luibhéid focuses a large portion of her study to the ways in which immigration authorities construct and then police (homo)sexual identities, a normalizing phenomenon she tells us is largely understudied. Before 1990, when entry was denied to self-identified or presumed gay men and lesbians, immigration policies remained “invested in constructing fixed boundaries around what homosexuality ‘is.’” Researching various case histories, Luibhéid concludes that “immigrants came to INS attention as possible lesbians or gay men on the basis of checkpoints that were set up within the immigration

¹³¹ Peter Schuck reminds us that the United States does not consider deportation a punishment. Rather, it is the state’s refusal to continue to allow residence within its borders. “A fundamental tenet of classical immigration law holds that deportation is a civil, administrative proceeding, not a criminal prosecution,” he explains (Schuck, *Citizens, Strangers, and In-Betweens*, 34 [see ch. 1, n. 93]). I pursue this idea further in the next chapter.

¹³² Foucault, *Discipline & Punish*, 200, 304, 183–84.

process.” In a system structured around examination—of “immigrants’ bodies, documents, biographies, and appearances”—as well as one with a built-in “inducement to speak,” immigrants were made, if not coerced, to perform a gendered identity in order to satisfy officials. For example, many men and women undertook a process of “straightening up,” seeking to appear more so-called masculine or feminine, respectively. They did so to face immigration officials conducting “monitoring based on visual appearance[, which] operated around the notion of gender inversion—that is, homosexuals could be visually identified by the fact that gay men looked effeminate or lesbians looked masculine.”¹³³ Given that even after 1990 gay and lesbian immigrants continue to face legal challenges and obstacles, many entrants continue to ensure that immigration authorities remain unaware of their sexuality, or put more bluntly, that authorities assume their heterosexuality. We could say that such efforts to “alter” or “tone down” the types of “visual markers” that are conventionally or stereotypically associated with homosexuality “so as to pass homophobic border guards”¹³⁴ constitute a hybrid performance of credibility and invisibility, to return to the terminology I proposed in chapter 2. After all, potential entrants seek to have immigration officials believe their heterosexuality by making invisible any traces of perceived homosexuality. Through

¹³³ Luibhéid, *Entry Denied*, 78, 79, xv, 88, 81. Luibhéid warrants that immigration processes do not affect all individuals equally; “lesbian and gay identities are also inflected by race, class, gender, cultural, and religious features that defy the possibility that there can be any uniform queer identity.” She adds that the ways in which ostensible homosexual immigrants have come under the scrutiny of border authorities are not limited to “the visible nor to the existence of police records.” We must also consider premigration screenings and medical checks; the location and timing of travel, particularly in association with well-known gay and lesbian activities; information provided by third parties, especially fellow travelers; suitcase contents; and information contained in the various required forms needed for entering the United States (84–85).

¹³⁴ *Ibid.*, 83.

such performances, then, border crossers are able to subvert a system that otherwise seeks to exclude them.

Immigration requirements for married couples can lead to similarly coerced but also subversive performances. In order to prevent ostensible marriage fraud, Congress amended INA in 1986 to curb and more severely punish green-card weddings.¹³⁵

Couples seeking to circumvent immigration laws often resort to elaborate performances to appear married. The *Immigration Marriage Fraud, Hearing Before the Subcommittee on Immigration and Refugee Policy of the Committee of the Judiciary* offers some insight into the “folkloric” proportions that staged ceremonies aiming to convince immigration officials that a legitimate wedding has taken place have reached: “everything from happy-looking witnesses at bogus marriage ceremonies to reusable cardboard and paste wedding cakes that appear in wedding photo after wedding photo.” The report concludes that “marriage fraud appears to be a ‘growth industry.’”¹³⁶ Of course, the line between a

¹³⁵ The Immigration Marriage Fraud Amendments of 1986 (Pub. L. No. 99-639, 10 Stat 3537, IMFA) created a system of conditional status for immigrant spouses. Through IMFA, the INA bolstered its policing efforts against marriages entered solely for the “purpose of procuring an alien’s admission as an immigrant,” marriages in which “a fee or other consideration was given ... for the filing of a [visa] petition,” and marriages that have been “judicially annulled or terminated, other than through the death of a spouse” (INA, § 216[b][1], codified at *U.S. Code* 8 [2010], § 1186a[b][1]). The ubiquity of the green-card wedding in cultural narratives—even those at the most commercial pole of cultural production—attests to their prevalence in the US national legal consciousness. My own recent television and movie consumption has led to countless examples in which a green-card wedding catalyzes action (*Green Card*, *Will & Grace*, *Brothers & Sisters*, *The Proposal*, *Between Love and Goodbye*, and, I must admit, *As the World Turns*, to name just a handful of examples). I have yet to read Mollie Molay’s Harlequin paperback romance, *My Big Fake Green-Card Wedding* (Toronto: Harlequin, 2003). Duenas begins his article about binational same-sex couples by quoting some of the many personal advertisements posted by men looking for women to marry, and vice-versa, that “appear every week in gay and lesbian newspapers all across the country” (Duenas, “Coming to America,” 811). The Board of Immigration Appeals has also contended with sham divorces, deciding whether a couple’s separation was an act for obtaining preference status for unmarried adult children of permanent residents (*Matter of Aldecoaotalora*, 18 I & N Dec. 430 [BIA 1983]).

¹³⁶ *Immigration Marriage Fraud, Hearing Before the Subcommittee on Immigration and Refugee Policy of the Committee of the Judiciary*, U.S. Senate, 99th Congress, 1st Sess., 26 July 1985 (Washington, DC: US Government Printing Office, 1986), 29, 30, available at loc.gov/law/find/hearings/pdf/00139298779.pdf (accessed 15 September 2010). I learned about this report from Luibhéid, *Entry Denied*, 24. With panic, Fox News recently aired a report warning that “sham marriages are on the rise” and that they provide an “easy path to citizenship for illegal immigrants”; the “Times Square bomber,” the report

“real” marriage and a “fraudulent” one can be difficult to detect, and many an immigration hearing or trial has attempted to assign one or the other label to a couple. Thus, immigrants are forced to perform versions of so-called true marriage to avoid deportation. Luibhéid reveals that such legal processes have inherited tactics used by interrogators working to uncover Chinese paper sons in the early 1900s, including invasively personal interrogations and separate, isolated interviews for individuals in a couple. The proceedings often rely on questions “eliciting details about sexual practices,” which Luibhéid understandably reads as a state inspection of heterosexuality.¹³⁷ I would add that the proceedings and the many other types of questions seeking to assign meaning to a personal relationship also simultaneously attempt to inspect and define marriage. In seeking a public demonstration or confirmation of private relationships, such proceedings make visible the kinds of limits around which “marriage” is to be understood. Those under scrutiny need to perform “married” solely for the satisfaction of observers, regardless of the particular meaning that “husband” and “wife” may have for the individuals involved in the actual relationship.

Deporting the Divas repeatedly plays with the ruptures and limits of a system that predicates inclusion on performances of identity. Reyes’s use of cross-gender and multiple casting, as well as his play’s self-awareness as a performance, urge a consideration of all categorical identities as problematic constructions. Rossini well encapsulates *Divas*’s concern with rigid understandings of gender, sexual, ethnic,

reminds us, obtained US citizenship through marriage (Fox News website, 6 August 2010, video.foxnews.com/v/4304271/sham-marriages-on-the-rise [accessed 15 September 2010]).

¹³⁷ Luibhéid, *Entry Denied*, 25.

national, or legal identity: “At stake in this play is the concept of being defined by borders and the possibility of refusing that form of identification.” Because all forms of identification are but constructs, Rossini continues, minoritized categories—such as illegal—can only be policed “at the[ir] most visible moments.”¹³⁸ It would follow that the possibility of manipulating subversive behaviors’ (in)visibility, more than the behaviors in themselves, truly threatens a disciplinary system like immigration control. Several of Reyes’s characters, including Sedicio, Miss Fresno, and Sirena, indeed infiltrate spheres ostensibly prohibited to them because of their gender, ethnicity, and/or legal status by masking visible markers of difference. “We all learn to show the face that’s most convenient,” Michael acknowledges (*DD* 124).

Reyes’s characters are well aware that they can transcend categorizations, but I think it is in the actors’ portrayals of these characters that we truly tap into performance’s deep power to threaten moments of visibility. Although an analysis of acting techniques is beyond the scope of my work, I pause here to consider briefly the actors’ work in productions of the plays at hand. Reyes’s directions call for male actors to transcend “*camp impersonation[s] of womanhood*” (*DD* 143). Huerta, director of the premiere performance, insists that audiences should be led to perceive a character like Sirena as a “real woman.”¹³⁹ And indeed, audience members can come to accept characters such as Marge as “definitely” female, to quote just one reviewer.¹⁴⁰ Huerta recalls that “many

¹³⁸ Rossini, *Contemporary Latina/o Theater*, 132, 136.

¹³⁹ Huerta, *Chicano Drama*, 181.

¹⁴⁰ Robert Hitchcox, review of Diversionary Theater’s *Deporting the Divas*, April 2003, Total Theater website, totaltheater.com/index.php?option=com_totaltheater&task=view&ncat=criticopia&idcat=1&id=974 (accessed 16 September 2010).

audience members would tell [him] after the show that they thought ‘she’ was a she.”¹⁴¹ Similarly, heterosexual actors can ostensibly convince audiences of a homo- or bisexual identity.¹⁴² Reviews of *La víctima* and *Away Alone* alert us also to the playability, and thus visibility, of emotional bonds. Performers can convincingly manufacture “family,” even in anti-illusionistic pieces like *La víctima*. Onstage, actors can create a “poignant portrait” and make visible the “genuine tenderness” existing between a mother and her children (or between spouses).¹⁴³ And, borrowing representative language from several of its reviewers, we find that *Away Alone* can craft a “ring of authenticity,” “natural ease,” “palpable sense” of relationships, and “flawless” interactions; “[w]e feel that these people really know each other, really live together.”¹⁴⁴ The praise for the actors’ abilities to persuade audiences reminds us of the potential that exists for immigrants to actualize familial roles and gender and sexual categories through performance. If immigration authorities construct categories during and through the process of examination, immigrants themselves can potentially control some of what they make (in)visible. In so doing, they may subvert policing efforts.

¹⁴¹ Huerta, “Some Thoughts on Casting *Deporting the Divas*,” 160.

¹⁴² Huerta reveals that Rene Moreno, the actor who played Sedicio and Miss Fresno in Los Angeles, is heterosexual. The actor’s sexuality is supposed to make his portrayal of a beauty queen all the more impressive (Huerta, “Some Thoughts on Casting *Deporting the Divas*, 160). In her article about the Phoenix production of *Deporting the Divas*, Scioscia also discloses that actor Steven Peña “is not gay.” Seemingly, this is a most interesting tidbit (Scioscia, “Man on the Verge”). I do not wish to engage here in the long and ongoing debate over actors, their sexualities, and their roles. Rather, I call attention to the possibility that the actors somehow “fooled” their audiences and to the obvious flipside—that immigrants can fool immigration authorities as well.

¹⁴³ Unsigned, undated review of Quinto Sol’s production of *La víctima*, available at www.oocities.com/quintosolus/victima.html (accessed 16 September 2010); Anne Gelhaus, “Intimate Histories,” review of Teatro Visión’s production of *La víctima*, Metroactive website, 12–18 September 1996, www.metroactive.com/papers/metro/09.12.96/stage-9637.html (accessed 16 September 2010).

¹⁴⁴ Backalenick, “A Grand Irish Night”; Sander, review of *Away Alone*, *Backstage*; Holden, “Illegal Immigrants on the Irish Mile”; Milvy, “A Shamrock Grows in the Bronx.”

Helen Thorpe's investigation into the lives of two undocumented teenage girls provides insight into the power that performance holds for them. Thorpe marvels at one of the young women's ability to "get by" in the face of roadblocks. "Whenever [Marisela] didn't have the right documents, she just turned up the brightness of her smile and usually people were charmed," Thorpe explains. Always aware of her illegal status, Marisela understands, for instance, the potency of a "sorority sweatshirt" and a "high-wattage smile" to convince a police officer of her fake Mexican license's validity.¹⁴⁵ While the stakes may be different for a couple trying to convince an immigration investigator of their relationship's validity, Marisela's anecdote attests to the possibility of bypassing obstacles by manipulating what is observed.

But performance has its subversive limits, especially given the US immigration system's vested interest in policing the content of the categories it creates. Subversion in this case "marks out an area where the identity [the immigration system] is trying to contain and expel is also reestablished and reinforced," explains Luibhéid.¹⁴⁶ A 2000 decision by the Board of Immigration Appeals (BIA) is quite telling. Pairoj Nikrodhanondha and Darlene Sincere—her maiden name is an unfortunate irony—were unable to convince the BIA that their marriage was real.¹⁴⁷ Inconsistent stories about their courtship, separate finances, and separate residences proved the visible markers of a sham. But the couple had two children. In this regard, they performed their expected heteronormative reproduction quite perfectly, ostensibly demonstrating their

¹⁴⁵ Thorpe, *Just Like Us*, 330. The description of Marisela's actions is reminiscent also of playwright Josefina López's childhood experience with the police, which I described in the first page of this dissertation.

¹⁴⁶ Luibhéid, *Entry Denied*, 83.

¹⁴⁷ *Nikrodhanondha v. Reno*, 202 F.3d 922 (7th Cir. 2000).

heterosexuality, their commitment to a joint enterprise, and perhaps, their one-time love for one another. *Nikrodhanondha v. Reno* reminds us that in determining what “couples like you” mean, to return to Marge McCarthy’s sentiments quoted at the beginning of the chapter, US law can define, quite meticulously, the type of personal relationships that its immigration system will support. Individual performances that conform to the multiple visible markers that immigration law sets might well avoid the state’s scrutiny, but, collectively, they also reify and naturalize the legal categories. Couples “unlike you” (and we can easily replace “couples” with “families”) then become more and more unwanted, more and more illegal. Marge gets her way.

Chapter 5

“This Is Still America and I Will Not Be Treated This Way!”¹: Challenging the Criminalization of Immigration

When the residents of Fuente Ovejuna collectively claimed responsibility for the 1476 murder of Knight Commander Fernán Gómez de Guzmán, they successfully thwarted the process aimed at pinpointing and punishing the culprit. The account of these events inspired Lope de Vega to write the play bearing the town’s name.² Lope’s characters withstand great torture, but they remain determined to protect Frondoso’s identity. After all, in killing the Commander, Frondoso has saved the town from a “bestial tyrant.”³ One by one, they audaciously tell the inquiring judge, who will later report to the Spanish monarchs, that “Fuente Ovejuna” is responsible for Fernán Gómez’s death. In so doing, the oppressed villagers manage to defy the logic of the legal procedures. To prevent the judge from identifying a criminal for the crime at hand, the “innocent” insist on their guilt to ensure that the “guilty” party—Frondoso—retains his innocence. In the end, King Ferdinand and Queen Isabella pardon all. We could argue that the actions of the unified, collective Fuente Ovejuna defy the logic of law.

Anthony Amsterdam and Jerome Bruner stress that “[w]here there be law, so too must there be categories. For law defines categorically the limits of the permissible or,

¹ Yussef El Guindi, *Back of the Throat* (New York: Dramatists Play Service, 2006), 25. Subsequent references to this play will be noted parenthetically and abbreviated *BT*. Unless otherwise noted, all italics and ellipses are found in the original script. *Back of the Throat* has been published in different forums; I refer to the Dramatists Play Service edition throughout and discuss alternate publications only as needed.

² Eric Bentley, introduction to *Fuente Ovejuna*, in *Life is a Dream and Other Spanish Classics*, ed. Bentley (1959; New York: Applause, 1985), 66.

³ Lope de Vega, *Fuente Ovejuna*, trans. Roy Campbell, in Bentley, *Life is a Dream and Other Spanish Classics*, 115.

more often, of the impermissible.”⁴ Lope’s judge is charged with locating and isolating an individual to be categorically deemed “guilty.” In so doing, all others will populate the category labeled “innocent.” By blurring the distinctions between “guilt” and “innocence,” the villagers of Fuente Ovejuna achieve a type of justice unforeseen by the legal system. Their solidarity leads to the crowd-pleasing “untying” of the plot for which Lope advocated.⁵ But more critically for the purposes of my project, the villagers’ feat attests to their agency, their ability to manipulate a legal system and to alter its categorical definitions.

Michael John Garcés’s *Los Illegals*, first produced in 2007 by Cornerstone Theater Company in Los Angeles, relies on the Spanish Golden Age *comedia* as a model.⁶ Garcés’s play offers a group of mostly undocumented day laborers as a twenty-first-century version of Fuente Ovejuna’s exploited inhabitants. At “the Center,” a day-labor work site located on the parking lot of a Giant Hardware franchise store, the group endeavors to organize and facilitate a more productive system for securing jobs. They face multi-pronged pressure: from migrant workers who do not want to abide by the

⁴ Amsterdam and Bruner, *Minding the Law*, 8 (see preface, n. 15).

⁵ Lope de Vega, “The New Art of Writing Plays,” trans. Marvin Carlson, in *Theatre/Theory/Theatre: The Major Critical Texts from Aristotle and Zeami to Soyinka and Havel*, ed. Daniel Gerould (New York: Applause, 2000), 141.

⁶ *Los Illegals*, created in collaboration with the Institute of Popular Education of Southern California, the National Day Laborer Organizing Network, the South Asian Network, and the UCLA Downtown Labor Center, was the first piece in Cornerstone Theater Company’s Justice Cycle, a series focused on exploring how laws forge and disrupt communities (Cornerstone’s website, www.cornerstonetheater.org/content/index.php?option=com_content&view=article&id=117:the-justice-cycle&catid=21:now-playing-current-shows&Itemid=110 [accessed 23 October 2010]). The play premiered in 2007 under Shishir Kurup’s direction and has since been performed at the National Labor College (in abbreviated form, 2007) and at Phoenix’s Teatro Bravo under Andrés Alcalá’s direction (2008). Although it is not yet published, a copy of Garcés’s script is available for public reading at New Dramatists in New York City. I am grateful to the author for his manuscript, from which all references in this dissertation come (Michael John Garcés, “Los Illegals,” unpublished script from author, 2007). Subsequent references to this play will be noted parenthetically and abbreviated *LI*. Unless otherwise noted, all italics and ellipses are found in the original script. All translations from the Spanish are mine.

group's rules and standards, from a generally friendly but concerned store manager, and from nearby protesters whose loud voices constitute a persistent hounding. Although their oppressor is less clearly an individual tyrant, the group nevertheless confronts systematic criminalization and dehumanization. After all, immigration violations, pursued and punished by the government with intense and intensified rigor, effectively stigmatize individuals. Immigration status becomes a defining trait, one that serves both official and private actors to debase those without papers. (The staging of two gruesome border-crossing stories alongside the main action heightens the intensity of the workers' struggle.) When an employer, encouraged by the lead protestor, accuses a worker of assault, tensions erupt at the Center and Giant decides to banish the laborers from its premises. Gloria, the employer, claims the man threatened to attack her; we later learn from Ernesto that he hit a wall with a hammer when she refused to pay him for his labor. But the group of laborers collectively claims responsibility for the assault and, in so doing, saves Ernesto from detention and deportation. Their victory is sure to be short-lived; they will be forced to fight again "the same old battle. Forever" (*LI* 102). For a moment, however, the workers' triumph reasserts their right to justice as well as their ability to break the constraints of legal labels imposed on them by increasingly intolerant immigration laws.

In this chapter, I focus on questions of rights and criminal labels. Building on the work of David Engel and Frank Munger, who approach the overdetermined concept of identity through a lens of rights and legal consciousness,⁷ I evaluate how the increasing criminalization of undocumented immigrants dehumanizes not only those without papers

⁷ Engel and Munger, *Rights of Inclusion* (see ch. 1, n. 16).

but also all US residents and citizens. In the chapter's first two sections, I jointly study Garcés's *Los Illegals* and Ntare Mwine's *Biro*.⁸ I start by looking at the kinds of legal actions taken by the US government to strip undocumented immigrants of rights and punish immigration violations with increasing severity, especially since the 1990s. Together, the plays offer insight into the ways individuals must contend with a label like "criminal" and live under the disciplining gaze of US immigration law. Then, I turn to consider how the works of Garcés and Mwine illuminate processes of activating rights. In the chapter's third section, I move to Yusef El Guindi's *Back of the Throat*, a dark vision of post-9/11 US antiterrorist strategies, to examine more deeply how federal strategies have recast immigrants as terrorists and relied on already existing spaces of legal nonexistence to justify dehumanizing Homeland Security policies. Opting to end on less pessimistic notes and inspired by the kind of collectivity forged by productions of *Los Illegals* and *Biro*, I dedicate the chapter's fourth and final section to the role that performance can play to counteract such processes of dehumanization.

I emphasize for a last time that the examples of plays and artists to which I turn in this chapter speak to ideas I have previously proposed. Many of my prior examples may also fit into the new arguments. However, I focus on *Los Illegals*, *Biro*, and *Back of the Throat* here for three important reasons. First, as products of post-9/11 sensitivities, the pieces evidence practices that punish unauthorized immigrants with a severity and scope arguably unmatched in contemporary US history. Second, by bringing together stories centered around distinct immigrant populations—of Latin American origin in *Los*

⁸ Ntare Guma Mbaho Mwine, *Biro* (Seattle: Amazon Digital Services, 2010). All citations refer to the Kindle eBook publication and are noted parenthetically and abbreviated *BI*. Because there are no page numbers, I refer the reader instead to Kindle "location numbers." Unless otherwise noted, I have maintained intact Mwine's line divisions and lack of punctuation.

Illegals, Ugandan origin in *Biro*, and Arab/Muslim origin in *Back of the Throat*⁹—I advocate for the joint consideration of struggles that often receive isolated nation- or culture-based attention. Finally, because each of the plays tells a story about and puts on display a legal procedure in action—a trial, a prisoner–lawyer meeting, and an interrogation—I find in their juxtaposition a productive entry into a discussion about law’s presence in the lives of immigrants both as a palpable threat and as a forum for action. As I have done with each previous chapter, I hope that turning to three new and varied examples enriches and deepens the discussion.

CONSTRUCTING AND DISCIPLINING CRIMINALS

In a groundbreaking 1971 study, Julian Samora, Jorge Bustamante, and Gilbert Cardenas explain that there were, at the time, “no great penalties” for either the thousands of Mexican nationals entering the United States annually without authorization or for their US employers. Although they describe the many difficulties that the undocumented faced, the sociologists simultaneously assert that these immigrant workers and their employers could “happily break the law time and time again, the only serious consequence being an inconvenience to one or another or both.”¹⁰ Writing nearly forty years later, Joseph Nevins tracks the “production of the illegal immigrant,” especially after the 1980s, as a remarkably more intolerant, violent, and stark operation. Nevins describes the transformation of the national border from “one that was poorly policed” to

⁹ El Guindi does not reveal where his protagonist, Khaled, is from. The playwright uses the terms “Arab/Muslim” and “Arab/Muslim-American” in an introduction to the play, and references to both of these categories, as well as to the language Arabic, appear throughout the script (Yussef El Guindi, Author’s Introduction, *Back of the Throat*, *Theatre Forum* 29 [Summer/Fall 2006]: 26). I thus follow suit and use “Arab/Muslim” and “Arab/Muslim American” in this chapter, conscious of the fact that, like “Latino/a,” the terms are inherently problematic, especially as questions of national origin and religious practice cannot possibly offer a neat overlap.

¹⁰ Samora, Bustamante, and Cardenas, *Los Mojados*, 10–11 (see ch. 1, n. 31).

a phenomenon that is “now significantly monitored, and increasingly so,” resulting in part from harsher and harsher legislation that has stripped immigrants of ever more rights and from growing paranoia after the 9/11 attacks.¹¹ Violators of immigration law have, in the process, become the targets of unprecedentedly widespread vitriol. Analyzing changes in media attention on immigration issues from 1980 to 2007, Robert Suro, for example, concludes with ease that newspapers, broadcast networks, and political blogs have shined an increasingly intensified spotlight on “acts of illegality.” Over time, media coverage has focused “rather relentlessly” on immigration as an issue of law-breakers and law-enforcers.¹² With the understanding that media production both reflects and produces government policy and public opinion, Suro’s findings make plain the noticeably criminalized, and thus reviled, position that undocumented immigration today occupies in the national imaginary.

Nevins’s study of the “war on ‘illegals’” reminds us that, since its very inception, the United States has consistently excluded certain groups through immigration enforcement. But the labels and the policing mechanisms through which that exclusion

¹¹ Nevins, *Operation Gatekeeper and Beyond*, 11, 10 (see ch. 2, n. 7). Nevins makes clear that the “criminalization of unauthorized migrants and the growing emphasis on law and order ... have taken place since the 1960s in a larger national context of growing official and popular concern about fighting crime and a concomitant rise in resources for law enforcement—part of a conservative-led attack on the gains of the Civil Rights movement and the social welfare state” (180–81). He credits the work of Katherine Beckett for this national analysis (Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* [New York: Oxford University Press, 1997]). Relying on the studies of Timothy Dunn, Nevins similarly calls attention to a broader so-called war on drugs, particularly under the tenures of Ronald Reagan and George H. W. Bush (86). Timothy J. Dunn, *The Militarization of the U.S.–Mexico Border, 1978–1992: Low-Intensity Conflict Doctrine Comes Home* (Austin: CMAS Books, University of Texas at Austin, 1996).

¹² “Democracy in the Age of New Media,” 14–15 (see ch. 1, n. 70). We can read this emphasis on law-breaking and policing as part of broader patterns. Jean and John Comaroff remark, “People across the planet have, in recent years, been uncommonly preoccupied with public order, crime, and policing” (Jean Comaroff and John L. Comaroff, “Criminal Obsessions, after Foucault: Postcoloniality, Policing, and the Metaphysics of Disorder,” in *Law and Disorder in the Postcolony*, ed. Comaroff and Comaroff [Chicago: University of Chicago Press, 2006], 273).

materializes have changed quite drastically; they reflect both the history of deep-seeded trends and the particularities of specific social actors and events. It is important to remember that immigration control in itself has shifted from one governmental agency to another, attesting to changing attitudes about the state's relationship to immigrants. Established under the Treasury Department, the government's first federal agency in charge of immigrant-related matters predominantly (and we could now say ironically) sought to promote immigration. The responsibility for monitoring immigration subsequently resided in the now-defunct Department of Commerce and Labor and then in the Department of Labor. Bringing together the duties of two separate bureaus, the Immigration and Naturalization Service (INS) was established as part of the Department of Labor on 10 June 1933. In 1940, the INS became part of the Department of Justice.¹³ The Homeland Security Act of 2002 (HSA), a response to the September 11 attacks, eliminated the INS and shifted its responsibilities to the newly created Department of Homeland Security (DHS).¹⁴ While disobeyers of US immigration law, Linda Bosniak writes, all have "bypassed or violated formal admissions mechanisms and are present in the United States without formal community consent, thereby violating the community's right to define its own membership," the magnitude and understanding of such infringements have clearly changed.¹⁵ What was once a fiscal or an employment-related transgression became a defiance of federal law and, today, a breach of national security.

¹³ Records of the Immigration and Naturalization Service, National Archives, www.archives.gov/research/guide-fed-records/groups/085.html#85.1 (accessed 20 October 2010).

¹⁴ Homeland Security Act of 2002, Public Law 107-296, *U.S. Statutes at Large* 116 (2010), 2135. The HSA transferred many of the powers and functions of the INS, among others, to three new agencies: Citizenship and Immigration Services (HSA, § 451, codified at *U.S. Code* 6 [2010], § 271), Immigration and Customs Enforcement (HSA § 442, codified at *U.S. Code* 6 [2010], § 252), and Customs and Border Protection (HSA § 411, codified at *U.S. Code* 6 [2010], § 252).

¹⁵ Bosniak, *The Citizen and the Alien*, 63 (see ch. 1, n. 28).

In a post-9/11 United States, undocumented immigrants have become part of a broad category of “clandestine transnational actors,” what Tram Nguyen describes as a “catch-all” term in “national security–speak” that refers to “undocumented migrants, refugees and asylum seekers, drug and human smugglers, potential terrorists—all those who cross borders and transgress national boundaries without state authorization.”¹⁶ The criminalization of the undocumented migrant is now so normalized that the “game” played between unauthorized immigrants and border authorities that Samora, Bustamante, and Cardenas once described has been converted into a struggle waged in what has “increasingly become a landscape of death” as well as the subject of full-fledged national arguments.¹⁷ Bill Hing insists, not unreasonably given the tone of the national debate, that “[i]f anti-immigrant legislators have their way [today], illegal immigration would be a crime punishable by death, being undocumented would be a felony, and raids of restaurants, hotels, and construction sites would be common daily occurrences.”¹⁸

From the very opening of his one-man biographical play, Mwine stresses how his protagonist has been transformed into a common criminal by the US government because

¹⁶ Nguyen, *We Are All Suspects Now*, xiv (see ch. 1, n. 12).

¹⁷ Samora, Bustamante, and Cardenas, *Los Mojados*, 11; Nevins, *Operation Gatekeeper and Beyond*, 174. For more on the increased violence and deadly nature of crossing into the United States, see also, among others, Dunn, *The Militarization of the U.S.–Mexico Border*; Karl Eschbach, Jacqueline Hagan, Nestor Rodriguez, Rubén Hernández-León, and Stanley Bailey, “Death at the Border,” *International Migration Review* 33, no. 2 (Summer 1999): 430–54; and Martínez, *Crossing Over* (see ch. 1, n. 30). By the US government’s own accounts border-crossing deaths doubled between 1995 and 2006 (United States Government Accountability Office, “Illegal Immigration: Border-Crossing Deaths Have Doubled since 1995; Border Patrol’s Efforts to Prevent Deaths Have Not Been Fully Evaluated,” report no. GAO-06-770, August 2006, available at <http://www.gao.gov/new.items/d06770.pdf> [accessed 24 October 2010]).

¹⁸ Hing, *Deporting Our Souls*, 9 (see ch. 4, n. 21). I should note here that the tone of national debates more generally has come under increased scrutiny since a man opened fire on Congresswoman Gabrielle Giffords during a January 2011 public engagement in Tucson. In particular, the heated debates over Arizona’s proposed immigration enforcement laws have contributed to turning Arizona into a hotbed of extremist rhetoric.

of his immigration status.¹⁹ The piece begins with a voiceover announcement: “Mwerinde ebiro, you have a visitor.” A man wearing a state-issued orange prison suit—an immediate, iconic image connoting crime and degradation²⁰—walks from upstage to a tight spotlight center stage. On either side of him is a projected sign. The one on his left reads “VISITOR RULES & REGULATIONS”; on his right, equally bold capital letters ominously warn, “NO TRESPASSING PRISON PROPERTY.” The amplified sound of metal bars sliding marks the man’s move from his cell to a new location. Biro, as he prefers to be called (*BI* 130), begins to address his listener, a lawyer or someone else who might provide legal advice. For the remainder of the play, Biro tells his life story—living under Idi Amin’s and Milton Obote’s violent regimes, joining Uganda’s National Resistance Army and training in Cuba, returning to Uganda upon discovering he is HIV-positive, grappling with AIDS, and coming to the United States in search of medicine and work so as to provide for his son—in a desperate plea for help. Although the tale will transport the audience to Uganda and to Cuba, and projections will showcase images and peoples of Africa and the Caribbean, the orange uniform remains throughout the entirety of the play a vividly bright reminder of the man’s present situation: “I have been under

¹⁹ Mwine based much of *Biro* on the life of his uncle. Mwine developed the play through workshop productions in Los Angeles and Las Vegas. The play officially premiered in 2003 at the National Theatre in Kampala, Uganda, with subsequent noteworthy productions at the Drill Hall Theatre in London (2003) and the Public Theatre in New York City (2004). Mwine has since performed *Biro* throughout Africa and the United States, often as part of AIDS-awareness workshops and events. Mwine developed a documentary film about HIV-positive Ugandans, *Beware of Time*, as a companion to the play. A video recording of *Biro*, performed at Uganda’s National Theatre, and the documentary film are available on a single DVD (Ntare Guma Mbaho Mwine, *Biro*, DVD [Canoga Park, CA: Cinema Libre, 2007]). I base observations about the production on the video-recorded performance.

²⁰ James Whitman counts the standard “day-glo orange prison uniform” among the many techniques through which the US system of criminal punishment reduces the status of incarcerated individuals and physically marks them as somehow inferior members of society (James Q. Whitman, *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe* [Oxford: Oxford University Press, 2003], 8). Dressing unauthorized immigrants in orange prison suits blurs the line between immigration violations, other crimes, and terrorism (remembering that orange jumpsuits are standard issue at the prison in Guantánamo).

[immigration's] cuffs without trial [...] Two years in a Texas jail for a misdemeanor," he informs his listener (*BI* 110, 908). Despite quite distressing experiences as a victim of war and of disease, Biro confesses that "[s]o far in my life this jail is the biggest nightmare I have gone through" (*BI* 910).

A captive awaiting deportation, a misdemeanant punished more severely than a felon, Biro remains in legal limbo. His situation is telling. Undocumented immigrants are entitled to only some of the rights given to US citizens or legal immigrants. To begin with, US law allows for the categorical distinction between citizens and noncitizens, asserting that the federal government can operate through discriminatory practices that affect noncitizens negatively. In his majority opinion for *Mathews v. Diaz*, Justice John Paul Stevens writes:

There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law.... Even one whose presence in this country is unlawful, involuntary, or transitory is entitled to that constitutional protection.... The fact that all persons, aliens and citizens alike, are protected by the Due Process Clause does not lead to the further conclusion that all aliens are entitled to enjoy all the advantages of citizenship or, indeed, to the conclusion that all aliens must be placed in a single homogeneous legal classification. ... In the exercise of its broad power over naturalization ... and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens. ... The fact that an Act of Congress treats aliens differently from citizens does not in itself imply that such disparate treatment is "invidious."²¹

²¹ *Mathews v. Diaz*, 426 U.S. 67, 77-80 (1976). Not only can the federal government discriminate in its allotment of benefits, as was the question in the *Mathews* case, but federal policies can also weaken a

The “illegal entrant,” specifically, falls into what is perhaps the least protected and most severely punished sector of the “heterogeneous . . . multitude of persons with a wide-ranging variety of ties to this country,” to borrow more from Stevens’s opinion.²²

Indeed, Judy Rabinovitz, Deputy Director of the ACLU’s Immigrants Rights Project, points to a current crisis for undocumented immigrants. The undocumented’s missing right—the right to be in the United States—leads to “Kafkaesque” situations in which those without papers are often unable to exercise the basic constitutional rights Stevens’s opinion ostensibly guarantees.²³ After all, if citizenship is “the right to have rights,” in Justice Earl Warren’s words, then noncitizens are fundamentally right-less.²⁴ Furthermore, because immigration law views deportation—or “removal,” as it is now officially called²⁵—as a civil, administrative proceeding rather than as a criminal

noncitizen’s claim to certain procedural rights. Thus, federal agents have fairly broad power to stop, interrogate, and search individuals. See INA, § 287(a), codified at *U.S. Code* 8 (2010), § 1357(a). Moreover, evidence obtained in violation of the fourth amendment can be used against noncitizens in deportation hearings (*INS v. Lopez-Mendoza*, 468 U.S. 1032 [1984]), and noncitizens are not necessarily entitled to appointed counsel during deportation proceedings (*Aguilera-Enriquez v. INS*, 516 F.2d 565 [6th Cir. 1975], cert. denied, 423 U.S. 1050 [1976]). Justice John Paul Stevens quoted *Mathews* in *Demore v. Kim* to uphold that noncitizens can be detained without right to a bail bond hearing (*Demore v. Kim*, 538 U.S. 510, 2 [2003]). I should note that individual states cannot discriminate as freely between legal aliens and citizens (*Graham v. Richardson*, 403 U.S. 365 [1971]).

²² *Mathews v. Diaz*, 426 U.S. at 78-79.

²³ Judy Rabinovitz, Great Issues Forum, “Power & Law: Immigration Reform,” 6 April 2009, CUNY. For a compelling example of immigrant rights being incapacitated, see Erik Camayd-Freixas’s essay, “Interpreting After the Largest ICE Raid in U.S. History: A Personal Account,” in *Behind Bars: Latino/as and Prison in the United States*, ed. Suzanne Oboler (New York: Palgrave Macmillan, 2009), 159–74. Camayd-Freixas, an interpreter for federal courts, broke his code of confidentiality after witnessing how prosecutors quickly leveled criminal charges against hundreds of immigrants working at Agriprocessors, Inc., in Postville, Iowa, rather than charging them with immigration offenses.

²⁴ *Perez v. Brownell*, 356 U.S. 44 (1958). Margaret Somers takes Warren’s language as her title in her study of the deterioration of citizenship in market ideologies (Margaret R. Somers, *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights* [Cambridge: Cambridge University Press, 2008]).

²⁵ IIRIRA combined processes of “exclusion,” aimed at keeping unauthorized individuals from entering the United States, and “deportation,” aimed at removing unauthorized immigrants already present in the United States, with the catch-all processes of “removal” (Coutin, *Nations of Emigrants*, 20 [see ch. 1, n. 27]).

punishment, deportation processes can circumvent certain rights, such as those afforded by the sixth amendment to ensure speedy and public trials. As Peter Schuck cautions, classifying deportation as something other than punitive does not mean that, in practice, it does not function “as an important adjunct and supplement to criminal law enforcement, [reflecting] judgments, essentially indistinguishable from those that the criminal law routinely makes, concerning the moral worth of individual conduct.”²⁶ Susan Bibler Coutin calls our attention to the term “removal,” which “connotes a technical, even scientific, process designed to eliminate something unsightly, dangerous, and polluting.”²⁷

In addition to having to contend with fewer and often suspended rights, undocumented immigrants simultaneously have become, since the 1990s, the targets of harsh penalization. Nevins underscores that they have emerged from relative invisibility to become “a category of social identity” marked as “a threat to the socio-territorial fabric of the United States.” He identifies the detrimental results for those living in the US without papers. First, the intense criminalization of undocumented immigrants has led to a heightened “distinction between ‘us’ and ‘them,’ between citizens and ‘aliens,’ placing so-called aliens on the wrong side of the social boundary that distinguishes law and order from criminality.” Second, this increasingly “illegal” status forces migrants “into the proverbial shadows of society, thus necessitating that the migrant break other laws in order to survive.” And finally, transformed into a criminal, into an enemy of the state, the undocumented immigrant more easily becomes, for citizens, “someone whose supposed criminal activity (in violating the law) is independent of [the citizens’] own

²⁶ Schuck, *Citizens, Strangers, and In-Betweens*, 35 (see ch. 1, n. 93).

²⁷ Coutin, *Nations of Emigrants*, 24.

actions and thus is someone for whom [they] need not accept any responsibility.”²⁸ The systematic erasure of crimes committed *on* undocumented immigrants compounds these three interrelated trends, which insist on distance between supposedly criminal outsiders and guiltless insiders.²⁹

With Engel and Munger’s approach toward identity in mind, I find in the stories of *Biro* and *Los Illegals* strong evidence to support the proposition that legal rights and social and cultural settings are mutually constitutive. One’s sense of inclusion or exclusion from a system of legal rights and entitlements can shape a sense of individual identity as well as the relationships underpinning sociocultural dynamics. When legal rights or social and cultural settings change, individuals’ perceptions about themselves

²⁸ Nevins, *Operation Gatekeeper and Beyond*, 150, 180, 176, 116. Nevins focuses much of his study on Operation Gatekeeper in California, a 1994-initiated federal attempt to secure the border region and prevent unauthorized entry, inspired by a similarly visible Operation Blockade (later renamed Operation Hold-the-Line) in Texas in 1993. Similar efforts have followed, such as Operation Safeguard in Arizona and Operation Rio Grande in Texas. While state-enacted legislation to punish undocumented immigrants, such as California’s Proposition 187 and Arizona’s SB1070, has ultimately been deemed unconstitutional, such campaigns have also, and critically, brought local issues into the national spotlight. The attention-grabbing operations have worked in tandem with federal legislation aimed at discouraging undocumented immigration through harsher and stricter penalties, especially IIRIRA and the Antiterrorism and Effective Death Penalty Act (AEDPA, Public Law 104-132, *U.S. Statutes at Large* 110 [2010], 1214) of 1996 and the post-9/11 Patriot Act (Public Law 107-56, *U.S. Statutes at Large* 115 [2010], 272), the Enhanced Border Security and Visa Entry Reform Act (Public Law 107-173, *U.S. Statutes at Large* 116 [2002], 543), and the already cited Homeland Security Act. To underscore how the “preoccupation with unauthorized migrants and boundary enforcement—at least in a sustained manner with widespread popular support—is of relatively recent origin,” Nevins points to the fact that the Republican Party did not even mention immigration enforcement as part of its national platform until 1980. Across the aisle, Democrats waited until 1996 to include the topic in its own platform. In both cases, the stand was similar: undocumented immigration is bad and the border must be secured (139–40).

²⁹ Eithne Luibhéid convincingly demonstrates, for instance, that “the rapes of undocumented women [and sometimes of men] remain largely unrepresentable as crimes or problems to address, from the point of view of the government” (Luibhéid, *Entry Denied*, 104 [see ch. 4, n. 70]). In *Los Illegals*, Jorge offers a related protest: “Look, that time when I was robbed, when they were supposedly taking me to a job but took out a gun instead and struck me and kept my rent money, no one did anything. The police didn’t even come to investigate!” (*LI* 41). On the subject of unreported immigrant abuse, see also various reports by Human Rights Watch (HRW), including “Crossing the Line: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity,” 1 April 1995, and “Brutality Unchecked: Human Rights Abuses Along the U.S. Border with Mexico,” 1 June 1992, both available through HRW’s Publications page on their website, www.hrw.org/en/publications (accessed 25 October 2010). Nevins summarizes: “the federal government has normalized various forms of violence in the name of fighting threats” (Nevins, *Operation Gatekeeper and Beyond*, 172).

and their sense of belonging necessarily shift. These processes are multidirectional, allowing for a protean identity. Engel and Munger explain that legal rights can become active in everyday life “even when individuals do not choose to assert them.” Moreover, “[r]ights can transform the sense of self simply by increasing individuals’ perceptions of their own worth.”³⁰ I examine this type of transformation in the chapter’s next section. First, I consider the contrary implication and inspect how an actual or merely perceived lack of legal rights detrimentally affects one’s sense of social worth.

Garcés and Mwine both stress the dehumanizing consequences of feeling rightless. In *Los Illegals*, Lalo, a migrant worker who distrusts the Center’s organizing efforts, despairs when a member of the local community job center suggests he join a protest: “No one in this country cares, ain’t nobody going to listen to us” (*LI* 29). Like many of Garcés’s undocumented characters, Lalo reflects on a sociocultural context that devalues the life of those without papers: “Ramón almost got runned [*sic*] over yesterday by some crazy guy who didn’t want to stop, like he was aiming at him or something, and George [Giant store manager] was all like it was our fault” (*LI* 31). Being blamed for their own disenfranchisement becomes part of the dehumanization of undocumented immigrants. Nevins makes clear that the “illegal” label urges those who are “legal” to believe that the undocumented immigrant “deserves nothing from the United States, regardless of what his or her contributions to the society might be and of what his or her

³⁰ Engel and Munger, *Rights of Inclusion*, 41, 11. The writers credit the work of Barbara Yngvesson as critical to their own thinking about the mutually constitutive relationship between rights and cultural settings. Barbara Yngvesson, “Making Law at the Doorway: The Clerk, the Court, and the Construction of Community in a New England Town,” *Law and Society Review* 22 (1988): 409–48, and *Virtuous Citizens, Disruptive Subjects: Order and Complaint in a New England Court* (New York: Routledge, 1993). Although Engel and Munger do not refer to Julia Kristeva’s work, her conception of the subject as protean is also relevant. For Kristeva, the subject is always in process, in crisis, or on trial (*le sujet en procès*). The legal terminology is telling, reminding us of the prominence of law in thinking about subjectivity and identity (Julia Kristeva, *Revolution in Poetic Language*, trans. Margaret Waller [New York: Columbia University Press, 1984]).

rights are as outlined in the U.S. Constitution, in the wide body of American law, or in various international human rights covenants.”³¹ The undocumented therefore exist in a context that proves, at almost every juncture, palpably unjust. At a moment of crisis, when one of their fellow workers is charged with the assault, Yolanda speaks for the group of undocumented day laborers, “They [Gloria and the nearby protesters] can say whatever they want, and the police and all the newspapers and everyone will believe it.” Jimmy agrees, asking rhetorically, “Who will they all believe, the one with papers or the one without?” (*LI* 41). He thus reveals the lowly social place he knows he and others without papers all occupy.

Biro, similarly, comes to believe that he is no more than a lab rat in the United States. Obtaining basic necessities proves difficult without a valid visa. So, Biro is actually surprised by how easy it is to find medicine, even while in jail. “[A]pparently my immigration status did not prevent me from being put on federal funded AIDS research,” he points out (*BI* 758).³² He is quite aware that others can volunteer to be human subjects (“human objects” seems like a more fitting term) for experimentation and that many will get paid to participate in such tests. But Biro confesses, “I knew I was an illegal immigrant / I had to cooperate as long as it would give me my treatment” (*BI* 756–57). While his health improves “drastically” (*BI* 753), it is only within the context of

³¹ Nevins, *Operation Gatekeeper and Beyond*, 177.

³² Biro makes clear his treatment began before his incarceration. He might have fared differently otherwise. HRW reports that the DHS “fails to collect basic information to monitor immigrant detainees with HIV/AIDS, has sub-standard policies and procedures for ensuring appropriate HIV/AIDS care and services, and inadequately supervises the care that is provided. The consequence of this willful indifference is poor care, untreated infection, increased risk of resistance to HIV medications, and even death” (“Chronic Indifference: HIV/AIDS Services for Immigrants Detained by the United States,” 5 December 2007, Executive Summary, HRW website, www.hrw.org/en/publications [accessed 31 October 2010]).

imprisonment, literally as well as psychologically. Like a guinea pig, he is caged, tested, and under constant watch.

Coutin describes how practices of detention and removal serve to transform individuals into “animal-like, ‘lower,’ people who could be denied hygiene, food, physical comfort, information, and rights.” She reveals that US immigration authorities at times rely on hollow bullets, designed originally to hunt wild game, to impede and capture ostensibly threatening border-crossers.³³ With these issues of dehumanization in mind, I return to the type of disciplining proposed in the previous chapter. While there I invoked certain Foucauldian ideas in relationship to family and gender roles, it is important to stress that immigrants generally, and those without papers more specifically, must exist in a space of increasing vigilance and subjugation.

Throughout this dissertation, I have discussed the repercussions of living under the constant threat of deportation. At the risk of redundancy, I point out that alienage, by definition, entails the always-present possibility of removal. But, as Bosniak explains, US immigration law today threatens deportation for actions that often have “no bearing on immigration regulation proper.”³⁴ The law applies higher standards of personal conduct for those whose presence in the United States is deemed a privilege rather than a right. Under increasingly intolerant legislation—set predominantly by the 1996 IIRIRA and enforced with much more diligence since September 11, 2001—and particularly under a system in which immigration judges have lost much of their discretionary power, immigrants can find themselves detained and possibly deported for offenses that, for citizens, mean just a nominal fine or days-long detention. Valerie Neal describes the

³³ Coutin, *Nations of Emigrants*, 30, 111.

³⁴ Bosniak, *The Citizen and the Alien*, 71.

draconian system, in which “current statutes can result in essentially automatic deportation of foreign nationals for convictions as minor as petty theft, urinating in public, and the forgery of a check for less than twenty dollars.”³⁵ The expanding power of local and private authorities to police immigration issues, coupled with a citizenry inured to perpetual vigilance, further make those without papers hypervisible.³⁶ Nguyen concludes, “There’s very little room left, within a national climate of fear and growing intolerance, for any infraction by someone without the legal status to be here, for immigrants to do more than play a role, to be more than cardboard cutouts.”³⁷

As the first of six plays in Cornerstone’s Justice Cycle, *Los Illegals* sought to explore “how laws shape and disrupt communities.”³⁸ When I interviewed him, Garcés

³⁵ Valerie Neal, “Slings and Arrows of Outrageous Fortune: The Deportation of ‘Aggravated Felons,’” *Vanderbilt Journal of Transnational Law* 36 (November 2003): 1621–22. The 1996 immigration legislation, on the whole, mandated the deportation of both legal resident noncitizens and undocumented immigrants for relatively minor crimes, withdrew from immigration judges the discretionary power to consider undue hardship on families resulting from deportations, limited judicial review and waiver procedures available to immigrants facing removal, raised the standards of “hardship” necessary for noncitizens to ask for cancellation of deportation, introduced expedited removal and summary exclusion measures (no rights of appeal) for undocumented immigrants, made it more challenging for people who had resided in the United States without authorization to reenter the country, and rendered it virtually impossible for illegal immigrants ever to gain legal status. See also the HRW report, “Forced Apart (By the Numbers),” 15 April 2009, available through HRW website, www.hrw.org/en/publications (accessed 25 October 2010). A very recent Supreme Court decision offers some hope that legal noncitizens charged with minor drug offenses “may now seek cancellation of removal and thereby avoid the harsh consequence of mandatory removal.” However, the Court makes clear that such noncitizens “will not avoid the fact that [their] conviction makes [them], in the first instance, removable. Any relief [they] may obtain depends upon the discretion of the Attorney General,” and thus, on extensive and expensive legal battles (*Carachuri-Rosendo v. Holder*, 130 S.Ct. 2577, 2589 [2010]).

³⁶ In 2009, the DHS expanded its 287(g) program, which allocates federal authority over immigration to state and local agencies. In the words of DHS Secretary Janet Napolitano, 287(g) “supports local efforts to protect public safety by giving law enforcement the tools to identify and remove dangerous criminal aliens” (10 July 2009 Press Release, DHS website, www.dhs.gov/ynews/releases/pr_1247246453625.shtm [accessed 26 October 2010]). While much of the debate over Arizona’s new crackdown on undocumented immigration rests on whether the state has the power to monitor immigration issues, post-9/11 policies have, on the whole, strengthened the ability of local authorities to enforce immigration law.

³⁷ Nguyen, *We Are All Suspects Now*, xv.

³⁸ Cornerstone’s Justice Cycle consisted of six plays developed specifically by the company over a four-year period to explore the effects of law on particular communities in Los Angeles. *Los Illegals* was followed by Julie Marie Myatt’s *Someday*, an examination of reproductive rights; KJ Sanchez’s *For All*

explained that conversations among Cornerstone's members about law and the body, particularly about "how law legislates the body," served to inspire the cycle.³⁹ In the previous chapter, I addressed questions about geographic mobility in relation to family reunification. *Los Illegals* presents a variation on the physical controls that immigration law can place under its shadow. Taking a hammer to a wall, standing on Giant Hardware's sidewalk, and even littering (*LI* 18) come under scrutiny during the course of the play. It is clear that those without papers endeavor to avoid any demonstration of any "single blemish" (*LI* 91) lest they call undue attention to themselves. Much like the threat of deportation can compel compliance with conventional gender roles, as I previously explored, so can it demand an intensified level of self-restraint and, following Foucault, conduct immigrants' conducts.⁴⁰

Los Illegals periodically stresses that the exercises of power with which immigrants are disciplined operate constantly and thoroughly. Invoking Foucault's language, we could say these exercises of power act "in depth on the heart, the thoughts, the will, the inclinations."⁴¹ Leading the fervent protests against undocumented

Time, an investigation of punishment, incarceration, and retribution; Julie Hébert's *Touch the Water*, about environmental legislation of the Los Angeles River; Shishir Kurup's *On Caring for the Beast*, a contemplation on torture and culpability; and Naomi Iizuka's *3 Truths*, the Justice Cycle's "Bridge Show," which brought the previous five into conversation in a sprawling study of truth and justice based on the *Oresteia* (Cornerstone Theater Company's website, www.cornerstonetheater.org/content/index.php?option=com_content&view=article&id=117:the-justice-cycle&catid=21:now-playing-current-shows&Itemid=110 [accessed 23 October 2010]). The Justice Cycle continued Cornerstone's tradition of creating community-based theatre, but departed from previous efforts by selecting a theme before identifying a community. For more on Cornerstone's process see Kufinec, *Staging America* (see ch. 3, n. 129). Jan Cohen-Cruz includes Cornerstone as part of several examples in her examination of community-based performance (Jan Cohen-Cruz, *Local Acts: Community-Based Performance in the United States* [New Brunswick: Rutgers University Press, 2005]).

³⁹ Michael Garcés, interviewed by author at Cornerstone's offices in Los Angeles, 7 June 2010.

⁴⁰ Michel Foucault, "The Subject and Power" (1982), in *The Essential Works of Foucault, 1954–1984*, vol. 3, *Power*, ed. James D. Faubion, trans. Robert Hurley and others (New York: New Press, 2000), 341.

⁴¹ Foucault, *Discipline & Punish*, 16 (see ch. 4, n. 123).

immigrants, the character of Brenda serves not only as a voice in the multidimensional argument that Garcés presents—“They have made this corner a lawless place. The west is wild again, right here in this parking lot” (*LI* 27)—but also as a reminder of the persistent gaze under which the undocumented figures find themselves. (Periodic helicopter fly-bys during Cornerstone’s outdoor performances of *Los Illegals* inadvertently helped to magnify hypervisibility.⁴²) This is a scornful, acid gaze made all the more prevalent in Cornerstone’s production through the use of projections. Huge slides with photographs of protesters like Brenda often loomed over the playing area, adding to the offstage yelling that at times underscored the action. At rallies like the one *Los Illegals* stages, “Illegal is illegal,” “Hire a citizen,” and “You are breaking the law,” among others, become mantras.

The targets of such vitriol endeavor to restrain themselves. Or, more accurately, the undocumented immigrants are disciplined to control their understandable anger. Even their friends and supporters mandate particular behaviors. Nathan, a lawyer from United Day Laborers working to defend the accused Ernesto, cautions the group to avoid conflict and confrontation at all costs. One of the workers tries to explain that what Nathan requires is not always possible, “And what do you do when [protesters] scream at you, when they say you are garbage?” Nathan’s response reveals the formidable self-control that he expects. He replies simply, “But that’s the way it is” (*LI* 46). Likewise, Kim, an advocate from Acción para Inmigrantes, is uncompromising when it comes to the workers’ deportment. When Mauricio rationalizes Ernesto’s so-called crime,

⁴² I base my observations on the archived videotape of one of Cornerstone’s performances that I was able to view when I met with members of the company in June 2010. The videotape is not otherwise available for public viewing, and I am grateful for Michael Garcés’s and Paula Donnelly’s assistance in making the necessary arrangements.

insisting on the injustice of being cheated of legitimate wages, Kim forcefully puts an end to the debate: “He shouldn’t have done that. [...] No buts. It’s unacceptable. It’s that kind of thing that hurts everyone” (*LI* 87). And from George and Juan, respectively Giant Hardware’s store manager and security guard who are generally friendly to the immigrants’ cause, the undocumented jobseekers must constantly hear some version of “Just stay off of Giant property” (*LI* 37). They are repeatedly told where not to stand, where not to sit, where not to be, what not to do. They are compelled to act, as Nguyen describes, like nothing more than cardboard cutouts.

The potential for detention and deportation is always at the root of the disciplining techniques. While Nathan and Kim seem genuinely concerned with protecting the immigrants from catastrophe, George’s frustrations betray the dreadfully fragile position of the legally nonexistent. With Brenda’s protest on one side of the parking-lot fence and with a police investigation into Gloria’s alleged assault, George finds that he can control only those without papers: “As of right now no one is allowed in the parking lot or on the property of Giant Hardware who doesn’t have business with us. No one. Anyone found soliciting on the grounds will be subject to arrest.” Fully aware that such actions might trigger an immigration investigation, George adamantly adds, “The police will place them under arrest for trespassing on private property and Giant will press charges” (*LI* 25). Although neither George nor Juan, Nathan, Kim, or Brenda represents immigration authorities, the disciplining nonetheless works because the threat of official action is so prevalently tangible.

Biro, to return to my other theatrical example, also stages the power of the immigration system to control individual behavior. *Biro*’s incarceration is first prompted

by an arrest for drunk and disorderly conduct. The police “were just seeing a drunk man trying to explain” why his friend has picked a fight (*BI* 102). Biro suggests that his detrimental arrest has resulted from the devil’s “being busy working on me,” tempting him with alcohol (*BI* 67). He thus underscores the possibility that a perfectly behaved individual, one with superhuman self-restraint, could have gone undetected, continuing to work as part of the United States’ “open secret,” its undocumented workforce (*BI* 843). Of course, for immigration law to exert such power on the individual body, its presence and consequences must be readily perceived.

Following Sally Merry’s assertion that the “law looks different” to individuals occupying various socioeconomic positions,⁴³ I want to concentrate on how those without papers might come to “see” immigration law, especially beyond the confines of the border scenarios I described in chapter 2. Nevins, for one, describes the necessarily theatrical nature of immigration enforcement. But his focus seems to be on displays of power directed at a general US citizenry. Of Operation Gatekeeper, he writes that the 1990s security escalations at the westernmost portion of the US–Mexico Border were, among many things,

a political sideshow designed for public consumption to demonstrate the Clinton administration’s seriousness about cracking down on unauthorized immigration. Efforts by the White House and the INS to maximize coverage of the implementation of the operation demonstrate that Washington, DC, was acutely aware of the importance of the operation for purposes of public consumption. In this regard, the U.S.–Mexico boundary became a stage with a national audience.⁴⁴

⁴³ Merry, *Getting Justice and Getting Even*, 5 (see ch. 1, n. 3).

⁴⁴ Nevins, *Operation Gatekeeper and Beyond*, 114.

However, the sideshow is also for the undocumented to consume. Nevins explains that boundary policing has “a lot to do with performance in addition to particular tasks.”⁴⁵ I will rephrase his words to emphasize that it is *through* particular tasks that performances can be perceived. Through the interchanges prompted by the Border Patrol at entry points, through immigration raids at worksites, through the driving of vans in immigrant-heavy neighborhoods, the state performs its power. And through trials, regardless of their outcome, the state also performs its power.

In *Los Illegals*, for instance, when the play becomes a courtroom drama, we witness the force with which the ritual structure of the proceedings can alter behavior.⁴⁶ “Mr. Huerta, yes or no,” the judge twice demands an unambiguous response from Ernesto, now dressed up for his court appearance (*LI* 95, 96). Did he argue with Gloria over payments? Did he take a hammer to her wall? As soon as Ernesto tries to explain himself, filtered through the actions of an official translator, the judge—her very robes a marker of her authority, a US flag prominently placed by her chair—disciplines him into admitting the required “yes.” She thus also disciplines his narrative, producing an artificial (from Ernesto’s perspective) reality and knowledge of the events under question.⁴⁷ The judge manages to control Nathan as well, admonishing him for “grandstanding” in her courtroom (*LI* 92). In “domesticat[ing] chaos,” to use Paul

⁴⁵ *Ibid.*, 8.

⁴⁶ I discuss the related concept of a trial’s effects on jury members’ performances in my article “Reviewing the Rosenbergs: Donald Freed’s *Inquest* and its Jurors,” *Theatre Survey* 48, no. 2 (November 2007): 265–87.

⁴⁷ I am borrowing Shonna Trinch’s ideas here. She studies “how the [US] sociolegal system produces and reproduces reality and knowledge through narrative” (Trinch, *Latinas’ Narratives of Domestic Abuse*, 2 [see ch. 1, n. 11]).

Berman's proposition about what a trial ostensibly accomplishes,⁴⁸ the judge simultaneously disavows the legitimacy of Ernesto and Nathan's more subtle argument. She resolves that Ernesto has indeed "damaged [Gloria's] property in anger" (*LI* 95), as opposed to acknowledging, say, that Ernesto has taken back the labor for which he did not get paid. Complementing the judge's clout, a Homeland Security officer is present at and participates in the proceedings.

Foucault argues that shifts away from torture as a public spectacle and into more private systems of punishment, like the carceral system, have meant the "downgrade" of "theatrical elements" in the art of punishing and disciplining. He writes that "punishment shifts to becoming the most hidden part of the penal process; publicity shifts to the trial and to the sentence."⁴⁹ For many of the undocumented immigrants within the fiction of *Los Illegals*, Ernesto's trial indeed proves a very public performance. After all, they are in attendance. Thus, while the proceedings might aim to determine Ernesto's fate, the trial simultaneously serves as an exercise of power over the entire group (as well as an opportunity for them to exercise their own power, as I will explore below). Trials not only "make visible abstract principles and inchoate concepts," as Dwight Conquergood argues,⁵⁰ but they can become, as "*performance[s] of the laws*," "singularly powerful [loci] of social control, ... the very means by which members of the community know who they are," as Robert Hariman tells us. Because "laws exist outside of performance,"

⁴⁸ Paul Schiff Berman, "Rats, Pigs, and Statues on Trial: The Creation of Cultural Narratives in the Prosecution of Animals and Inanimate Objects," *New York University Law Review* 69, no. 2 (May 1994): 292.

⁴⁹ Foucault, *Discipline & Punish*, 9. In an interview published in 1984, Foucault continued to maintain that the contemporary prison system relies on practices that necessarily exist "in darkness" ("Interview with *Actes*" [1984], in *Power*, 394).

⁵⁰ Dwight Conquergood, "Lethal Theatre: Performance, Punishment, and the Death Penalty," *Theatre Journal* 54, no. 3 (October 2002): 343.

Hariman maintains, public events such as trials, which can engage an audience larger than the individuals directly involved in the proceedings, become “the performance of the laws ... essential for their becoming realized in lawful living.”⁵¹ Therefore, the undocumented immigrants in attendance at Ernesto’s trial can visualize themselves in his shoes and concretely gauge the state’s actions toward all those without papers. Audiences for *Los Illegals*, in turn, watching a dramatized trial, also share in the experience of a legal proceeding, albeit a fictional one. Trials are, in fact, ubiquitous elements of US cultural narratives and omnipresent in most media, allowing us to extend Foucault’s evaluation of their “publicity” to the context at hand. In stories, fictionalized trials encourage their audiences to position themselves in relation to the law. Stories about the law are therefore integral to examining the production of legal identities.⁵²

Both *Biro* and *Los Illegals*, in fact, stage the power of stories to drive individual choices and actions. The experiences and, more importantly, the anecdotes of and related by others become key guideposts for managing spaces of legal nonexistence. Biro pursues a “new identity,” for example, based on what he “was told,” on what “this West African guy I had met” related (*BI* 816, 820). Although she is quickly cut off in the

⁵¹ Robert Hariman, “Performing the Laws: Popular Trials and Social Knowledge,” in *Popular Trials: Rhetoric, Mass Media, and the Law*, ed. Hariman (Tuscaloosa: University of Alabama Press, 1990), 17, 18. Emphasis in original. The connections between legal proceedings and performance have been the subject of much scholarship. Those who have most influenced my work include Auslander, *Liveness*, particularly chapter 4, “Legally live: law, performance, memory,” 128–82 (see ch. 2, n. 60); Milner S. Ball, “All the Law’s a Stage,” *Cardozo Studies in Law and Literature* 11, no. 2 (Winter 1999): 215–21, and “The Play’s the Thing: An Unscientific Reflection on Courts Under the Rubric of Theater,” *Stanford Law Review* 28, no. 1 (November 1975): 81–115; Jody Enders, *Rhetoric and the Origins of Medieval Drama* (Ithaca: Cornell University Press, 1992); and Lucy Winner, “Democratic Acts: Theatre of Public Trials,” *Theatre Topics* 15, no. 2 (September 2005): 149–69.

⁵² I adapt Roxanne Doty’s ideas here. She writes that “[i]n examining the discursive production of national identity, one needs to examine not only laws per se, but the debates, interpretations, and professed needs and interests that surround legal statutes and the social practices to which these are linked” (Roxanne Lynn Doty, “Sovereignty and the nation: constructing the boundaries of national identity,” in *State Sovereignty as Social Construct*, ed. Thomas J. Biersteker and Cynthia Weber [Cambridge: Cambridge University Press, 1996], 129). Cultural narratives about law deserve inclusion in Doty’s list.

hectic environment, Teresa, a new arrival to Giant's lot, begins to tell a story about finding her way to the job center: "a guy said..." (*LI* 10). *Biro* and *Los Illegals*, moreover, themselves represent the kinds of narratives through which anecdote, myth, and life can all merge. The plays stage and become stories about law. As such, they are critical to understanding legal consciousness. Engel and Munger stress that "the role of law in everyday life—and its effect on identity—cannot be measured only by the frequency of recourse to lawyers and official legal institutions or remedy systems."⁵³ Within the stories in the plays and through their stagings, we engage with the power of narrative to help construct one's legal consciousness.

Crucially, *Biro* concerns another narrative related to that of the trial: the narrative of incarceration. While it is certainly the case that, inside the Texas prison, *Biro* is concealed from the public, the play itself seems to make visible that "most hidden" aspect of the disciplining system. A story about an immigrant in prison, the piece exemplifies the kind of narrative that, coupled with the predominantly state-controlled images of border enforcement, participates in the fabrication of law's palpable presence.⁵⁴ Outside the jail, *Biro*'s absence will become a tale about absence, a rumor about immigration authorities, gossip.

For a moment, I return to some of the other plays I have considered in the dissertation, plays whose action did not feature as direct an involvement with legal

⁵³ Engel and Munger, *Rights of Inclusion*, 92. I stress here the important role of stories in shaping attitudes and ideas about law, especially when individuals do not have direct contact with official legal agents or institutions. I thus draw on a rich tradition of examining law, not as somehow extraordinary, but as part of everyday life. See, among others, Ewick and Silbey, *The Common Place of Law* (see ch. 1, n. 4); Austin Sarat and Thomas R. Kearns, eds., *Law in Everyday Life* (Ann Arbor: University of Michigan Press, 1995); and Ward, *Law and Literature* (see ch. 1, n. 19).

⁵⁴ Nevins reminds us that the state has been "the primary shaper" of both the "category" of "illegal immigrant" and the "crisis" associated with it (Nevins, *Operation Gatekeeper and Beyond*, 150).

institutions, lawyers, or official agents. The women in *Real Women Have Curves*, for instance, fear a van parked outside their factory in part because of the “something” they hear on the radio. Pancha intensifies the tale of immigration raids by adding that “[her] neighbor who works at the Del Monte canning factory is missing.” Although Pancha is not sure of what has happened, she speculates, “I have a feeling they deported her. I’m so scared that I’ll be waiting for the bus one day and they’ll take me” (*RW* 41). Likewise, using the story of Hortensia’s deportation, the women in *Latina* assume another colleague, Lola, has met the same fate when she fails to show up to work (*LA* 106). In short, the invisibility inherent to carceral punishment or deportation is far from invisible. In fact, the state produces a new kind of theatrical element to complement the public spectacle of a trial by engaging in what we may call performances of removal.⁵⁵ By quite literally creating absences, immigration authorities amplify fears of deportation and detention, fears fueled further by stories circulating among undocumented populations.

The particular task of deporting or detaining an immigrant thus becomes a performance that can communicate law and order to some viewers but simultaneously make others shudder. The “penalty” imposed, to draw from Foucault’s ideas about technologies of discipline, is in the case of undocumented immigration communicated to a broader community by creating a conspicuous absence. Thus, such a penalty potentially has “most intense effects on those who have not [yet been caught for] the

⁵⁵ I am indebted here to Diana Taylor’s work on Argentina’s *desaparecidos*. This said, I do not wish to compare and contrast one system of violence to another. I am merely drawing on the theoretical possibility that the “disappeared” are, “by definition, always already the object of representation” (Taylor, *Disappearing Acts*, 140 [see ch. 1, n. 41]). Taylor herself admits that her ideas about spectacles of violence in relation to Argentina’s “dirty war” illuminate aspects of the post-9/11 US surveillance system, which requires us all “to be vigilant, to call out the enemy.” Taylor writes that such a system “is no less powerful for Muslims or undocumented workers, who know themselves to be the pretext and the prey. There is no neutral place, no nonwar. The politics of fear governs the willing and the unwilling” (Taylor, “Afterword: War Play,” 1893 [see ch. 2, n. 25]).

crime.”⁵⁶ It is not enough to place undocumented immigrants under a seemingly constant, panoptical gaze; additionally, the consequences of being caught need to feel persistently real. Coutin acknowledges that, although the risk of apprehension and removal remains “statistically low” for the millions of unauthorized immigrants living in the United States today, the *perception* of potential deportation persists and indeed grows.⁵⁷ While it is certainly the case that an imprisoned Biro suffers his punishment hidden from most, the *idea* of similar punishment remains quite prevalent for those outside the prison.

Importantly, the removal of Biros, Hortensias, and neighbors has become increasingly more efficient in communicating punishment to those without papers because the nature of removal has changed drastically since 1996 and again since 2001. In *American Gulag*, Mark Dow tracks the veritable explosion of immigration-related detention and imprisonment in the United States.⁵⁸ The transformation results in part from the increased criminalization of immigration violations and from the necessarily ostensible criminal activity that living in a space of nonexistence requires. It also stems from the growth of a well-protected “immigration industrial complex” designed to benefit government bureaucracies, corporate and media interests, and politicians. The business of jailing immigrants (and thus the need to criminalize them) has become quite lucrative for both the public and private sectors.⁵⁹ If removal used to mean deportation, it has

⁵⁶ Foucault, *Discipline & Punish*, 95.

⁵⁷ Coutin, *Nations of Emigrants*, 22.

⁵⁸ Mark Dow, *American Gulag: Inside U.S. Immigration Prisons* (Berkeley: University of California Press, 2004).

⁵⁹ Tanya Golash-Boza, “A Confluence of Interests in Immigration Enforcement: How Politicians, the Media, and Corporations Profit from Immigration Policies Destined to Fail,” *Sociology Compass* 3, no. 2 (March 2009): 283–94, and “The Immigration-Industrial Complex: Why We Enforce Immigration

increasingly come to mean detention as well. An undocumented immigrant may find him or herself in a prison for months, if not years, before being released or deported.

Deportation in itself can mean a death sentence, as Biro desperately explains (*BI* 114, 916–17), but imprisonment for undocumented men, women, and children can mean additional and undue torment (as well as the separation of families, as I discuss in the previous chapter).⁶⁰ “Just deport us. It would be a lot more dignified than having to go to jail,” protests one of the unauthorized immigrants depicted in Moustafa Bayoumi’s study of Arab and Muslim Americans in a post-9/11 United States. “*They keep us like lab rats,*” asserts another, echoing Biro’s suffering as a man objectified. Quite plainly, as Bayoumi summarizes, prison “terrifies.”⁶¹ It follows that terrifying stories about prison and the regular removal of individuals from their communities serve to concretize immigration law.

Policies Destined to Fail,” *Sociology Compass* 3, no. 2 (March 2009): 295–309. See also Deepa Fernandes, *Targeted: National Security and the Business of Immigration* (New York: Seven Stories Press, 2007); and Nevins, *Operation Gatekeeper and Beyond*, 184. Perhaps unsurprisingly, reports have begun to surface that the private prison industry played a key role in generating Arizona’s controversial SB1070 immigration law (Laura Sullivan, “Prison Economics Help Drive Ariz. Immigration Law,” National Public Radio, 28 October 2010, NPR website, www.npr.org/templates/story/story.php?storyId=130833741&ps=cprs [accessed 31 October 2010]).

⁶⁰ On the length and condition of detention for immigrants, see, among others, Amnesty International, *Jailed Without Justice: Immigration Detention in the USA*, 25 March 2009, available through Amnesty International’s website, www.amnestyusa.org/document.php?id=ENGUSA20090325002&lang=e (accessed 26 October 2010); David Cole, *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism* (New York: New Press, 2003); various HRW reports, including “Detained and at Risk: Sexual Abuse and Harassment in United States Immigration Detention,” 25 August 2010, “Costly and Unfair: Flaws in US Immigration Detention Policy,” 6 May 2010, “Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States,” 2 December 2009, “Detained and Dismissed: Women’s Struggles to Obtain Health Care in United States Immigration Detention,” 17 March 2009, and “Detained and Deprived of Rights: Children in the Custody of the U.S. Immigration and Naturalization Service,” 1 December 1998, all available through the HRW website, www.hrw.org/en/publications (accessed 25 October 2010); and the Global Detention Project website, which effectively brings together data and offers links to various reports, www.globaldetentionproject.org/countries/americas/united-states/introduction.html (accessed 26 October 2010).

⁶¹ Moustafa Bayoumi, *How Does It Feel To Be a Problem?: Being Young and Arab in America* (New York: Penguin Press, 2008), 23–24, 25, 28.

Although Jean and John Comaroff focus their studies predominantly on postcolonial South Africa, they propose that narratives and images of policing—the “spectacle of policing”—have become increasingly prevalent under neoliberal, post–Cold War conditions. They urge us to consider how the logic of Foucauldian discipline seemingly has inverted itself: new types of “theatrics” now reveal the state’s “desire to condense dispersed power in order to make it visible, tangible, accountable, effective.”⁶² Certainly, the disappearance of bodies caused by immigration enforcement becomes, I believe, a kind of public spectacle that “allows the performance of power to reach very different audiences,” in Diana Taylor’s language.⁶³ It is a spectacle that urges its viewers to consider, at once, the might of the state and the consequences of breaking immigration laws. I return to Merry’s proposition: How does The Law “look” to Biro and to the individuals portrayed by Bayoumi? And how does The Law look to their friends, their neighbors, or their coworkers who one day face the sudden absence created by a removal? It is a spectacularly omnipresent Law. It is a spectacularly cruel Law. It is a Law whose gaze one is desperate to avoid and, thus, a successfully disciplining Law.

Furthermore, US immigration law sustains its own legitimacy and naturalizes itself through the use of the very categories it produces. Labels such as “illegal” successfully compel impassiveness and scorn from the “legal.” Quoting legal scholar Gerald Neuman, Nevins underscores the grave problems that arise from the term “illegal alien”:

[It] may be interpreted as implying that the alien’s presence can give rise to no legal duties toward him because he should not be here in the first

⁶² Comaroff and Comaroff, “Criminal Obsessions, after Foucault,” 276.

⁶³ Taylor, “Afterword: War Play,” 1892.

place. Like an illegal contract that creates no obligation, duties toward the alien are void or voidable. This notion reduces the alien to a non-person, an outlaw outside the protection of the legal system.⁶⁴

It follows, Nevins continues, that debates over the rights of unauthorized immigrants generally ignore the complexities of present-day immigration. “Illegal” serves to portray the decision to live in the United States without papers as an individual’s nefarious choice as well as to undercut the rights of that individual. “Illegal” serves to displace blame from the capitalist interests that benefit from the production of an exploitable, unprotected source of labor to the undocumented themselves. “Illegal” serves to mask the global policies that compel immigration in the first place (see chapter 3). It is they—ostensible criminals—who are held accountable for their own situations. A prime example of Bourdieuvian symbolic violence, the label of “illegal” serves quite literally to legitimize the distance between those with papers and those without. The label becomes a weapon of domination that at once naturalizes the rights of those who are “legal” and the crimes of those who are not.⁶⁵

Los Illegals attempts to call attention to these processes of displacement and symbolic violence. In the Cornerstone production, a large sign reading “GIANT” (*LI* 7)—an unmistakable allusion in its design to Home Depot’s signage⁶⁶—loomed over the playing area throughout the performance. Marking the site of the action as the store parking lot, the sign also made ever-present the corporate interests that exploit immigrant

⁶⁴ Gerald L. Neuman, “Aliens as Outlaws: Government Services, Proposition 187, and the Structure of Equal Protection Doctrine,” *UCLA Law Review* 42, no. 6 (August 1995): 1441, quoted in Nevins, *Operation Gatekeeper and Beyond*, 177.

⁶⁵ Bourdieu, *Language & Symbolic Power*, 140 (see ch. 1, n. 42).

⁶⁶ In the Los Angeles area, for one, “milling crowds of laborers” are “an integral fact of Home Depot’s business” (“Day Laborers and Home Depot,” *New York Times*, 13 August 2008, A20).

labor. At the end of the day, even a seeming supporter like George must tell the immigrants who congregate at the parking lot, “With all due respect. My customers are my priority” (*LI* 20). Giant Hardware is thus an unmistakable Goliath, but one whose very largeness and non-personhood help to conceal its active participation in the creation of undocumented immigration. In previous chapters, I have called attention to the US media’s consistent exclusion of corporations and consumers from immigration stories. *Los Illegals* points to a related phenomenon: the effectiveness of legal labels to foment intra-working class antagonisms by creating a readily identifiable scapegoat for social ills.

During a particularly touching moment, in which Kim and Brenda find themselves talking over a cup of coffee, the workers’ advocate urges the anti-immigrant protester to consider the commonality of their causes. Both want the same thing: “Good jobs. Good wages. Opportunity” (*LI* 72). Kim suggests that a united front against capitalist and political interests is the only way to achieve such things. However, Brenda’s commitment to ridding the United States of all “illegals” betrays the efficacy of legal categorization to conceal how governments and corporations create unjust working conditions and instead pit exploited groups against one another. David Bacon stresses that “African Americans and immigrants, especially Latinos, often seem divided by a political calculation in which each community fears that any gain in jobs or political clout can only come at the expense of the other.” He posits “racial division,” fueled by portrayals in the US media, as a “powerful political weapon” that blinds workers from pinpointing their actual exploiters.⁶⁷ I would suggest that the division is not so neatly

⁶⁷ Bacon, *Illegal People*, 167, 184 (see ch. 1, n. 81).

“racial,” even as Brenda explicitly campaigns for her “black brothers and sisters” (*LI 27*). Would she support a black man like Biro? Rather, the state-produced legal-illegal divide, which Nevins explains has become more and more “normal,” has successfully convinced “the vast majority of Americans—including *Latinos*—[that] the wrongness of illegal immigration is simply beyond question.”⁶⁸ It is only unauthorized border crossers who do wrong, the logic goes. Thus, even as Brenda preaches that she “stand[s] against the government, the corporations, the special interest groups that are at war with us,” her protest and her acrimony aim strictly at another enemy: the undocumented. It is by attacking those without papers—an action that in itself helps to naturalize them as a loathsome—that Brenda believes she can get her “country back” (*LI 27*). At the same time, Brenda and the other protesters become the most visible and accessible antagonist for some of the immigrant workers. They become “esa gente,” “those people” at which workers like Lalo and Ramón can direct their anger (*LI 29*).

Garcés counterposes characters like Juan, Giant’s security guard, and Police Officer Hernandez to the immigrant laborers in order to problematize pat understandings of racial or ethnic allegiances. Almost in reflex, Juan distances himself from the undocumented workers when they press for sympathy: “I never broke the law” to get a job, he insists (*LI 37*). Garcés challenges further the assumption that an ostensible Pan-Latinidad somehow unites his characters by having Lalo retort to Juan’s statement, “Look, I’m Mexican too you know,” with a flat “Psss, I don’t care, man, I’m Salvadoran, yo” (*LI 37*). Garcés confesses that the rehearsal process for the community-based Cornerstone production attested to the divisions that exist within the so-called Latino

⁶⁸ Nevins, *Operation Gatekeeper and Beyond*, 183. My emphasis.

community, some stemming from citizens' and legal immigrants' struggle with the idea of working side-by-side with undocumented individuals.⁶⁹

Indeed, post-1965 state-sponsored campaigns to penalize undocumented immigration generally have come hand-in-hand with strong defenses of legal immigration, serving to magnify rifts within mono-ethnic communities. While current immigration policies undoubtedly bear the imprints of centuries-long racism, we must avoid the easy assumption that “illegal” only obfuscates racist judgments. This would imply that racial and ethnic categories somehow neatly precede law. Brenda's, Ramón's, and Lalo's fury—seen at a most surface level in terms of us/them, black/brown—actually obfuscates the power of legal categorization to divide the US working class and to (re)produce racial and ethnic difference. Nevins offers a more finessed viewpoint: “the war on unauthorized immigrants overlaps considerably with the conservative-led onslaught against the poor (rather than poverty), a political program significantly informed by traditional patriarchal values.”⁷⁰ I made a case in chapter 4 for

⁶⁹ Incorporating undocumented actors into the production proved challenging from the beginning. Kurup admits that Cornerstone did not know how to proceed: “We thought about having people wear masks ... We didn't ask anybody about their status” (Sean Mitchell, “Cornerstone Puts the Immigration Issue Center Stage,” *Los Angeles Times*, 27 May 2007, articles.latimes.com/2007/may/27/entertainment/cornerstone27 [accessed 26 October 2010]). Garcés told me during our interview that while the process of working together allowed the cast and crew to build a sense of community, individuals did not come to any easy agreements over the issues. Tensions ran high for other reasons. For example, two Salvadoran actors who had participated on opposite sides of El Salvador's civil war came to full blows during a dress rehearsal. We thus must heed Kuffinec's caution in using terms like “community” to mean an erasure of difference. She explains that Cornerstone's processes, specifically, draw attention to the different values held by members of the same defined community (Kuffinec, *Staging America*, 9–10).

⁷⁰ Nevins, *Operation Gatekeeper and Beyond*, 148. In addition to 1996's harsh immigration policies that I have already discussed, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, Public Law 104-193, *U.S. Statutes at Large* 110 [1996], 2105) that barred most immigrants from several federal assistance programs and allowed states the option of taking similar steps in their own programs. Of course, several non-governmental campaigns against immigrants have been quite explicitly racist. It is not difficult to see that, as Nevins himself admits, “it has been the poor and nonwhite, largely peoples of so-called Third World origin, that have been most consistently the objects of criticism and scrutiny, and the targets for deportation, detention, and other forms of control and exclusion” (Nevins, *Operation Gatekeeper and Beyond*, 152). My attempt here to call attention to legal

understanding immigration control as a means to promote such traditional patriarchal values vis-à-vis family structures. Here, I focus on ways in which the production of legal and illegal immigrants helps to protect capitalist interests by shifting attention away from the commonalities existing among working-class and poor individuals.

Mwine's Biro bluntly tells his audience, "What you don't realize until you come to America is that capitalism is pursued with more fervor than religion" (*BI* 811–12). While such fervor can create opportunity—Biro thanks capitalism for encouraging a clinic to test him in order to receive funds and for inspiring an immigration officer to receive bribes (*BI* 816)—it is also responsible for perpetuating what Nevins terms the "two-tiered system of humanity" that neoliberal pursuits necessitate in their globalized spread of capitalism.⁷¹ Capitalist interests not only drive the need for exploitable, immigrant labor, as I discussed in chapter 3, but also compel the criminalization and penalization processes. Following Marx's conception of the criminal, we find that the "illegal alien," a category produced by the legal system, itself produces the need for greatly profitable industries, among them an immigration bureaucracy, a border patrol, and increasingly privatized prisons.⁷² Hundreds of thousands of illegal immigrants mean hundreds of millions in profits to prison companies and increased budgets for Homeland Security operations. *Los Illegals* attempts to stage the sheer force with which capitalism consumes us all, problematizing any obvious dismantling of the two-tiered structure.

categorization is not to imply that issues of race and ethnicity are irrelevant. Quite on the contrary, I am interested in the ways legal labels sustain a system of inequality.

⁷¹ Nevins, *Operation Gatekeeper and Beyond*, 168.

⁷² Marx writes that the criminal "produces the whole of the police and of criminal justice, constables, judges, hangmen, juries, etc.; and all these different lines of business, which form equally many categories of the social division of labour, develop different capacities of the human spirit, create new needs and new ways of satisfying them" (Karl Marx, *Theories of Surplus Value*, vol. I, trans. Renate Simpson, ed. S. Ryazanskaya [London: Lawrence and Wishart, 1969], 387–88).

Even as the seemingly enlightened Kim argues with Brenda over workers' rights, she does so while the two share Starbucks drinks—"Grande nonfat latte with extra foam" for one, "[t]riple cappuccino with a shot of caramel and three sugars" for the other (*LI* 67). Garcés thus posits that even an awareness of capitalism's injustices does not alone remove one from the capitalist system. Kim fights to correct some of the consequences of capitalist greed, dedicating herself to bettering the lives of undocumented workers and to finding ways to change immigration laws (*LI* 71). But, at the same time, she exists as a consumer, serving as a driving force to maintain capitalist structures solidly in place. Like the Starbucks cup that she and others hold onstage, the character of Kim simultaneously suggests a "liberal reputation" together with the "ills of globalization."⁷³ When asked if he will be at Starbucks, George replies, "Where else?" (*LI* 36). Where else indeed—in *Los Illegals*, there is no identifiable outside. The play alerts us that the fight for immigrant rights in the US must happen within and not only against capitalism.

Offering no easy answers and pointing to many lacunae instead, Garcés does propose that all his characters—whether one of "los illegals" or "uno de los dichos legales" (one of those so-called legals, *LI* 41)—are victims of a single, dehumanizing system. All are seeking a better life; many are mostly blind to the reasons behind their hardships. It becomes easier to blame an "other," and in this case, the law neatly helps to demarcate that difference. In Biro's words, US capitalism "bulldoze[s] you" (*BI* 505). We are left with Brendas on one side, convinced that the undocumented "have made this corner a lawless place," and Lalos on another, firm in their hatred against seemingly bigoted US citizens, with a majority of characters struggling to negotiate a position

⁷³ Kim Fellner, *Wrestling with Starbucks: Conscience, Capital, Cappuccino* (New Brunswick, NJ: Rutgers University Press, 2008), 2.

somewhere between the two extremes.⁷⁴ Legal divisions, then, in combination with criminalizing efforts, successfully encourage antagonisms that displace frustrations. Legal divisions, as they become naturalized, prevent us from seeing alternatives and leave us paralyzed. “Nothing I can do,” meekly confesses George as the workers face expulsion from the lot and a man faces criminal charges for standing his ground (*LI* 75). Yet, Foucault stresses that no disciplining mechanism is exhaustive; “there always remain the possibilities of resistance, disobedience, and oppositional groupings.”⁷⁵ Paralysis is, or should be, breakable. Of interest here is how a claim to rights participates in a project of resistance as well as how performance activates such claims.

PERFORMANCES OF INCLUSION

I have already discussed how undocumented immigrants and their advocates endeavor to portray those without papers as struggling, hard workers seeking only to improve their lot. Juan José Mangandi, who played Ernesto in Cornerstone’s production of *Los Illegals* and subsequently directed excerpts presented entirely in Spanish at a convention at the National Labor College in Maryland, praises Garcés’s work precisely

⁷⁴ Although it has not been staged as such, Garcés’s manuscript offers evocative directions for an interlude before the beginning of *Los Illegals*’s second act:

We [the audience returning from intermission] hear voices, all around [...] They are yelling, hectoring, screaming, sneering voices. Passionate and angry. [...] There are two groups crowding a narrow pathway for us to walk down. They are screaming largely at each other, though they also address us. [...] There is a cacophony of flags (American and Mexican) and garish, vivid, ugly signs and slogans both written and spoken. [...] Flyers are thrust at us as we pass by. [...] It is hard not to get riled up, angry as we walk this gauntlet, even though we don’t know quite why. We are much more reasonable than these people. These “demonstrators.” These “protestors.” [...] These people don’t want anything from us. They don’t even want to be heard. They just want to make this noise, want for us to know they are there. We do. And we’d like it to stop, but it doesn’t, won’t. (LI 60)

⁷⁵ Michel Foucault, “Space, Knowledge, and Power” (1982), in *Power*, 354. Foucault makes the same assertion elsewhere. See, for example, Foucault, “‘*Omnes et Singulatim*’: Toward a Critique of Political Reason” (1979), in *Power*, 324; and “Useless to Revolt?” (1979), in *Power*, 449–50.

because it allows the undocumented to “break the mistrust” that seemingly keeps a general public from understanding the realities of unauthorized immigration.⁷⁶ Early on in Mwine’s play, Biro tells us that the “main reason I came to the United States was for medicine / That was the primary goal along with taking care of my son” (*BI* 29–30).

Fighting the label of “illegal,” of guilty criminal, through justifications of actions taken surfaces as an important but often insufficient strategy toward recognition and inclusion. It becomes important also to attack the logic sustaining criminalization. Biro’s emphatic, resounding “I did not / I did not steal \$300 / No, no / I did not” (*BI* 108–9), a categorical denial of an accusation made against him by the police when he is first arrested, at once refutes all the levels of criminality with which he is charged. Mwine’s impassioned portrayal at that moment bespeaks Biro’s frustrations. Biro needs desperately to make the lawyer whom he is addressing—us—understand that nothing he has done in the United States should be deemed criminal. “Are we only guilty because they say so?” is how one of the migrant workers poses the question in *Los Illegals* (*LI* 41). Although not to her face, Lalo indicts Brenda and her fellow protesters, probing the limits of their beliefs. What exactly are their gripes? “My dinner? My rent? That’s what they’re protesting?” he inquires in awe (*LI* 28). It is the anti-immigration demonstrators who are criminal, Lalo points out: “They’re not here to protest, man, they’re here to stop me from working. They’re attacking me” (*LI* 29). Kim offers a related argument, criminalizing the law itself: “If the law keeps families from eating, people from working, then the law is wrong” (*LI* 71). Later in the play Mauricio boils the

⁷⁶ Mangandi, quoted in David Montgomery, “Work, Then Play; Day Laborers at Night, Blurring the Border between Life and Art,” *Washington Post*, 6 August 2007, C1.

argument down to its essence: “Look, we cannot allow for the pursuit of work to ever be a criminal act” (*LI* 82).

To insert themselves differently into the immigration debate, to change the logic of their opponents’ arguments, the workers need to assert their rights, however limited, more forcefully. Generally, the invocation of rights becomes a key tactic through which the characters in *Los Illegals* effect some agency within the space of legal nonexistence. Knowing and fighting for the few protections to which they are entitled bolster their social position and challenge opposition. For instance, the simple act of stepping off Giant Hardware’s parking lot and onto the sidewalk provides the workers some leverage with which to confront and even rile the store’s manager and guard. “We are not on your property, George, we’re on the sidewalk,” charges Jimmy. “Public property, ¿qué no?” he adds to emphasize his right to be there (*LI* 32). Such a right becomes a dear cause, one that is constantly cited and defended. “I’m allowed,” states Ramón when Juan tells him otherwise (*LI* 34); the guard persists, and Lalo reiterates, “You ain’t a cop and we’re on the sidewalk” (*LI* 38). “It’s a free country,” Jimmy finally throws in Juan’s face (*LI* 39). Thus, the undocumented worker, rejected and ostracized by the laws of the land, relies on those very laws in order to defend himself. In so doing, Jimmy shines new light on the shadow of nonexistence.

Leisy Abrego has examined the effects of a law that gives undocumented immigrants living in California the right to pay in-state tuition rates for higher education. Her conclusions support the idea that exercising a right can have transformative consequences that exceed the express intent of a law. Abrego finds that students who took advantage of their right not only gained access to schools but also achieved an

increased sense of self-value and belonging. Although their immigration status per se did not change, the students generally shifted their perspective toward law and carved a space of legitimacy within legal nonexistence. They have found new ways to mobilize in order to “request rights not directly granted by the law.”⁷⁷ While she reminds us that marginalized groups do not always make direct use of rights-granting laws, Abrego reaffirms Engel and Munger’s proposition that even unexercised rights can improve self-esteem, raise aspirations, and alter expectations from others and from social institutions. The assertion of the right to be on a sidewalk—or a story of such assertion—thus can claim a legitimate presence and also inspire others to experience nonexistence differently.

In her conversation about statelessness with Gayatri Spivak, Judith Butler offers a stimulating reading of a particular instance in which undocumented immigrants claimed public space. Analyzing a 2006 street demonstration in Los Angeles, where participants sang the US national anthem in Spanish translation, Butler points to what she terms the “performative contradiction” that allows the singers at once to demand the freedom denied to them and to begin its exercise. In other words, by congregating, making themselves visible, and singing “*somos iguales* [sic],” demonstrators not only call attention to their nonexistence but simultaneously begin to counteract it.⁷⁸ Butler clarifies that asserting one’s rights will not alone accomplish enfranchisement. But such an assertion when rights do not exist becomes a critical initial step in making them

⁷⁷ Abrego, “Legitimacy, Social Identity, and the Mobilization of Law,” 727 (see ch. 1, n. 26).

⁷⁸ Judith Butler and Gayatri Chakravorty Spivak, *Who Sings the Nation-State?: Language, Politics, Belonging* (London: Seagull Books, 2007), 61. For the full analysis of the street demonstration, see pages 58–69. Butler bases her reflections on statelessness on readings of Hannah Arendt’s *Human Condition* and *The Origins of Totalitarianism*. Given Butler’s interest in how the US national anthem in Spanish translation challenges notions of nation, the publication unfortunately presents a type of spelling and vocabulary that attempts to thrust the Spanish language into its English counterpart, whether through editorial and/or authorial error. Thus *iguales* becomes “*equales*,” and *himno* become “*hymno*” (58).

possible. Butler's argument needs some finessing, as Noa Ben-Asher compellingly points out. The legal scholar notes that Butler fails to take into account the constitutional right to assembly and free speech which undocumented immigrants do indeed have. Yet, Ben-Asher ultimately agrees with Butler, underscoring that the fear of deportation, in essence, invalidates such constitutional rights.⁷⁹ (I remind the reader of Rabinovitz's submission about the undocumented's missing right to be in the United States).

Mwine's and Garcés's stories suggest another context for observing the performative contradiction in play. We might approach Biro's or Ernesto's use of US law through Butler's lens, even if their performances in a more traditional legal sphere are differently prompted than the street protest Butler describes. After all, both Biro and Ernesto seek to turn the legal system that denies them the right to be in the United States into a tool with which to activate their rights in the United States. Specifically, Butler highlights the importance of action that exposes, calls attention, and enacts disenfranchisement. She ponders how asking for legitimation "is to also announce the gap between [freedom's] exercise and its realization and to put both into public discourse in a way so that that gap is seen, so that that gap can mobilize."⁸⁰

Biro's entire soliloquy is framed as a plea to a lawyer. "Please / Help me" are the play's last words (*BI* 922). Dire as his situation is, Biro has not resigned himself to it. The very legal system that has crushed him seems to offer the possibility of victory needed to motivate his ongoing struggle. Biro has an urgent need to tell his story because a part of him believes that The Law will somehow understand him, pardon him, and

⁷⁹ Noa Ben-Asher, "Who Says 'I Do'?: Reviewing Judith Butler & Gayatri Chakravorty Spivak, *Who Sings the Nation-State? Language, Politics, Belonging*," *Yale Journal of Law and Feminism* 21 (2009): 245–60.

⁸⁰ Butler and Spivak, *Who Sings the Nation-State?*, 68–69.

perhaps even help him. Biro retains the hope, however slight, that the US legal system will recognize his humanity. Asserting what he believes is his right to be heard, Biro thus begins to break through the dehumanizing discipline prompted by immigration law by sharing his narrative.

Peter Brooks considers narrative as “a vehicle of dissent from traditional forms of legal reasoning and argumentation.” The telling of stories, he emphasizes,

serves to convey meanings excluded or marginalized by mainstream legal thinking and rhetoric. Narrative has a unique ability to embody the concrete experience of individuals and communities, to make other voices heard, to contest the very assumptions of legal judgment. Narrative is thus a form of countermajoritarian argument, a genre for oppositionists intent on showing up the exclusions that occur in legal business-as-usual—a way of saying, you cannot understand until you have listened to our story.⁸¹

Biro places his trust in a lawyer to fight for the right to make his story public, just as Ernesto does with his attorney, Nathan, in Garcés’s play. In pursuing such a right, Biro and Ernesto stake claims for inclusion. They boldly step outside the space of nonexistence and reposition themselves in relation to the state. Doing so is not only an affirmation of rights but also a critical step in the ever-changing process of identity formation. As Engel and Munger write, “[t]he perception of boundaries wrongly marked is inseparable from the sense of self.”⁸² By insisting on having their stories heard, Ernesto and Biro not only maintain their innocence but also affirm a presence that the law denies. Made to perform the role of defendant or claimant in a US court, each man, who

⁸¹ Peter Brooks, “The Law as Narrative and Rhetoric,” in Brooks and Gewirtz, *Law’s Stories*, 16 (see ch. 1, n. 21).

⁸² Engel and Munger, *Rights of Inclusion*, 40.

ostensibly does not have the right to be in the United States, exercises a right to be seen, to be heard, and thus to be present while still in the United States.

In this manner, Biro and Ernesto work toward performances that can perhaps “puncture,” to reference Foucault’s terminology, disciplining mechanisms.⁸³ We might thus approach Nathan or Biro’s soon-to-be lawyer as directors or acting coaches who can empower performers by stressing their rights, urging them to transcend the “small theatres, in which each actor is alone, perfectly individualized and constantly visible,” that a disciplining system seeks to construct.⁸⁴ In *Los Illegals*, characters like Kim and Carmen, the former an immigrant rights advocate and the latter a site manager at the workers’ center, play a similar directorial role. By making the undocumented workers aware of their accorded rights, Kim and Carmen encourage a different kind of performance from those without papers, one that cannot so easily be conducted or disciplined by immigration authorities. “All of us can do it,” Carmen insists in regards to protesting (*LI* 29). When the police arrive to make the first arrests in connection with the alleged assault that has taken place at Gloria’s home, Carmen and Kim immediately intervene. The former adamantly avers that the police will “need to provide a translator,” as the latter adds that no interrogation can take place “without a lawyer present” (*LI* 55). By calling attention to rights and to entitlements, Carmen and Kim alter the landscape of legal nonexistence, pointing to the inconsistencies and limits of exclusion.

⁸³ In a conversation with Gilles Deleuze, Foucault insists that “the smallest and most insignificant” demand from a prisoner can “puncture” the carceral system (“Intellectuals and Power” [1972], in *Language, Counter-Memory, and Practice: Selected Essays and Interviews by Michel Foucault*, ed. Donald F. Bouchard [Ithaca: Cornell University Press, 1977], 209).

⁸⁴ Foucault, *Discipline & Punish*, 200.

Importantly, *Los Illegals* and *Biro*, as cultural products, can also serve to direct alternate types of performances from within spaces of nonexistence. Just as narratives of punishment and disappearance share in making law's power tangible, so can stories contribute to illuminating and broadcasting rights. Like the other plays I have examined, *Biro* and *Los Illegals* participate in what Coutin identifies as a critical project of challenging characterizations of the undocumented as "basically undesirable or problematic," as erasures. More positive visibility, Coutin concludes, enables those without papers to claim legal rights.⁸⁵

There is, however, a (dangerous) paradox inherent in this assertion of rights. By invoking legal rights and equality, individuals are, in essence, summoning the authority of the law as protection. (The demonstrators Butler describes likewise call upon the "Star Spangled Banner" as "nuestro himno" [our anthem], so that the paradox also haunts Butler's performative contradiction). While they empower themselves, these individuals at once cede control to the very legal system that would seek to disenfranchise them. *Biro* and Ernesto, entrusting lawyers to represent and defend their rights within the court system, simultaneously validate the legitimacy of the US law. Following Bourdieu, we could say that turning to a lawyer implies "the tacit acceptance of the [juridical] field's fundamental law, an essential tautology which requires that, within the field, conflicts can only be resolved *juridically*."⁸⁶ Merry makes clear that "resistance within law is available only to already disciplined subjects. As resistance moves inside the law instead of outside of it, the law itself, as a privileged arena of contest over power, is strengthened." She adds that "[o]nce the game is played inside the courts, whatever the

⁸⁵ Coutin, *Nations of Emigrants*, 178, 112, 16.

⁸⁶ Bourdieu, "The Force of Law," 831 (see ch. 1, n. 21). Emphasis in original.

outcome, the hegemony of the game itself is strengthened.”⁸⁷ Moreover, by activating their legal rights, Biro and Ernesto exemplify a logic that (dis)places the responsibility of change onto them. It is the undocumented, assisted and encouraged by advocates, who must find a way to better the injustices they face. Citizens, employers, governments, and consumers, in other words, are not liable for modifying a system that creates spaces of nonexistence. Only *after* those who are legally nonexistent demand their rights of inclusion, to borrow Engel and Munger’s titular phrase, should adjustments to that system be made. And given the myriad difficulties associated with legal nonexistence, demanding that change come from within such spaces can easily prolong the status quo.

Of course, legal definitions themselves change. Three years after *Los Illegals* premiered, the US Court of Appeals for the Ninth Circuit decided that municipalities can block day laborers from soliciting work on certain sidewalks and streets.⁸⁸ Under new local ordinances, the claims to rightful presence on the sidewalk that *Los Illegals* stages cease to mean as much. The recent ruling neatly fits into a pattern of increased criminalization that began in the 1990s and accelerated after 9/11. Yet, as Coutin’s study indicates, the US immigration system creates its own disjunctures. The judge’s ruling in *Los Illegals* exemplifies this point. After the group of laborers claims collective responsibility for Gloria’s damaged wall, the judge dismisses the assault charge against Ernesto and orders Gloria to pay the worker his due (*LI* 99). In essence then, despite its disciplining power, the court ultimately legitimizes Ernesto’s illegal labor as well as his unauthorized presence in the United States. “Aquí estoy” (Here I am) is Ernesto’s final line (*LI* 105). The endpoint in Mwine’s play is considerably less hopeful. But Biro’s

⁸⁷ Merry, *Colonizing Hawai’i*, 220 (see ch. 1, n. 109).

⁸⁸ *Comite de Jornaleros de Redondo Beach v. Redondo Beach*, 607 F.3d 1178 (9th Cir. 2010).

closing plea for help contains the possibility, however slight, that he, too, might be—or at least can be—legitimized. Coutin emphasizes that US immigration law regularly redraws its own limits “so that activities and persons that were once in the domain of the illegal are now (and therefore always were) on the road to legality.”⁸⁹ The line between legal and illegal is often indistinct and unstable. Showcasing such instability surfaces as a strategy with which to resist and perhaps transcend nonexistence. Before considering how *Los Illegals* and *Biro* imagine tools for this kind of resistance, it is crucial to address how the erosion of one group’s rights wears away the rights of all. Such a context makes the need for resistance all the more pressing.

WE ARE ALL ILLEGAL

Although *Los Illegals* and *Biro* are both post-9/11 plays, neither focuses too much attention on the terrorist attacks. Briefly, *Biro* underscores that his plans to bribe an immigration officer collapsed along with the Twin Towers. “I am sure now that particular door is closed,” he tells us, reflecting on the tougher measures on immigrants ushered in after “New York was ambushed” (*BI* 829–30). But it is important to heed the mutual constructions of “undocumented immigrant” and “terrorist” in order to grasp how the “sharp divide between insiders and outsiders to the nation,” to make use of Bosniak’s language,⁹⁰ becomes concretized and naturalized. To that end, I want to bring into my discussion Yussef El Guindi’s *Back of the Throat*, a play deemed by a representative

⁸⁹ Coutin, *Nations of Emigrants*, 47.

⁹⁰ Bosniak, *The Citizen and the Alien*, 98.

critic as “an excellent addition to the dialogue we must have about the war on terror and the investigation of that war’s effects on us.”⁹¹

El Guindi stages an encounter between two government officials, Bartlett and Carl, and Khaled, an Arab/Muslim American writer. Through the course of the play, whose title refers to the initial sound required to pronounce “Khaled,” we discover the agents believe the writer has some connection to Asfoor, a well-known terrorist known in the press as “‘Terribilis Carnifex,’ bringer of chaos, exemplar of horror and ghoulish behavior” (*BT* 29–30). Khaled insists on innocence. What begins as a polite and almost friendly exchange metamorphoses into a violent, demeaning ordeal that leaves Khaled literally stripped and debilitated. Early on, the writer alerts the two federal agents that he is a US citizen (*BT* 14). *Back of the Throat*, unlike any other play that I have analyzed in this dissertation, does not in fact present a single undocumented character or reference to immigrating without proper papers. Yet, it is vital to my study because El Guindi’s reflection on post-9/11 realities for Arab/Muslim Americans evocatively stages the increasingly blurry and blurred limits of legal nonexistence. The violence and dehumanization experienced by the workers in *Los Illegals* and by the imprisoned Biro

⁹¹ Antoinette Nwandu, “Rules of Engagement,” review of *Back of the Throat*, 20 February 2006, Offoffonline website, www.offoffonline.com/archives.php?id=646 (accessed 16 October 2010). *Back of the Throat* premiered in 2005 in San Francisco and was coproduced by Thick Description and Golden Thread Productions, under Tony Kelly’s direction. It has since received multiple productions, including stagings at Theater Schmeater in Seattle (2005), Manbites Dog Theater in Durham (2005), Cyrano Theater Company in Anchorage (2006), the Flea Theater in New York (2006), Silk Road Theatre Project in Chicago (2006), Furious Theatre Company in Pasadena (2006), AtticRep in San Antonio (2007), the Old Red Lion Theatre in London (2008), Dignity Players in Annapolis (2009), ion theatre in San Diego (2010), and the Oakland Center for the Arts (2010). El Guindi received multiple honors for the play, including a nomination for the American Theater Critics Association’s Steinberg/New Play Award (2006) and the award for the Northwest Playwright’s Competition (2004). El Guindi followed *Back of the Throat* with *Language Rooms*, set in a secret interrogation facility (Yussef El Guindi, “Language Rooms,” unpublished script from author, 2010). Anneka Esch-van Kan points out that *Language Rooms* “can offer itself to be read as a continuation of the earlier play.” Its frequent references to a “Khaled case” insinuate that “after the interrogation at his house, Khaled was kept prisoner in a Guantanamo-like facility” (Anneka Esch-van Kan, “Amazing Acrobatics of Language: The Theatre of Yussef El Guindi,” *American Studies Journal* 52 [Winter 2008], asjournal.zusas.uni-halle.de/157.html [accessed 17 October 2010]).

must be understood in relation to the violence and dehumanization to which Khaled is subjected. Likewise, we can more productively approach the seemingly extraordinary measures undertaken by the US government in the name of Homeland Security when we connect them with pre-9/11 approaches to undocumented immigration. As Nguyen reminds us, the already criminalized “‘criminal aliens’ are key to understanding how post-9/11 practices draw from the tradition of policing an economic and political underclass,”⁹² practices that I have detailed above.

Analyzing US policies after September 11, particularly the treatment of noncitizen detainees, Giorgio Agamben has written that measures such as the Patriot Act ushered in a new order, one that “radically erases any legal status of the individual, thus producing a legally unnamable and unclassifiable being.” A “state of exception,” justified by the US government as a necessity to prevent another terrorist attack, has led to the executive branch’s attainment of “exceptionally broad regulatory power.” The result has been “an anomic space in which what is at stake is a force of law without law,” one that in essence legitimizes “a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some reason cannot be integrated into the political system.”⁹³ Indeed, as reported by Amnesty International in 2002 and as later admitted by the Department of Justice, the US

⁹² Nguyen, *We Are All Suspects Now*, 145.

⁹³ Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 3, 7, 39, 2. Admittedly, I do not engage here in philosophical arguments over “bare life,” Agamben’s conception for the kind of exposure to state violence that results from the state of exception (see Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen [Stanford: Stanford University Press, 1998]). I should note, however, that Butler critiques Agamben’s ideas about bare life, suggesting instead that “the jettisoned life, the one both expelled and contained, [is] saturated with power precisely at the moment in which it is deprived of citizenship” (Butler and Spivak, *Who Sings the Nation-State?*, 40). Rather, I am interested in the ways in which “exceptionality” seeps into discussions and analyses of cultural products.

government gravely infringed on “basic rights” guaranteed under international law, violating, among others, “the right to humane treatment, as well as rights which are essential to protection from arbitrary detention, such as the right of anyone deprived of their liberty to be informed of the reasons for the detention; to be able to challenge the lawfulness of the detention; to have prompt access to and assistance from a lawyer; and to the presumption of innocence.”⁹⁴

The seeming exceptionality of post-9/11 policies aids in the construction of other ostensibly extraordinary phenomena. Thus, Bayoumi describes the astonishing manner in which Arabs and Muslims “formally entered American discourse[s]” after the planes hit—“with a bang”—and the almost-instant construction of a new “identity under siege.” He proposes that “since the terrorist attacks of September 11 and the wars in Afghanistan and Iraq, Arabs and Muslims, two groups virtually unknown to most Americans prior to 2001, now hold the dubious distinction of being the first new communities of suspicion after the hard-won victories of the civil-rights era.”⁹⁵ In what she describes as “the first in-depth academic study on Arab American theatre artists,” Dalia Basiouny similarly posits “the events of 9/11 as the beginning point of the formation of a new identity for Arab Americans.” A relatively “invisible” minority pre-9/11, Arab/Muslim Americans suddenly found themselves “thrust into blatant ‘negative’ visibility,” a new “face of the enemy.”⁹⁶

⁹⁴ Amnesty International, *United States of America—Amnesty International’s Concerns Regarding Post September 11 Detentions in the USA* (London: International Secretariat, 2002), 1; Philip Shenon, “Report on U.S. Antiterrorism Law Alleges Violations of Civil Rights,” *New York Times*, 21 July 2003, A1.

⁹⁵ Bayoumi, *How Does It Feel to Be a Problem?*, 133, 118, 3.

⁹⁶ Dalia Basiouny, “The Powerful Voice of Women Dramatists in the Arab American Theatre Movement” (PhD diss., The Graduate Center, City University of New York, 2009), 6, 17, 3. On Arab/Muslim American theatre, see also Leila Buck, “Finding Our Voice: The Politics of the Personal in

It is certainly the case, as Nguyen carefully documents, that post-9/11 security efforts shepherded “an immediate reversal of opinion over racial profiling.” Government agencies shifted to more blatant and sanctioned profiling techniques based on ethnicity, race, nationality, gender, and religion.⁹⁷ It is also the case that post-9/11 operations targeted, at least initially, Arab/Muslim Americans and Arab nationals much more forcefully than other groups or communities. But it is important to remember that the state of exception appears less exceptional once we consider the spaces of legal nonexistence into which undocumented immigrants were placed *before* September 11, 2001.⁹⁸ Neither Bayoumi nor Basiouny, for example, considers the construction of a “new” identity in conjunction to categories seemingly reserved for groups other than Arab/Muslim Americans. Nor does Allan Havis even approach the subject of undocumented immigration in his introduction to or edited collection of post-9/11 plays that together “reverberate in the wake of our nation’s ordeal and our economic uncertainty.”⁹⁹ Still, a model for erasing legal statuses, producing impossible subjects, and eliminating those deemed unintegrable into the political system was already very

Arab American Theater,” in *Etching Our Own Image: Voices from Within the Arab American Art Movement*, ed. Anan Ameri and Holly Arida (Newcastle, UK: Cambridge Scholars Publishing, 2007), 18–31.

⁹⁷ Nguyen, *We Are All Suspects Now*, 81. Step by step, Nguyen explains how the post-9/11 federal government tightened its grip over all immigrants, particularly by enforcing and extending detentions, but also by targeting individuals from specific nations through compulsory registrations and identification procedures, questionings, and jailing upon failure to cooperate with such procedures. The Department of Justice also required colleges and universities to provide information about Middle Eastern students.

⁹⁸ Rabinovitz notes that detainees in Guantánamo have prompted noticeable, even exceptional, outrage, in comparison to deadly immigration detentions that go relatively unnoticed (Rabinovitz, “Power & Law: Immigration Reform”). Nguyen agrees that “before September 11, public concern over the detention system was negligible, mostly confined to a specialized circle of immigration attorneys, church-based groups, and human rights activists” (Nguyen, *We Are All Suspects Now*, 7).

⁹⁹ Allan Havis, Introduction, in *American Political Plays after 9/11*, ed. Havis (Carbondale: Southern Illinois University Press, 2010), 9. In addition to El Guindi’s *Back of the Throat*, the plays Havis includes are Annie Nelson’s *The Guys*, Naomi Iizuka’s *At the Vanishing Point*, Kia Corthron’s *The Venus de Milo Is Armed*, his own *Three Nights in Prague*, and Chay Yew’s *Question 27, Question 28*.

much in place before the attacks. Agamben himself posits the rule of exception as intrinsic to all modern democracies.¹⁰⁰ Throughout the post-civil-rights-era 1990s, many communities were the targets of suspicion and criminalization under the lenses of border security and illegal immigration, as I have explored above. Undocumented immigrants had, in the decade before 9/11, also moved from relative invisibility to negative visibility, perhaps with less of a bang but nonetheless as a result of government persecution.

Although the logic of policies collapsing unauthorized immigration and terrorism falls apart when confronted with hard evidence,¹⁰¹ the muddling of the two served the state well to achieve many of its post-9/11 objectives. After all, the federal government already had exceptionally broad regulatory power over immigrants, legal or not. Nguyen details how George W. Bush's administration took advantage of immigration laws in order to hold suspects "in a system where officials had almost absolute discretion, instead of charging them in the criminal justice system, where they would have more legal rights, including access to a free lawyer."¹⁰² Through the use of laws and precedents that divide citizens and noncitizens, the US government already had mechanisms in place to make "individuals vulnerable to abduction, to being pulled through the hole that illegal personhood creates within legal jurisdictions," in the words of Coutin.¹⁰³ What we might deem "exceptional," then, is not so much the actual techniques undertaken by the state, but rather its manipulation of legal categories. "In a number of ways, the illegal/legal

¹⁰⁰ Agamben, *Homo Sacer*.

¹⁰¹ Looking at various reports and at the trajectory of certain policies, Hing determines that targeting immigrants has not led to the capture of terrorists, that immigration-related efforts have simply drained resources from intelligence operations which have themselves proven much more successful, and that anti-immigrant policies have prevented cooperation during investigations and actually fomented anti-United States sentiments both at home and abroad (Hing, *Deporting Our Souls*, 140–63).

¹⁰² Nguyen, *We Are All Suspects Now*, 14.

¹⁰³ Coutin, *Nations of Emigrants*, 28.

distinction has become one between citizens and aliens, who now are held to a much tougher standard vis-à-vis law enforcement than citizens,” summarizes Nevins.¹⁰⁴ The attacks of September 11 reenergized, but did not create, the growing criminalization of all immigrants. Simultaneously, the attacks facilitated what Nguyen describes as a “surge in suspicion and scapegoating that can employ the racialized language of illegal immigration, drugs and crime, *and* terrorism” against all immigrants.¹⁰⁵ In short, the nightmarish, Kafkaesque world of *Back of the Throat* is less the product of exceptions than of continuations and rejustifications.

El Guindi explains that his play “began as a paranoid thought game.” He admits that, after the passage of the Patriot Act, stories about Arab/Muslim Americans coming under scrutiny and investigation led him to lose his grasp on his own rights: “In this climate, where one feared officials needing to look and act tough and avoid allowing more terrorists through the net, I personally, on a visceral level, found myself fearing a knock at the door.” He began to wonder what his own apartment would reveal to federal agents, which of his possessions “might alarm” officials conducting inquiries.¹⁰⁶ El Guindi focused on his own book collection.¹⁰⁷ Volumes on assassins, guns, and Islam as well as the Koran then become the initial source for suspicion from the fictional agents investigating Khaled’s residence. At first, Khaled complies, eagerly even, with the surprise search. He has “been looking for a way to help” after “the world [has gone] to hell,” his reference to terrorist attacks that are never explicitly mentioned (*BT* 11, 19).

¹⁰⁴ Nevins, *Operation Gatekeeper and Beyond*, 179.

¹⁰⁵ Nguyen, *We Are All Suspects Now*, 149. Emphasis in original.

¹⁰⁶ El Guindi, Author’s Introduction, 26.

¹⁰⁷ Dinita Smith, “For Arab-American Playwrights, a Sense of Purpose,” *New York Times*, 11 February 2006, B3.

But as Bartlett and Carl construct a blameworthy portrait based on various objects around the home, Khaled begins to resist. Such resistance only fuels the agents' misgivings and, eventually, their violence. For the purposes of my discussion, I would like to emphasize a couple of points regarding *Back of the Throat*. First, El Guindi's work points to the frailty of legal categorizations. Second, it suggests the possibilities that exist when the state extends the aforementioned disciplinary mechanisms to new limits. And third, the play prompts us to consider further the role that performance has in navigating post-9/11 procedures.

Early in the play, Khaled mentions his citizenship and begins to assert what he believes are his rights. He defends his pornographic magazines as "legal" (BT 16), requests to call a lawyer (BT 20, 25), and then more generally begins to affirm that he has "rights" (BT 22). Khaled knows that he has a right to privacy, a right to know why he is under investigation, and a right to refuse to cooperate with the agents (BT 20, 21, 22, 25, 29). His invocation of rights, "*quiet*" at first (BT 22), culminates with more emphatic declarations: "This is my country too, you know. This is my country! It's my fucking country! [...] I'm not going to tell you anything until I have a lawyer present! This is still America and I will not be treated this way!" (BT 25). Bartlett's retort railroads Khaled. We witness in it the seeming power of post-9/11 policies to enforce a "law [that] encompasses living beings by means of its own suspension," as Agamben writes.¹⁰⁸ "This is your fucking country," the agent throws back. "Right here, right now, in this room with us. You left the U.S. when you crossed the line, you piece of shit" (BT 26). Khaled's claims to rights are invalidated precisely because the arguably "illegal"

¹⁰⁸ Agamben, *State of Exception*, 3.

behavior of the agents is, as Agamben might describe it, simultaneously a “perfectly ‘juridical and constitutional’ measure ... realized in the production of new norms (or of a new juridical order).”¹⁰⁹ Bartlett seems to suggest that the new rule is that there are few or no rules. “What is more important,” he asks Khaled: “Inconveniencing you with accusations of having broken the law or ensuring the safety of everyone?” (*BT* 24). In the name of securing the nation, then, Bartlett insists that Khaled does not have the right to a lawyer. In fact, the only right Khaled holds is “the right to cooperate with [his] intelligence and do the right thing” (*BT* 20).

Quite reminiscent of Kafka’s *The Trial*, in which K.’s (Khaled’s?) “guilt is supposed, for the present, at least, to have been proved” before there is even a trial,¹¹⁰ *Back of the Throat* certainly projects a paranoid worldview. El Guindi himself admits to a certain absurdity.¹¹¹ But the play, sadly, stages anything but a farfetched encounter. Of the secrecy and intensity characteristic of post-9/11 detentions, Nguyen draws attention to the ways in which “[c]losed hearings, combined with the Justice Department’s refusal to release any names, meant that the detainees had entered a twilight zone where their families had no idea where they were, no idea of how long they would be held or what charges were being brought against them.”¹¹² Bayoumi chronicles stories of Arab/Muslim Americans whisked from their daily lives into prisons without even hearing a formal charge, facing government employees who can be “exceedingly polite” as well

¹⁰⁹ Ibid., 28.

¹¹⁰ Franz Kafka, *The Trial*, trans. Willa and Edwin Muir (1937; repr., New York: Schocken Books, 1995), 210.

¹¹¹ Of the play, El Guindi explains that “there is always a level of absurdity with any bureaucracy.” Quoted in Jenn Q. Godu, “A Play That Asks Tough Questions: Throat Finds Wisdom Through Humor,” *Chicago Tribune*, 7 April 2006, articles.chicagotribune.com/2006-04-07/entertainment/0604070231_1_humor-fear-and-freedom-playwright (accessed 2 November 2010).

¹¹² Nguyen, *We Are All Suspects Now*, 14.

as “ignorant and abusive,” but rarely human, challenged by “random,” “capricious and copious” law enforcement. “*What is this, a movie? ... This stuff doesn’t happen in real life,*” thinks a young woman whose ex-boyfriend disappears at the hands of FBI agents; “[*t*]his is just like prison on television,” believes another who, along with her entire family, finds herself detained.¹¹³ El Guindi’s paranoid thought game can prove especially frightening because, as one reviewer admits, “it doesn’t seem nearly as *implausible* as it ought to.”¹¹⁴

Ultimately, Khaled’s citizenship would have mattered, especially if he did have access to a lawyer.¹¹⁵ After all, it was precisely the precarious position of noncitizens and the exploitation of immigration laws that “afford[ed the US government] a convenient pretext for targeting millions of people” after September 11.¹¹⁶ But as a foreign-born US citizen, as a *naturalized* rather than a *natural* citizen, Khaled’s allegiance to the United States comes under the agents’ scrutiny. When Khaled appeals to the Constitution as one of the reasons for his becoming a US citizen, Bartlett again snaps: “You became a citizen so you could indulge in your perverted little fantasies, you

¹¹³ Bayoumi, *How Does It Feel to Be a Problem?*, 175, 27, 41, 176, 24. Emphasis in original.

¹¹⁴ Sharon Perlmutter, review of *Back of the Throat*, Talkin’ Broadway website, July 2006, www.talkinbroadway.com/regional/la/la215.html (accessed 18 October 2010). Emphasis in original.

¹¹⁵ Access to legal counsel—denied to Khaled in the play as it is to many noncitizens—is often critical to surpassing the many challenges posed by the tangle of immigration and Homeland Security structures. Bayoumi notes, without diminishing the horrors of prison, that post-September 11 detainees with attorneys were “more fortunate” (Bayoumi, *How Does It Feel to Be a Problem?*, 28). Khaled’s quick, almost instinctual request for a lawyer attests to a particularly privileged legal consciousness (or at least the performance of one). After all, in invoking the right to legal counsel, Khaled at once assumes that the legal system will help him and that the services of a lawyer will be available to him. But lawyers can be expensive and thus unobtainable for those struggling in a space of nonexistence. Even when services are free, lawyers can seem undistinguishable from the legal institutions that those without papers often fear. Moreover, Coutin stresses that for many undocumented immigrants, “bargaining law in the shadows” can mean interaction with questionable and sometimes downright corrupt lawyers and posers who take advantage of their clients’ desperation (Coutin, *Legalizing Moves*, 63–70 [see ch. 1, n. 27]). We might say that trusting a lawyer can be in itself a product of privilege and/or luck. Relying on recognized agents of the law also reifies the power of legal categorizations.

¹¹⁶ Cole, *Enemy Aliens*, 24.

sick little prick. Come here, wrap the flag around you and whack off. (*He picks up a porn magazine.*) Well I don't particularly want your cum over everything I hold dear!" (BT 26). It has been noncitizens, both legal and not, who have suffered most under post-9/11 investigations, detentions, and deportations. Yet, *Back of the Throat* alerts us to the paradoxically thin line that separates noncitizens from citizens, particularly when profiling becomes institutionalized. Such a dividing line can be severe, as attested to in Bayoumi's account of citizens avoiding the nightmarish detention their noncitizen siblings could not. At the same time, when the marks of "noncitizen" become surface—skin tone, accent, religious garb, name—even citizens fall victim to the disciplining that the persecution of immigrants sets in place.

A brief account from El Guindi's own life exemplifies the erosion of his citizenship. The story illuminates how governmental targeting of a vulnerable group jeopardizes everyone's freedoms.¹¹⁷ In what Bayoumi describes as "flying while brown,"¹¹⁸ El Guindi confesses:

I had to fly to San Francisco from Seattle. . . . after take-off I was sitting there wanting to get up and go to the restroom. And I thought: I better not. I had better not go to the restroom, because people might get a little nervous. I remember sitting there and thinking: "This is insane. I want to go to the restroom, but I'm not getting up because I'm worried that I might unsettle my fellow passengers." Generally, after 9/11, I began to feel a bit outside the pale, a bit alienated, because my ethnic group was being

¹¹⁷ Rabinovitz, "Power & Law: Immigration Reform."

¹¹⁸ Bayoumi, *How Does It Feel to Be a Problem?*, 134.

scrutinized. It was like a spotlight being turned on one for all the wrong reasons. People were just very suspicious.¹¹⁹

Petrified of calling attention to himself, El Guindi demonstrates the power of state authority to discipline even his most basic biological need. His paralysis results from a combined awareness of law (Patriot Act), stories about law (others' encounters with government agents), and mistrust of those around him (his fellow passengers). Khaled similarly feels an overdetermined pressure to appear "normal" (*BT* 19) and thus avoid undue suspicion. It is not only the two agents scavenging through his apartment that produce this pressure, although they are its clearest manifestation. Surrounded by rumors about other investigations, Khaled fears also the possibility that everyone around him is a potential informant. How his "name came across [the agents'] desk" (*BT* 18) becomes a subject-less action, one that could have easily been prompted by anyone "with scores to settle. Or skittish neighbors" (*BT* 14–15).

We find here a seamless extension of the disciplinary system set in place by immigration law to a citizen seemingly outside that law's reach. Still, given that immigration and boundary policing practices distinguish "between those who belong (and under what conditions) and those who do not," as Nevins writes, the resulting subjectivities and identities must negotiate the implicit assumption that some are "deserving of security and [others are] to be the object of security measures—against whom the security must be deployed."¹²⁰ Khaled desperately tries to establish himself as a "patriotic" US citizen "whose ties to the Arab world are to be considered rather loose,"

¹¹⁹ El Guindi, interviewed by Ina Rometsch, Furious Theatre Company website, 22 June 2006, furioustheatre.blogspot.com/2006/06/interview-with-playwright-yussef-el.html (accessed 16 October 2010).

¹²⁰ Nevins, *Operation Gatekeeper and Beyond*, 65, 203.

in Anneka Esch-van Kan's words.¹²¹ He dismisses the Koran in his apartment as merely "a present from [his] mother" (*BT* 12), for instance, and avers he does not speak Arabic (if he did, he would have volunteered his services as a translator for the government's antiterrorist investigations) (*BT* 16). The September 11 attacks, El Guindi believes, urged an intensified consideration over "who counts as a real American." "But what were the criteria? It wasn't quite understood," he explains.¹²² Khaled's need to prove his belonging to the US, to maintain his innocence by claiming so-called normalcy, points to broader disciplinary practices intended to prevent the attention of immigration authorities and a policing citizenry. Speaking English in public, changing names, wearing particular articles of clothing, reducing so-called accents, all of these performative practices must be understood as part of a broader disciplinary system underpinned by immigration law and its power to deport.¹²³ Managing racial and ethnic differences certainly plays a key role in the disciplining process. But, as I have done throughout this project, I caution against a too-easy collapse of immigration policing into racial/ethnic policing. Many Arab/Muslim Americans, for example, in attempts to "pass as other-than-Arab" in a post-

¹²¹ Esch-van Kan, "Amazing Acrobatics of Language."

¹²² El Guindi, quoted by Tiridad Derakhshani, "A Funny, Ferocious Drama Post-9/11; An Egyptian-born Writer Mingles the Immigrant Experience, the War on Terror, and Office Politics," *Philadelphia Inquirer*, 9 March 2010, Daily Magazine D1.

¹²³ Alongside the criminalization detailed in this chapter, English-only rules have also increased throughout the 1990s and into the 2000s (Carlos R. Soltero, *Latinos and American Law: Landmark Supreme Court Cases* [Austin: University of Texas Press, 2006], 193). A very recent example of language policing stems, not coincidentally, from Arizona, where passage of SB1070 marks a heightened interest in patrolling undocumented immigration. The Arizona Department of Education began the removal of teachers deemed to speak English with a so-called heavy accent (Miriam Jordan, "Arizona Grades Teachers on Fluency," *Wall Street Journal*, 30 April 2010, online.wsj.com/article/SB10001424052748703572504575213883276427528.html (accessed 27 October 2010)). Silvio Martínez Palau's play, *The English Only Restaurant* (New York: Ediciones Pirata, 1990), offers an interesting take on the difficulties of patrolling language use.

9/11 United States have adopted Latino names,¹²⁴ urging a more subtle approach to categorical assumptions about “who counts as a real American.”

Questions about “real Americans,” in addition to anchoring issues of discipline, allude to the role that performance plays in practices of distinction. Regardless of Khaled’s guilt or innocence,¹²⁵ the agents’ strategy requires that he be stripped not only of legal rights but also of his humanity. To this end, the agents must take on an almost theatrical role, a mask, through which they can distance themselves from Khaled.¹²⁶

Throughout the play, Bartlett and Carl draw attention to their performance. “Though we might appear pissed off, you are not to take it personally,” calmly explains Bartlett (*BT* 23). Soon after, he adds, “We’re switching from being civil and congenial to being hard-nosed and focused. It will have the effect of taking away from your humanity and it doesn’t do much for ours” (*BT* 24). Their arrangement of space becomes an exercise in theatrical semiotics; preparing for the interrogation, Carl silently “*take[s] a chair and place[s] it in various spots—as if to see where they might best place Khaled*” (*BT* 23).

They even bring a sort of script with them, a “*small guidebook*” that offers the necessary directions with which to “bring the full weight of our authority to bear on [Khaled]” (*BT* 41). Khaled soon understands what is happening in his apartment to be a performance, accusing the agents of “*acting like*” thugs (*BT* 24, 25, my emphasis). But it becomes

¹²⁴ Bayoumi, *How Does It Feel to Be a Problem?*, 11.

¹²⁵ El Guindi divulges, as he discusses a staged reading of *Back of the Throat*, that “the right breakdown for an audience response” means a majority believes Khaled innocent, several are not sure, and a handful are convinced of his guilt. Copious reviews seem to support the idea that audiences are indeed split, albeit unevenly, over Khaled’s involvement with Asfoor. El Guindi admits that he has encountered “several Arab-Americans ... put-off by the fact that [he]’d created such an ambiguous character in Khaled” (El Guindi, Author’s Introduction, 26).

¹²⁶ I would thus argue with critics that fault a production of *Back of the Throat* for offering “cardboard” agents, as Neil Genzlinger does in his review (Neil Genzlinger, “Homeland Spies Poking Around a Cluttered Apartment,” *New York Times*, 14 February 2006, E5). The flatness of the characters, I think, is critical in understanding the mutually dehumanizing process that is at play.

clear that Khaled has little control over a performance that has precast him both as criminal in and author of the drama.

El Guindi explains his interest in showing how an individual can easily be “forced, kicking and screaming, into someone else’s narrative ... and then find himself unable to extricate himself from these stories.”¹²⁷ This is precisely what happens in *Back of the Throat*, as the agents’ interviews with different women in Khaled’s life quite literally take over the stage and implicate him in meetings and conversations that might or might not have ever taken place. Unwilling to play along—“I will not be dragged in by association,” “You’re making stuff up,” Khaled charges (*BT* 32, 34)—he nonetheless ends up participating in the reconstructed encounters. With Khaled playing himself in the flashbacks or memories or fictionalized accounts, it becomes difficult, if not impossible, to determine what is real. “I don’t know who you’re talking about anymore; it’s not me,” he insists (*BT* 35). He stresses to the agents that “[they] could frame anything with enough menace and make it seem more than it is” (*BT* 40).

Yet, Bartlett and Carl quite efficiently attribute their performances to Khaled, assigning him authorship of the narrative. Carl insists:

If you were innocent, why would I have kicked you? Something you’ve done has given me good cause to assume the worst. The responsibility for that kick lies with your unwillingness to assume responsibility for the part we know you played. We need to know what that was. It might have been a bit part, but never think that makes you a bit player. (*BT* 41–42)

The roles that Carl and Bartlett understand themselves to be playing become, in their eyes, Khaled’s manufacture. By play’s end, the logic of the performance that the agents

¹²⁷ El Guindi, Author’s Introduction, 26.

initiated flips, so that responsibility lies entirely in Khaled's hands. "You know what I really resent?" Carl asks rhetorically to a beaten-up Khaled, "What you force us to become. [...] I have to shut out everything good about me to do my job to defend and protect." Carl stresses that he has "devolved" into a "set of clichés [he] can barely stomach," at the same time accusing Khaled of being a "drama queen" for expressing physical pain during the torture session (*BT* 43–44). *Back of the Throat* thus presents, at an intimate level, the same kind of performance required of large-scale endeavors like Operation Gatekeeper. On the one hand, the government officials portray undaunted, dehumanized seriousness in their efforts to maintain so-called law and order. On the other, that very performance criminalizes its targets, precasting individuals into already established, legally categorized roles in order to justify and exonerate itself from wrongdoing.¹²⁸

Agamben warns that inherent to the state of exception is a "vicious circle": emergency measures instituted "in the name of defending the democratic constitution" inevitably lead to a state's "ruin."¹²⁹ *Back of the Throat* serves as a warning. The play not only stages Khaled's state-enforced dehumanization. It ominously admonishes against such a vicious cycle. Bartlett and Carl, after all, force Khaled into a specific blameworthy narrative but simultaneously foreshadow another use for that narrative. "You really give a bad name to immigrants, you know that," Carl throws in Khaled's

¹²⁸ Although she is not writing about undocumented immigration, Taylor proposes that such tendencies to precast antagonists have serious implications in the ways in which the US government prepares for and wages war. Of war scenarios used in military training, Taylor explains the danger: "Because planners do not involve members of the opposing side in the enactments, the enemy is always one of us—an extension of our fears and fantasies, which nonetheless have perilous implications for others. Instead of engaging in meaningful dialogue with people with other viewpoints or from other places, we thus create the conflict in our own image" (Taylor, "Afterword: War Play," 1890).

¹²⁹ Agamben, *State of Exception*, 8.

face. The agent continues, “Because of you we have to pass tougher laws that stop people who might actually be good for us” (BT 42–43). Khaled, pushed into the role of “criminal alien,” legitimizes and naturalizes the government’s policing efforts while displacing the production of criminality onto the so-called criminal. In the play’s present, such a process is clearly directed against Arab/Muslim Americans, even an Arab/Muslim American citizen, but El Guindi does not let such process exist in a vacuum. “Yesterday the Irish and the Poles, today it’s you,” rationalizes Bartlett to Khaled. “Tomorrow it might be the Dutch” (BT 23). When the state pushes some into spaces of nonexistence, where individuals can be “disappeared into little atom-sized pieces of nothingness” (BT 29), its entire population—citizen and noncitizen, legal and illegal—risks finding itself in the dark shadow of the law.

FUENTE OVEJUNA DID IT

Mangandi, who besides playing Ernesto in Cornerstone’s *Los Illegals* serves as Artistic Director for the Teatro Jornalero Sin Fronteras, admits that no play or theatre company will change the world. With assured optimism, he does acknowledge that the kind of dialogue a play might prompt as well as the nuances it can reveal become critical to advancing a particular cause.¹³⁰ Mwine likewise concedes that it is difficult to measure the kinds of effects his work may have prompted so far, but he is confident that his play has “opened up dialogue on a number of issues that had been swept under the rug.”¹³¹ *Los Illegals*, *Biro*, and *Back of the Throat*, as well as the other plays I have

¹³⁰ Juan José Mangandi, interviewed by author at Cornerstone’s offices in Los Angeles, 11 June 2010.

¹³¹ Mwine, interviewed in “Ugandan-American Filmmaker Discusses AIDS, Other Issues in Africa,” America.gov, webchat transcript, 19 February 2009, www.america.gov/st/washfile-english/2009/February/20090219145655XJsnommiS0.9413874.html (accessed 16 January 2011). To date,

discussed in this dissertation, well attest to the power of live theatre to promote conversation and advance ideas that transcend the reduced sound bites so often surrounding immigration debates. The unlikely production processes for *Los Illegals* and *Biro* perhaps have allowed for particularly silenced points of view to emerge as well as for broader access to performances.¹³² But, *Biro* and *Los Illegals*, especially, reveal other ways in which theatre and performance can intervene in the (un)making of legal/illegal categories and thus problematize *Back of the Throat*'s doomed, but plausible, vision.

In chapter 2, I proposed that *Real Women Have Curves* exemplifies a type of performance that asserts a way of being.¹³³ I would like to fine-tune my proposition by underscoring that performance can become a means to assert rights. Kuflinec allows that, beyond the collaborative nature of theatremaking, the very act of public performance can prove empowering for those under the limelight.¹³⁴ Some of the actors in Cornerstone's

Biro has surfaced much more actively as a tool to prompt dialogue about HIV/AIDS than about immigration issues, especially as Mwine has toured and performed the play alongside AIDS-prevention workshops and programming. Nevertheless, based on the audience responses and emails he periodically receives, Mwine believes his performances also draw attention to the harsh circumstances immigrants encounter in the US and to the ways in which "we tend to oversimplify" conversations about immigration (quoted in Misha Berson, "AIDS Theater Now: A Continent's Crisis," *Seattle Times*, 3 April 2005, seattletimes.nwsourc.com/html/entertainment/2002227759_biro03.html [accessed 16 January 2011]). See also, Scott Martelle, "Ntare Mwine's Journey of Discovery," *Los Angeles Times*, 19 October 2005, articles.latimes.com/2005/oct/19/entertainment/et-biro19 (accessed 16 January 2011).

¹³² Cornerstone's community-based focus allows for a theatremaking and consumption process that transcends the kind of "undocumentedface" I discussed in chapter 3. By providing a small honorarium but not directly employing certain performers and crew members and by offering productions to audiences at a pay-what-you-can rate, Cornerstone encourages a kind of participation that other professional endeavors do not. Mwine defied his agents in Los Angeles, who believed *Biro*'s subject matter was simply unmarketable. Mwine then took out a loan, sold some of his photographic work, and decided to premiere the production in Uganda (Nicole Kristal, "Coming Home," *Back Stage West*, 27 October 2005, 10). Mwine has since toured successfully and extensively with the show, bringing *Biro* to a varied range of performance venues in the United States and abroad.

¹³³ I remind the reader of my proposition in relation to *Real Women Have Curves*: performance itself surfaces as an efficacious tactic to counteract the marks and erasures that performances of invisibility and credibility engender in the first place. By "performance," I mean a deliberate or purposeful attempt to assert a way of being. A decided body contends: I (or we) am not *this* but rather *that*; I am not only *this* but also *that* (see ch. 2).

¹³⁴ Kuflinec, *Staging America*, 50.

Los Illegals (the cast consisted of ten professional actors and twenty laborers from the Los Angeles area) indeed found in the performance the occasion to defy disenfranchisement and abuse. “How many people dream of standing up to bosses who take advantage of us but never do it?” asks María Refugio Jacinto (Yolanda). The play offers “the opportunity to do so.”¹³⁵ Cornerstone artist Lorena Moreno proposes a related perspective, explaining that theatre can “change an audience” by first “changing a participant’s consciousness.” She adds that creating theatre provides day laborers like herself “un aliento” (courage) to “keep going.”¹³⁶ In his study of undocumented workers and unions, Bacon marvels at the efficacy of theatrical practice to alter its participants. He quotes labor organizer and theatremaker Juan Carrillo: “If you can demand your rights from an employer in a play, then you can do it in life.”¹³⁷ Recalling Engel and Munger’s conception of identity and rights, we can see how the shifts in consciousness precipitated by performance, however slight, must necessarily alter the performers’ self-perceptions as well as their relationships to others. A play about immigrant rights thus not only “become[s] buffer and balm” against harsh realities, as a critic at the National Labor College convention observes. It also surfaces as a means to alter those realities.¹³⁸

¹³⁵ Jacinto, quoted in Paula Díaz, “La vida de los jornaleros es dura” (feature on *Los Illegals*), *Diario HOY* (Los Angeles), 14 May 2007, available through Cornerstone Theater’s website, www.cornerstonetheater.org/content/index.php?option=com_content&task=view&id=121 (accessed 3 October 2010). My translation.

¹³⁶ Lorena Moreno, interviewed by author at Cornerstone’s offices in Los Angeles, 11 June 2010.

¹³⁷ Bacon, *Illegal People*, 126.

¹³⁸ Montgomery, “Work, Then Play; Day Laborers at Night, Blurring the Border between Life and Art.” In altering reality, a play can transcend the “theatrical role of pure and simple indignation” that Foucault fears. He proposes that we must “reject the division of labor so often proposed to us: individuals can get indignant and talk; governments will reflect and act” (Michel Foucault, “Confronting Governments: Human Rights” [1984], in *Power*, 475).

Furthermore, *Los Illegals* and *Biro* suggest a possible course for approaching Nevins's charge of "breaking out of the prison that is the national imagination and constructing a 'transnational integrationist vision,' a vision that puts humanity above national citizenry."¹³⁹ In performance, Garcés's and Mwine's works attempt to forge, at least momentarily, an integrated community. They strive, I believe, to build the kind of "we" that Butler insists might "not suffice as efficacious action but that constitutes one of its minimally necessary conditions."¹⁴⁰ By having *Biro* speak straight to the audience, cast as his last hope, Mwine, for example, insists on making us all part of *Biro*'s plight. There is no outside. "[I]n one stroke, we become part of the play," explains a reviewer.¹⁴¹ As lawyer/spectators, rather than solely spectators, audience members are encouraged to participate directly in the event; "the audience has no choice but to be rapt," explains another critic.¹⁴² Mwine's captivating performance combined with the demand he places on spectators to evaluate and not just watch the story serves to explain *Biro*'s potential to "move anyone without a heart of stone" or, borrowing from another

¹³⁹ Nevins, *Operation Gatekeeper and Beyond*, 216.

¹⁴⁰ Butler and Spivak, *Who Sings the Nation-State?*, 56. Butler is reading Arendt here, noting how she shifts from "I" to "we" in *The Origins of Totalitarianism*. I should note, as well, that we can detect in Foucault a similar emphasis on collective action. In a 1979 public letter to the Iranian Prime Minister, Foucault insists that "[i]t is good when a person, no matter who, even someone at the other end of the world, can speak up because he or she cannot bear to see another person tortured or condemned" (Michel Foucault, "Open Letter to Mehdi Bazargan" [1979], in *Power*, 441). But Foucault insists also that we should not focus on defending or restoring the rights of individuals; rather, we should aim for a politics that "de-individualizes" (Michel Foucault, "Preface to *Anti-Oedipus*" [1976], in *Power*, 109). Late in his career, Foucault averred that "[t]here exists an international citizenship that has its rights and its duties, and that obliges one to speak out against every abuse of power, whoever its author, whoever its victim" (Foucault, "Confronting Governments," 474). Taken together, Foucault's calls for action suggest that a collective effort, even when some take on others' struggles, is necessary. Certainly, the aim is to create connections and fight disciplinary mechanisms through which human beings are individuated.

¹⁴¹ "Biro: Uganda's Story," *Monitor* (Kampala), 30 January 2003, available through LexisNexis.

¹⁴² Damaso Reyes, "'Biro' Is Captivating," *New York Amsterdam News*, 22–28 April 2004, 19.

representative review, to get “under your skin and stay there.”¹⁴³ Addressed to and not just for the audience, the play’s final “Please / Help me” (*BI* 922) encourages spectators to imagine what they can or cannot do for Biro. Either way, Biro’s struggles and his illegal status become, for a moment, ours as well.

Similarly, reviewer Catherine Wall notes of Cornerstone’s *Los Illegals* that she felt “as if we [the audience] too were laborers waiting for work, surrounded, in effect, by the conflicted voices of the ‘los illegals’ issue.”¹⁴⁴ Kurup encouraged this reaction with an environmental staging, asking audience members to sit alongside actors at the several picnic tables that suggested the workers’ meeting space and literally occupied a middle space through which the various disagreeing viewpoints had to traverse. The audience was placed amid the action, with little choice but to let the play occur, not in front of, but all around them. The play itself demands a certain engagement, particularly in the scene immediately prior to the court proceedings. When Jimmy first suggests that all have committed Ernesto’s alleged crime—“Is there anyone here who hasn’t worked without getting paid? Is there anyone here who doesn’t feel bitter? Who hasn’t felt, deep in the heart, the need to scream? [...] We all did it”—he charges the group to take collective responsibility. Compellingly, he shifts from “we did it” to “even you” (*LI* 89), addressing both his fellow workers and the audience at once. Kurup’s staging involved Jimmy walking through the various tables, pointing directly at audience members with several repetitions of “even you.” And that involvement, of the *you* as opposed to only

¹⁴³ Lyn Gardner, review of *Biro*, *The Guardian* (London), 11 November 2003, 28; Steve Wiecking, review of *Biro*, *Seattle Weekly*, 13 April 2005, www.seattleweekly.com/2005-04-13/arts/biro.php/ (accessed 18 October 2010).

¹⁴⁴ Catherine E. Wall, review of *Los Illegals*, *Latin American Theatre Review* 41, no. 1 (Fall 2007): 189.

the *we*, insists on countering the belief that immigration issues are only about immigrants and immigration authorities. Indeed, by pointing out how the *you* is part of the whole, the play makes it more difficult to differentiate an *us* from a *them*.

I return to the way in which the workers disrupt Ernesto's legal proceeding. The judge, as I described earlier, pushes Ernesto to admit his guilt. "Did you do it?" she asks, with the court translator echoing "¿Lo hiciste?" But before Ernesto has a chance to answer, Omar "*stands in the spectator area*" and claims responsibility. The judge asks for order; a crescendo of voices and bodies come forth with "Yes! I did it!" in both English and Spanish. Garcés's script carefully layers the buildup, asking Omar, Translator/Jimmy/Omar, the workers in the courtroom, all workers, and finally "todo el mundo" (everyone) to come forth, their voices "*HUGE*" (LI 96–97). In Cornerstone's production, director Kurup had each additional confessor stand proudly, raising a hand to call attention to his or her guilt. Although the moment came to a quick end, perhaps preventing willing audience members from rising as well, many of the same bodies who earlier sat among and were at one point indistinguishable from the audience now took a defiant stand in support of Ernesto. Before the scene shifts, the judge simply says, "Well, this is a new one" (LI 97). Were she a student of Spanish Golden Age theatre, the judge would know there is nothing new about the spectacle. Garcés draws directly from Lope's *Fuente Ovejuna* to empower his characters to take charge of Ernesto's trial. The display, we will learn, "[makes] a big splash" and leads to the man's release (LI 103, 105). While the happy ending perhaps ignores certain legal realities and places *Los Illegals* in the kind of literature that Richard Posner claims uses law only as metaphor, the *Fuente Ovejuna* moment does propose an alternative to the "status quo [that is] seemingly not even

imaginable given how profoundly national territory and its ideological and material expressions have become embedded in our ways of seeing the world,” in Nevins’s words.¹⁴⁵

The proposal is not strictly metaphoric. A brief example might well illustrate how the legal/illegal divide can crumble in the face of a collective performance: The College Republicans club of New York University sponsored a “Catch the Illegal Immigrant” game in February 2007. The highly controversial game, which prompted much criticism but also dialogue (as purportedly intended by the group) was simple in its design. Interested students signed up to “be” immigration enforcement agents at a table in Washington Square Park; at an appointed hour, a member of the club would walk around the campus wearing an “illegal immigrant” sign; whichever agent spotted the sign-bearer first would get a \$50 gift card. But hundreds of protesters wearing signs flooded the area, many donning the same label of “illegal immigrant.”¹⁴⁶ In marking themselves as such, the protestors therefore managed to disrupt and make meaningless the seemingly clear lines established by the College Republicans. The few agents trying to spot *the* illegal

¹⁴⁵ Posner believes that “only rarely can we learn much about the day-to-day operations of a legal system from works of imaginative literature even when they depict trials or other legal processes. Law figures in literature more often as a metaphor than as an object of interest in itself” (Posner, *Law and Literature*, 21 [see ch. 1, n. 19]). Nevins, *Operation Gatekeeper and Beyond*, 202.

¹⁴⁶ See, for instance, Karen W. Arenson, with Sean McManus, “Immigrant Game at N.Y.U. Draws Protesters,” *New York Times*, 23 February 2007, B3; Margot Adler, “NYU Immigration Game Draws Protests,” NPR, 23 February 2007, www.npr.org/templates/story/story.php?storyId=7565613 (accessed 27 October 2010); and “Hundreds Protest NYU Republicans’ ‘Find the Illegal Immigrant’ Game,” Democracy Now! website, www.democracynow.org/2007/2/23/hundreds_protest_nyu_republicans_find_the (accessed 27 October 2010). The game is not unique to New York University, as college students “from Michigan to Florida” have staged versions of “Catch the Illegal Immigrant” (“Game With No Winner,” *New York Times*, 27 February 2007, A18). The game was designed by Morgan Wilkins, a College Republican National Committee field representative, as a means to keep the debate alive in college campuses in Michigan in the weeks before the 2006 midterm elections. Wilkins was fired when the project drew harsh criticism (Melissa Domsic, “‘Catch an Immigrant’ Game Fires up Debate on Campuses,” CNN website, 23 October 2006, articles.cnn.com/2006-10-23/politics/CNNU.msu.immigrant_1_illegal-immigration-student-game-freedom?_s=PM:POLITICS [accessed 15 January 2011]).

immigrant were forced to navigate an ocean of marked bodies performing “illegality.” Much like the thwarted trials in *Los Illegals* and *Fuente Ovejuna*, the hunt thus proved nearly impossible.

Together, such events suggest that a performance which showcases a shared humanity by making individuals visible and present can defy, at least theoretically, the marks of illegality. And the techniques through which *Los Illegals* and *Biro* engage their audiences point to the possibility of forging, even if just for a moment, a sense of collective responsibility for the violence inherent to spaces of legal nonexistence. Even if the law remains, the line between “citizen” and “noncitizen,” between “guilty” and “innocent,” between “legal” and “illegal” fades in the face of these performances.

Conclusion

I must confess to a selfish kind of dread when reading recent headlines. For the last several months, each newspaper article that I encounter prompts what I can only describe as a student's panic. Another footnote, I think to myself. How do I write about a phenomenon that changes a bit every day? How do I close a chapter as theatre artists engage anew with ongoing immigration debates? The self-centered dread soon gives way to a more engulfing sadness. Since I began writing this dissertation, news for undocumented immigrants and their advocates has been, on the whole, quite troubling: the DREAM Act, which would have created a path to citizenship for hundreds of thousands of young undocumented immigrants brought to the United States as children, failed to pass in the US Senate; increasing numbers of individuals now face deportation and detention because of simple traffic violations; following Arizona, more states are considering draconian measures against those without papers; and, telling of our current rhetoric, a Tennessee official attacked the concept of birthright citizenship by comparing "illegal immigrants" to rats.¹ I hope that when and if somebody reads my work years in

¹ David M. Herszenhorn, "Senate Blocks Bill for Young Illegal Immigrants," *New York Times*, 18 December 2010, www.nytimes.com/2010/12/19/us/politics/19immig.html?_r=1 (accessed 19 December 2010); Julia Preston and Robert Gebeloff, "Unlicensed Drivers Who Risk More Than a Fine," *New York Times*, 10 December 2010, A1; Scot Kersgaard, "Lambert to Introduce Arizona-style Immigration Legislation for Colorado," *Colorado Independent*, 24 November 2010, coloradoindependent.com/68102/lambert-to-introduce-arizona-style-immigration-legislation-for-colorado (accessed 19 December 2010); Beth Musgrave, "Immigration, Taxes on Agenda for Kentucky Republicans," *Kentucky.com*, 11 December 2010, www.kentucky.com/2010/12/11/1561587/immigration-taxes-on-agenda-for.html (accessed 19 December 2010); "New Governor to Get Tough on Immigration," *CNN*, 2 December 2010, www.cnn.com/video/#/video/us/2010/12/02/tsr.rick.scott.fl.gov.cnn?iref=allsearch (accessed 19 December 2010); Keith Walker, "Illegal Immigration, Veteran Benefits among Local Lawmakers' Bills," *Manassas Journal Messenger* (Virginia), 13 January 2011, available through LexisNexis (accessed 17 January 2011); and Lucas L. Johnson II, "State Rep. Curry Todd Likens Illegal Immigrant Births to Multiplying Rats," *Commercial Appeal* (Memphis), 11 November 2010, www.commercialappeal.com/news/2010/nov/11/lawmaker-makes-rat-comparison/ (accessed 17 December 2010). The California Supreme Court did take recent action to protect undocumented immigrants, ruling unanimously that students without papers can be

the future, headlines will tell a different story, although little points toward any sort of speedy change.

What the myriad news items have confirmed, for me, is the power of law to shape experience, thought, and identity. As the US federal government insists on labeling people within its borders “legal” and “illegal,” it offers a rather stark and easy system of categorization through which individuals can position and distinguish themselves against and from others. As today’s new court and legislative disputes endeavor to determine the repercussions of being in the United States without papers, the weight of legal authority increases, regardless of the particular outcomes. So long as the rule of law holds true in our society, identity, consciousness, and law remain intricately linked.

Because they probe questions of identity in depth, the plays that I have examined provide a vital view of life without papers in the United States and of the processes of distinction facilitated by contemporary immigration law. The artists place undocumented characters onstage as an “apparition of the other that persists problematically *within* Americanness, thus compelling its continual, symbolic expulsion,” to follow Karen Shimakawa. Adapting her ideas about Asian American performance, I find that the theatre pieces that I have studied in this dissertation “attempt to engage with that uncanny strangeness through a variety of strategies, all of which produce [undocumentedness in the US] as a negotiation between the poles of abject visibility/stereotype/foreigner and invisibility/ assimilation (to [citizenship]).” Perhaps affording what a strictly anthropological study of individuals without papers cannot, a study of theatre about the undocumented “offers us a ‘practice field’ for reimagining [illegality] and its relation to

eligible for reduced tuition at public colleges and universities as legitimate residents of the state (Ian Lovett, “Court Backs Illegal Immigrant Students, *New York Times*, 16 November 2010, A20).

national abjection.” After all, as Shimakawa reminds us, “[u]ncanny strangeness’ is a perspective that theatrical performance can supply spectacularly (albeit imaginatively) If a drawback of live performance is its ephemerality, that is also the source of its power to affect and the reason for its suitability to the task of understanding [legalized] national formations such as [undocumentedness].”²

More importantly, the study of theatre has productively led me to considering the various ways in which performance facilitates and also disrupts legal categorization. The relationship between those with papers and those without, in other words, is not solely about papers. Issues of presentation and representation, of visibility and invisibility, of discipline and defiance, of believability and suspicion, are all fundamental to understanding the positions that noncitizens—legal or not—occupy vis-à-vis citizens. Furthermore, I have attempted throughout the dissertation to stress how legal categorization follows and often sustains ethnic and racial divisions. Because theatrical production in the United States occurs within and through a system energized by ethnic labels, my study points also to the limits of such labels. By investigating cultural products and their trajectories, I have been able to problematize easy assumptions about undocumented immigration and ethnic or racial identities. I have also been able to explore how cultural products participate in disseminating and maintaining a sense of legality within and outside the legal field proper. In short, I believe that contemporary theatre pieces have given me a productive and relatively untapped entry point into a discussion of immigration law’s material effects on those it seeks to categorize.

² Shimakawa, *National Abjection*, 160 (see ch. 1, n. 40).

One recent, particularly provocative *New York Times* Arts Beat contribution urged me to question whether theatre that tackles the topic of immigration in the United States is, in essence, boring. Playwright and immigration lawyer Kara Hartzler, whose interview-based *No Roosters in the Desert* will complete its “Rolling World Premiere” in April 2011 in Chicago following performances in Mexico City and Tucson, explains that a “commitment to creative nuance”—to finding the good in the bad and reason in evil—complicates theatre’s “ability to oppose injustice.” Hartzler worries that plays committed to denouncing US immigration policy risk repeating the “simplistic and unoriginal” rhetoric of opposing political camps, presenting “one-dimensional” characters, and operating in a tone that is “always the same shrill pitch.” She worries that such theatre will prove “predictable and clichéd.” Hartzler hopes that *No Roosters in the Desert* can transcend the “evil-government-versus-hapless-victim” structure she fears without compromising her sense of outrage against “a law as mean-spirited as [Arizona’s] SB 1070.”³ Although not all of the artists I study here seek so deliberately to complicate victimization under unjust laws, I find it difficult to share Hartzler’s opinion. (Arguably, *No Roosters*’s buildup to a line such as “I hate this country [the US]. I hate it. It takes something from you. Everyone treats you like an animal and you start believing they’re right” undermines the playwright’s express concerns.) The plays with which I have interacted while writing this dissertation, including those that pit guiltless characters against a rather cruel government, have helped me to see beyond the headlines. They have afforded me new ways to think through the power of legal categories. If it gave me

³ Kara Hartzler, “Theater Talkback: Arizona, Immigration and Outrage,” *New York Times*, 11 August 2010, artsbeat.blogs.nytimes.com/2010/08/11/theater-talkback-arizona-immigration-and-outrage/?scp=1&sq=Kara%20Hartzler&st=cse (accessed 18 December 2010). The play very recently appeared in print (Kara Hartzler, *No Roosters in the Desert*, based on the fieldwork by Anna Ochoa O’Leary [South Gate, CA: NoPassport Press, 2010]). Subsequent quotation from the play at 98.

any pause, Hartzler's short contribution to the *New York Times* made me think less about the plays' ability to engage and more about the newspaper's interest in the topic. I am confident in predicting that plays about undocumented immigration will burgeon in the very immediate future.

In particular, *No Roosters*'s Rolling World Premiere points to the importance of border-crossing cultural products to illuminate issues surrounding immigration. Joseph Nevins cautions against viewing undocumented immigration as "purely a (U.S.) domestic issue that [can] be solved through unilateral action."⁴ Until the US government and its peoples embrace the reality that policies abroad produce migration, no domestic law(s) will fully manage the current flow of immigrants. Although he sees few possibilities for change in regards to the present-day exploitation of undocumented immigrants, Nevins also points to an ironic "potential source of hope": "the very extraterritorial flows that serve as catalysts for enhanced boundary enforcement." These flows, Nevins explains, "will continue to challenge boundaries physically as well as politically."⁵ Theatre that asks its creators and participants to occupy spaces and consider viewpoints outside the United States proper similarly provide a hope that the rigidity sought by US immigration law remain problematized. Through the National New Play Network's Rolling World Premiere, Hartzler can develop a play like *No Roosters in the Desert* "with at least three different creative teams, for three different communities of patrons."⁶ In this case, local

⁴ Nevins, *Operation Gatekeeper and Beyond*, 141 (see ch. 2, n. 7).

⁵ *Ibid.*, 215.

⁶ National New Play Network (NNPN) website, www.nnpn.org/prog_continued.php (accessed 15 December 2010). Unlike other programs, such as the Lark Theatre's noted playwright exchanges (www.larktheatre.org/programs/international.htm [accessed 15 December 2010]), the Rolling World Premiere does not aim to produce ostensibly international or translated work (although, in the case of *No Roosters*, the play did enjoy performances in Hartzler's original English and in Spanish translation). Instead, NNPN's efforts to offer a play what its website describes as "the momentum it needs to join the

sensitivities in Mexico City, Tucson, and Chicago can all contribute to the writer's treatment of immigration issues.

Of course, such a premiere process is a privileged one, requiring not only funding but also the approval of immigration authorities. When the Mexico-based Grupo Soame Citlalime sought just a few months ago to bring its collaborative performance project *La Casa Rosa* (The Pink House) to New York City and New Haven, it found itself barred from entering the United States. According to *La Casa Rosa's* online blog, “[d]espite ample documentation of the project and letters of invitation from city officials, community leaders and faculty from several universities, the application was denied for all 30 members of the group without grounds or explanation.”⁷ The project's director, Daniel Carlton, confided to me that the refusal stemmed perhaps from various agencies' desires, both in the United States and in Mexico, to intimidate potential border crossers and charge them processing fees more than a single time. Carlton added that US authorities did not believe the Tlaxcala-based women had created an artistic product worthy of travel, suspecting instead that Mexican citizens were trying to abuse the

repertoire of frequently-produced new American works” in essence encourage for particular localities to influence the meaning of “American.”

⁷ *La Casa Rosa* Blog, April 2010 Press Release, lacasarosausa.blogspot.com/ (accessed 17 December 2010). The blog introduces *La Casa Rosa*, subtitled “Fighting for a Future in a Free Trade World,” as “an original play by Soame Citlalime and Daniel Carlton.” The play and its performances are the culmination of a year-long collaboration between the Institute for Social and Cultural Practice and Research (IPSOCULTA), the Migrant Family Support Center (CAFAMI), and Carlton Industries. IPSOCULTA is a non-profit organization dedicated to promoting solidarity and social justice through a sister-city program based in New Haven, Connecticut, and San Francisco Tetlanohcan, Tlaxcala. In this latter town, IPSOCULTA runs CAFAMI, a community center dedicated to raising awareness and providing resources for families impacted by migration. Soame Citlalime (“Brilliant Women of the Stars” in Nahuatl) is one of CAFAMI's working groups. Carlton Industries seeks to use storytelling and performance to empower communities. The network of resources and funding involved in *La Casa Rosa's* tour is too complex for the scope of this conclusion. However, I want to point out that representatives from the organizations contended at both performances I attended that the travel and free performances were made possible without reliance on government or corporate sponsorship (the playbill's acknowledgment of Mexican and US public schools' as well as US state actors' support complicates such a boast).

temporary visas in question and establish unauthorized permanent residence in the United States.⁸ Eventually, added pressure from New Haven Mayor John Destefano and Congresswoman Rosa DeLauro, as well as new payments for reapplication, convinced the US embassy to grant the visas. The ordeal suggests that, sometimes, the type of performance of believability that I introduced in chapter 2 requires the engagement and mobilization of resources and individuals on both sides of a national border.

I was lucky to see two performances of *La Casa Rosa* in New York City, one before and one after the group mounted the play in New Haven (all performances were in Spanish with English supertitles). Having consumed myriad plays and other cultural products centered on the subject of undocumented immigration, I found Soame Citlalime's work particularly moving. *La Casa Rosa* spotlights what its press materials describe as "the lesser-told side of the immigration story—that of those left behind."⁹ The play thus presents a side of the complicated issues surrounding undocumented immigration that is rarely explored by media or theatre production in the United States. Carlton finalized a script based on the extensive story-telling and improvisation workshops in which the women (and one man) participated in the months preceding an initial, local performance.

The play's storyline involves two archetypal sisters, appropriately played by multiple actors throughout the performance. Juana, "identified by the black skirt and Mexican blouse," is committed to safeguarding indigenous traditions, protecting local

⁸ Daniel Carlton, interviewed by author in New York City, 25 August 2010. Tlaxcala, the smallest state in Mexico, is located just east of the country's center, about six hundred miles from southernmost Texas.

⁹ *La Casa Rosa* Blog, 27 July 2010 Press Release. As I mention in chapter 4 (n. 46), *La Casa Rosa* is one of a few plays performed in the US that focus on the repercussions of migration in Mexico.

agrarian interests against multinational corporations, and energizing her community to “fight for justice.”¹⁰ Rosa, donning a “pink suit,” wants to cooperate with business interests and raze unprofitable farmland in favor of what she believes will be more modern residences—“Such is progress. Such is development” (CR 36). Rosa wants to build her dream pink house, pool and all. This core conflict occurs amid devastating immigration trends in the town of San Francisco Tetlanohcan: local residents must leave Tlaxcala in desperate search for income and relief from a place whose “culture is dying,” in the words of Juana’s US-bound daughter (CR 15). Given the flow of capital and insurmountable competition faced by small farmers under free trade, it is predominantly in the United States that Mexican residents can find some sort of employment. In recent years, more than thirty percent of Tetlanohcan’s villagers have risked their lives to enter the United States; at least five thousand from this small town alone have died trying to cross the border in the last fifteen years.¹¹ Marked as undocumented, many others end up disappearing.

“Aren’t you tired of saying good-bye to your children, grandchildren and husbands without knowing if you will ever see them again?” Juana asks her *compañeras* during a consciousness-raising meeting. The deep-seated frustrations are palpable: “Aren’t you tired of doubting whether they will survive crossing the desert [...] of knowing how they are treated on the other side [...] of feeling forgotten?” (CR 21–22).

¹⁰ The costume descriptions for both Juana and Rosa are from the program I received at the performance held at INTAR in New York City on 26 September 2010. Carlton also began each performance with a short speech that made the costuming information explicit to the audience. I quote an unpublished manuscript script graciously provided to me by Carlton (Soame Citlalime and Daniel Carlton, “La Casa Rosa, Guión Final,” 20). Subsequent references to this play will be noted parenthetically and abbreviated CR. All translations from the Spanish are mine.

¹¹ David L. Wilson, “Mexican Community Theater: A Different View of Immigration,” *MRZine*, mrzine.monthlyreview.org/2010/wilson030910.html (accessed 17 December 2010). The town of Tetlanohcan is presently home to nearly ten thousand inhabitants.

By play's end, Juana's efforts prove successful. She organizes the advocacy group Familias Sin Fronteras (Families Without Borders), energizes her community to take action against the unjust treatment of immigrant workers, and inspires her two nieces to turn Rosa's eponymous house into a support center. (The performance on 8 August 2010 at the Wings Theater in New York City ended with a full celebration, with cast members passing homemade tamales to everyone in the audience.) However, *La Casa Rosa* tempers these accomplishments by having Juana herself disappear from the stage. Upon learning that her daughter has met with only trouble and suffering in the United States, Juana cedes her beloved house to Rosa in exchange for travel documents and becomes a border crosser herself. Juana's and her daughter's final absence haunts the happy ending.

Three things are striking. First, *La Casa Rosa* emphasizes the need to document the undocumented, who "disappear when they enter that black hole that exists between Mexico and the United States, a place where they simply cease to exist" (CR 36). The theatre pieces I study in this dissertation participate in such documenting efforts. Familias Sin Fronteras vows to sponsor studies, generate data, and keep accurate records of what happens to those without papers once inside the United States; the group guarantees that those who vanish must and will be remembered. Within a fictional press conference staged in the second half of the play, Juana maintains that her group has "gathered here to call attention to the terrible crisis facing our communities and to invite us all to unite in an effort to say 'no more'" (CR 36). Within the context of *Casa Rosa's* tour, the "here" and the "us" prove especially compelling. The production performs its own desire to document and to unite by crossing the national border and addressing audiences in the United States as part of a unified community. Created and performed by

individuals who themselves have lost loved ones in the “limbo” (CR 36), *La Casa Rosa* thus becomes an imperative document in itself.

Second, *La Casa Rosa* offers a straightforward ultimatum to the US government. One of Juana’s compañera’s insists, “Be clear once and for all: either you open your borders completely or else you shut them” (CR 38).¹² As I have maintained throughout the dissertation, categories like “legal” and “illegal” serve to turn issues of immigration into questions of individual border-crossers’ personal choices. *La Casa Rosa* defiantly contends that we should only consider legal or illegal the actions of states and corporations. Although such an argument is not a new one, the play’s simple demand reverberates in the playing space. In chapter 1, I investigated how *A View from the Bridge* and *Flower Drum Song* provided views into what Mae Ngai calls “impossible subjects,” undocumented immigrants that become “person[s] who cannot be and [problems] that cannot be solved.”¹³ Rather than address unauthorized immigrants, Soame Citlalime urges us to consider impossible practices. Current policies are—we need to be persistently reminded—unsustainable.

Finally, *La Casa Rosa*’s travels allowed for family members to reunite, some of whom had not seen each other in nearly two decades. At a post-show conversation on 26 September 2010, several audience members stood up to express their gratitude for the opportunity to see their relatives from Mexico. As members of a traveling production, some of the women in Soame Citlalime left Mexico for the first time in their lives; several were able to meet grandchildren, stay and visit with loved ones, and learn first-

¹² The play does not excuse the Mexican government, blaming it directly for not acting to stop undocumented immigration (CR 38).

¹³ Ngai, *Impossible Subjects*, 5 (see ch. 1, n. 93).

hand about life in the United States for their relatives and friends. “It was very exciting to witness these reunions,” confessed a cast member, noting how thrilling it was to have young men greet their mothers after each rehearsal.¹⁴ Although such reunions were short-lived (the company returned to Mexico after its weeks-long tour of New York and Connecticut), their very occurrence when juxtaposed with the play’s content is remarkable. On the one hand, Soame Citlalime obeyed immigration laws and waited until the appropriate permit came through before journeying into the United States. The group, in fact, boasts that its members travel “legally” to the United States in order to “promote freedom of movement for migrant families.”¹⁵ On the other hand, the entire project defiantly challenged a system predicated on exclusion. Upon hearing that their papers had been denied, the women of Soame Citlalime and members of the producing organizations stepped up their efforts to bring the performance into the United States. Carlton uses colorful language to describe the women’s prevailing attitude toward the US immigration authorities: “Que se chinguen, vamos a poder ir.”¹⁶ (I leave the original Spanish, hesitating to use the F-word in my dissertation’s final paragraphs. In essence, the women felt the staff at the US embassy should screw themselves; the women were determined to travel.)

The performances of *La Casa Rosa* in the United States did much more than make visible phenomena which US media and cultural producers often ignore. With their earnest denouncement of current policies—indeed with the type of attack that perhaps

¹⁴ Silvina Sterin Pensel, “Las mujeres de La Casa Rosa,” *El Diario* (New York City), 26 September 2010, www.impre.com/eldiariony/noticias/comunidad/2010/9/26/las-mujeres-de-la-casa-rosa-212870-1.html#commentsBlock (accessed 16 December 2010). My translation.

¹⁵ *La Casa Rosa* Blog, About Soame Citlalime.

¹⁶ Pensel, “Las mujeres de La Casa Rosa.”

Hartzler finds dramatically objectionable or simplistic—the members of Soame Citlalime managed to engage their audiences quite viscerally and directly. At least that is how *La Casa Rosa* engaged me. Marvelously, the production itself became a means to overcome some of the boundaries that law imposes. In so doing, *La Casa Rosa* exemplifies how theatre and performance can sometimes productively challenge what immigration laws seek to control.

Works Cited

PRIMARY SOURCES

- Adams, John (music), and June Jordan (libretto and lyrics). *I Was Looking at the Ceiling and Then I Saw the Sky: Earthquake/Romance*. New York: Scribner, 1995.
- Akalaitis, JoAnne. *Green Card*. *Theater* 18, no. 2 (1987): 38–64.
- Andino, Peky. *Medea llama por cobrar*. Quito: Tribal Editores, 2005.
- Arau, Sergio, director. *Day Without a Mexican*, DVD. Colonia Santa Fe, Mexico: Televisa Cine, 2004.
- Casas, José. 14. In Sandoval, *Borders on stage*, 69–128.
- Chin, Frank. *The Year of the Dragon*. Seattle: University of Washington Press, 1981.
- Cosson, Steve (The Civilians). *(I Am) Nobody's Lunch*. London: Oberon Books, 2006.
- Culture Clash, *Bordertown*. In *Culture Clash in America*, 9–64.
- Culture Clash in America*. New York: Theatre Communications Group, 2003.
- Culture Clash: Life, Death and Revolutionary Comedy*. New York: Theatre Communications Group, 1997.
- Duarte-Clark, Rodrigo. *Brujerías*. In Kanellos and Huerta, *Nuevos Pasos*, 8–17.
- El Guindi, Yussef. *Back of the Throat*. New York: Dramatists Play Service, 2006.
- . *Back of the Throat*. *Theatre Forum* 29 (Summer/Fall 2006): 25–50.
- . “Language Rooms.” Unpublished script from author, 2010.
- Feyder, Linda, ed. *Shattering the Myth: Plays by Hispanic Women*. Houston: Arte Público Press, 1992.
- Fukunaga, Cary, director. *Sin nombre*, DVD. Universal City, CA: Universal Studios Home Entertainment, 2009.
- Gallagher, Mary. *¿De dónde?* New York: Dramatists Play Service, 1991.
- Garcés, Michael John. “Los Illegals.” Unpublished script from author, 2007.
- García, Saulo. *El Insomnio Americano*, DVD. Miami: Saulo García Inc., 2007.
- Gómez-Peña, Guillermo. *Dangerous Border Crossers: The Artist Talks Back*. London: Routledge, 2000.

- . *The New World Border: Prophecies, Poems, and Loqueras for the End of the Century*. San Francisco: City Lights Books, 2001.
- . *Warrior for Gringostroika: Essays, Performance Texts, and Poetry*. St. Paul, MN: Graywolf Press, 1993.
- González-Pando, Miguel. *The Great American Justice Game*. In *Cuban Theater in the United States: A Critical Anthology*. Edited by Luis F. González-Cruz and Francesca M. Colecchia, 78–108. Tempe: Bilingual Press, 1992.
- González S., Silvia. *Boxcar/El vagón*. In Sandoval, *Borders on stage*, 37–68.
- Grande, Reyna. *Across a Hundred Mountains: A Novel*. New York: Atria Books, 2006.
- Hartzler, Kara. *No Roosters in the Desert*. Based on the fieldwork by Anna Ochoa O’Leary. South Gate, CA: NoPassport Press, 2010.
- Hinojosa, Hugo Alfredo. “Deserts.” Translated by Caridad Svich. Unpublished script from translator, 2007.
- Houston, Velina Hasu. *Tea*. In Uno, *Unbroken Thread*, 161–200.
- Huerta, Jorge, ed. *Necessary Theater: Six Plays About the Chicano Experience*. Houston: Arte Público Press, 1989.
- Hunt, Courtney, director. *Frozen River*, DVD. Culver City, CA: Sony Pictures Home Entertainment, 2009.
- Hwang, David Henry. *FOB*. In *FOB and Other Plays*, 1–50. New York: Plume, 1990.
- Ives, David. *Voss: How I Come to America and Am Hero, Mostly*. New York: G. P. Putnam’s Sons, 2008.
- Kanellos, Nicolás, and Jorge A. Huerta, eds. *Nuevos Pasos: Chicano and Puerto Rican Drama*. Houston: Arte Público Press, 1989.
- Kramer, Wayne, director. *Crossing Over*, DVD. New York: Weinstein Company, 2009.
- Leguizamo, John. *Mambo Mouth*. In *The Works of John Leguizamo*, 161–248. New York: Harper, 2008.
- Lim, Genny. *Paper Angels*. In Uno, *Unbroken Thread*, 11–52.
- Loach, Ken, director. *Bread and Roses*, DVD. Santa Monica, CA: Lions Gate, 2001.
- Loomer, Lisa. *Living Out*. New York: Dramatists Play Service, 2005.
- López, Josefina. *Hungry Woman in Paris*. New York: Hachette Book Group, 2009.

- . *Real Women Have Curves*. Woodstock, IL: Dramatic Publishing, 1996.
- . *Simply María or the American Dream*. In Feyder, *Shattering the Myth*, 113–41.
- López, Josefina, and George Lavoo. *Real Women Have Curves*, DVD. Directed by Patricia Cardoso. New York: HBO Video, 2003.
- Malpica, Javier. *Our Dad Is in Atlantis*. Translated by Jorge Ignacio Cortiñas. *American Theatre* 25, no. 6 (July/August 2008): 69–82.
- Martínez Palau, Silvio. *The English Only Restaurant*. New York: Ediciones Pirata, 1990.
- Mayer, Oliver. *Conjunto*. In *Oliver Mayer: Collected Plays*, 159–225. South Gate, CA: No Passport Press, 2007.
- McCarthy, Tom, director. *The Visitor*, DVD. Troy, MI: Anchor Bay Entertainment, 2008.
- Miller, Arthur. *A View from the Bridge* (two-act version, 1956). In *Arthur Miller: Collected Plays 1944–1961*, 569–636. New York: Library of America, 2006.
- Miranda, Lin-Manuel (music, lyrics, and original concept), and Quiara Alegria Hudes (book). *In the Heights*, CD recording. New York: Ghostlight, 2008.
- Molay, Mollie. *My Big Fake Green-Card Wedding*. Toronto: Harlequin, 2003.
- Montoya, Richard, Ricardo Salinas, and Herbert Siguenza. *Bordertown*, sound recording. Venice, CA: L.A. Theatre Works, 2006.
- Moraga, Cherríe L. *The Hungry Woman*. Albuquerque: West End Press, 2001.
- . *The Hungry Woman: A Mexican Medea*. In *Out of the Fringe: Contemporary Latina/Latino Theatre and Performance*, edited by Caridad Svich and María Teresa Moreno, 289–363. New York: Theatre Communications Group, 2000.
- . *Watsonville: Some Place Not Here* and *Circle in the Dirt: El Pueblo de East Palo Alto*. Albuquerque, NM: West End Press, 1996, 1995.
- Mwine, Ntare Guma Mbaho, *Biro*. Seattle: Amazon Digital Services, 2010.
- . *Biro*, DVD. Canoga Park, CA: Cinema Libre, 2007.
- Najera, Rick. *Latinologues*, DVD, vol. 1 and 2. Chatsworth, CA: Image Entertainment, 2005.
- . *The Pain of the Macho and Other Plays*. Houston: Arte Público Press, 1997.
- Nandi. *The True Nanny Diaries*. Brooklyn: Bread for Brick, 2009.
- Nazario, Sonia. *Enrique's Journey*. New York: Random House, 2006.

- Noble, Janet. *Away Alone*. New York: Samuel French, 1990.
- . *Away Alone*. In *New American Plays 2*, 219–87. Portsmouth, NH: Heinemann, 1992.
- Noble, Janet, and Noel Pearson. *Gold in the Streets*, DVD. Directed by Elizabeth Gill. London: ITV Studios Home Entertainment, 1996.
- Prado, Anayansi, director. *Maid in America*, DVD. Los Angeles: Impacto Films, 2004.
- Portillo-Trambley, Estela. *Sor Juana and Other Plays*. Ypsilanti, MI: Bilingual Press, 1983.
- . *Sun Images*. In Kanellos and Huerta, *Nuevos Pasos*, 18–42.
- Powers, Frank. *The First Born*. In Williams, *The Chinese Other*, 149–73.
- Prida, Dolores. *Beautiful Señoritas & Other Plays*. Edited by Judith Weiss. Houston: Arte Público Press, 1991.
- Ramirez, Lisa. *Exit Cuckoo (nanny in motherland)*. South Gate, CA: NoPassport Press, 2010.
- Rascón Banda, Victor Hugo. *La mujer que cayó del cielo*. México, DF: Escenología, 2000.
- Reyes, Guillermo. *Deporting the Divas*. In *Asking and Telling: A Collection of Gay Plays for the 21st Century*, edited by John M. Clum, 113–87. Garden City, NY: Stage & Screen, 2000.
- . *Deporting the Divas*. *Gestos 27* (April 1999): 109–58.
- . *Men on the Verge of a His-panic Breakdown*. Woodstock, IL: Dramatic Publishing, 1999.
- . *Men on the Verge of a His-panic Breakdown*. In *Staging Gay Lives: An Anthology of Contemporary Gay Theater*, edited by John M. Clum, 401–24. Boulder: Westview Press.
- . *Places to Touch Him*. In Sandoval, *Borders on Stage*, 177–221.
- Riggen, Patricia, director. *Under the Same Moon (La Misma Luna)*, DVD. Los Angeles: 20th Century Fox Home Entertainment, 2008.
- Rodgers, Richard (music), Oscar Hammerstein II (lyrics), and Joseph Fields (book). *Flower Drum Song*. New York: Farrar, Straus and Cudahy, 1959.

- . *Flower Drum Song*, DVD. Directed by Henry Coster. 1961. Universal City, CA: Universal Studios Home Entertainment, 2006.
- Rodgers, Richard (music), Oscar Hammerstein II (lyrics), and David Henry Hwang (book). *Flower Drum Song*. New York: Theatre Communications Group, 2003.
- Sánchez-Scott, Milcha, with Jeremy Blahnik. *Latina*. In Huerta, *Necessary Theater*, 76–141.
- Sandoval, Trino, ed. *Borders on stage: Plays produced by Teatro Bravo*. Phoenix: The Lion & The Seagoat, 2008.
- Sheridan, Jim, director. *In America*, DVD. Los Angeles: 20th Century Fox Home Entertainment, 2004.
- Soame Citlalime, and Daniel Carlton. “La Casa Rosa, Guión Final.” Unpublished script from Carlton, 2010.
- Solis, Octavio. *Lydia*. In *American Theatre*, December 2008, 63–83.
- . *Lydia*. New York: Samuel French, 2010.
- . *River Plays (El Otro, Dreamlandia, Bethlehem)*. South Gate, CA: NoPassport Press, 2010.
- Stanescu, Saviana. *Aliens with Extraordinary Skills*. New York: Samuel French, 2009.
- Teatro de la Esperanza. *Guadalupe*. In Huerta, *Necessary Theater*, 208–57.
- . *La víctima*. In Huerta, *Necessary Theater*, 316–65.
- Teatro Raíces. *E. T.—The Alien*. In *Teatro Chicana: A Collective Memoir and Selected Plays*, edited by Laura E. Garcia, Sandra M. Gutierrez, and Felicitas Nuñez, 229–40. Austin: University of Texas Press, 2008.
- Uhry, Alfred. *Driving Miss Daisy*. New York: Dramatists Play Service, 1987.
- Uno, Roberta, ed. *Unbroken Thread: An Anthology of Plays by Asian American Women*. Amherst: University of Massachusetts Press, 1993.
- Valdez, Luis. *Quinta Temporada* and *Los Vendidos*. In *Luis Valdez—Early Works: Actos, Bernabé, and Pensamiento Serpentino*, 28–39 and 40–52. Second printing. Houston: Arte Público Press, 1994.
- Villarreal, Edit. *My Visits with MGM (My Grandmother Marta)*. In Feyder, *Shattering the Myth*, 143–207.

Wallace, Naomi. *The War Boys*. In *In the Heart of America and Other Plays*, 144–96. New York: Theatre Communications Group, 2001.

Wasserstein, Wendy. *An American Daughter*. New York: Dramatists Play Service, 1999.

Wong, Elizabeth. *Letters to a Student Revolutionary*. In Uno, *Unbroken Thread*, 261–308.

Yew, Chay. *A Beautiful Country*. In *The Hyphenated American: Four Plays by Chay Yew*, 167–275. New York: Grove Press, 2002.

LEGAL CASES AND STATUTES

Adams v. Howerton, 673 F.2d 1036 (9th Cir.), cert. denied, 458 U.S. 1111 (1982).

Aguilera-Enriquez v. INS, 516 F.2d 565 (6th Cir. 1975), cert. denied, 423 U.S. 1050 (1976).

Alien Registration Act. Public Law 76-670, *U.S. Statutes at Large* 54 (1940), 670.

Ambach v. Norwich, 441 U.S. 68 (1979).

Antiterrorism and Effective Death Penalty Act of 1996. Public Law 104-132, *U.S. Statutes at Large* 110 (1996), 1214.

Aviation and Transportation Security Act of 2001. Public Law 107-71, *U.S. Statutes at Large* 115 (2001), 230.

Bark v. INS, 511 F.2d 1200 (9th Cir. 1975).

Bernal v. Fainter, 467 U.S. 216 (1984).

Cabell v. Chavez-Salido, 454 U.S. 432 (1982).

Carachuri-Rosendo v. Holder, 130 S.Ct. 2577 (2010).

Chae Chan Ping v. United States, 130 U.S. 581 (1889).

Chinese Exclusion Act of 1882. Ch. 126, *U.S. Statutes at Large* 22 (1882), 58 (repealed 1943).

Citizens for Equal Protection v. Bruning, 455 F.3d 859 (8th Cir. 2006).

Comite de Jornaleros de Redondo Beach v. Redondo Beach, 607 F.3d 1178 (9th Cir. 2010).

Dabaghian v. Civiletti, 607 F.2d 868 (9th Cir. 1979).

De Los Santos v. INS, 690 F.2d 56 (2nd Cir. 1982).

Defense of Marriage Act. Public Law 104-99, *U.S. Statutes at Large* 110 (1997), 2419.
Codified as amended at *U.S. Code* 1 (2010), § 7 and *U.S. Code* 28 (2010), §
1738C.

Demore v. Kim, 538 U.S. 510 (2003).

Enhanced Border Security and Visa Entry Reform Act. Public Law 107-173, *U.S.
Statutes at Large* 116 (2002), 543. Codified as amended at *U.S. Code* 8 (2010), §§
1701 et. seq.

Examining Board v. Flores de Otero, 426 U.S. 572 (1976).

Fair Labor Standards Act of 1938. Public Law 75-718, *U.S. Statutes at Large* 52 (1938),
1060. Codified as amended at *U.S. Code* 29 (2010), §§ 201 et. seq.

Fernandez-Vargas v. Gonzalez, 548 U.S. 30 (2006).

Fiallo v. Bell, 430 U.S. 787 (1977).

Foley v. Connelie, 435 U.S. 291 (1978).

Fong Yue Ting v. United States, 149 U.S. 698 (1893).

Graham v. Richardson, 403 U.S. 365 (1971).

Hampton v. Mow Sun Wong, 426 U.S. 88 (1976).

Henderson v. Mayor of City of New York, 92 U.S. 259 (1875).

Hoffman Plastic Compounds v. NLRB, 535 U.S. 137 (2002).

Homeland Security Act of 2002. Public Law 107-296, *U.S. Statutes at Large* 116 (2002),
2135.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Public Law 104-
208, *U.S. Statutes at Large* 110 (1996), 3009.

Immigration Act of 1924 (Johnson-Reed Immigration Act). Public Law 68-139, *U.S.
Statutes at Large* 43 (1924), 153 (repealed 1965).

Immigration Act of 1990. Public Law 101-649, *U.S. Statutes at Large* 104 (1990), 4978.

Immigration and Nationality Act of 1952 (McCarran-Walter Act). Public Law 82-414,
U.S. Statutes at Large 66 (1952), 163. Codified as amended at *U.S. Code* 8
(2010), §§ 1101 et. seq.

Immigration and Nationality Act of 1965. Public Law 89-236, *U.S. Statutes at Large* 79
(1965), 911. Codified as amended at *U.S. Code* 8 (2010), §§ 1101 et. seq.

Immigration Marriage Fraud Act of 1986. Public Law 99-639, *U.S. Statutes at Large* 10 (1986), 3537.

Immigration Reform and Control Act. Public Law 99-603, *U.S. Statutes at Large* 100 (1986), 3359.

INS v. Lopez-Mendoza, 468 U.S. 1032 (1984).

Lawrence v. Texas, 539 U.S. 558 (2003).

Mathews v. Diaz, 426 U.S. 67 (1976).

Matter of Aldecoaotalora, 18 I & N Dec. 430 (BIA 1983).

National Labor Relations Act. Public Law 74-198, *U.S. Statutes at Large* 49 (1935), 452. Codified as amended at *U.S. Code* 29 (2010), §§ 151 et. seq.

Nguyen v. INS, 533 U.S. 53 (2001).

Nikrodhanondha v. Reno, 202 F.3d 922 (7th Cir. 2000).

Nyquist v. Mauclet, 432 U.S. 1 (1977).

Page Act of 1875. Ch. 141, *U.S. Statutes at Large* 18 (1875), 477 (repealed 1974).

Patel v. Quality Inn South, 846 F.2d 700 (11th Cir.1988).

People v. Hall, 4 Cal. 399 (Cal.Sup.Ct.1854).

Perez v. Brownell, 356 U.S. 44 (1958).

Perry v. Schwarzenegger, 704 F. Supp. 2d 921 (N.D. Ca. 2010).

Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Public Law 104-193, *U.S. Statutes at Large* 110 (1996), 2105.

Plyler v. Doe, 457 U.S. 202 (1982).

Refugee Act of 1980. Public Law 96-212, *U.S. Statutes at Large* 94 (1980), 102.

Sugarman v. Dougall, 413 U.S. 634 (1973).

Takahashi v. Fish and Game Commission, 334 U.S. 410 (1948).

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001. Public Law 107-56, *U.S. Statutes at Large* 115 (2001), 272.

Young v. Reno, 114 F.3d 879 (9th Cir. 1997).

SECONDARY SOURCES

- Abrego, Leisy. "Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California." *Law & Social Inquiry* 33, no. 3 (Summer 2008): 709–34.
- Abrego, Leisy, and Roberto G. Gonzalez. "Blocked Paths, Uncertain Futures: The Postsecondary Education and Labor Market Prospects of Undocumented Latino Youth." *Journal of Education for Students Placed at Risk* 15, no. 1/2 (Jan-June 2010): 144–57.
- Adler, Thomas P. *American Drama, 1940–1960: A Critical History*. New York: Twayne Publishers, 1994.
- Agamben, Giorgio. "Bodies Without Words: Against the Biopolitical Tatoo." *German Law Journal* 5, no. 2 (2004): 168–69.
- . *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford: Stanford University Press, 1998.
- . "No to Biopolitical Tattooing." Translated by Stuart J. Murray. *Communication and Critical/Cultural Studies* 5, no. 2 (June 2008): 201–202.
- . *State of Exception*. Translated by Kevin Attell. Chicago: University of Chicago Press, 2005.
- Aleinikoff, Thomas Alexander, David A. Martin, and Hiroshi Motomura. *Immigration and Citizenship: Process and Policy*. 5th ed. Eagan, MN: West Group, 2003.
- Allen, Howard. "Matadors and Mysteries." *American Theatre* 12, no.1 (January 1995): 12.
- Almeida, Linda Dowling. *Irish Immigrants in New York City, 1945–1995*. Bloomington: Indiana University Press, 2001.
- Amaya, Hector. "Performing Acculturation: Rewriting the Latina/o Immigrant Self." *Text and Performance Quarterly* 27, no. 3 (July 2007): 194–212.
- Amnesty International. *United States of America—Amnesty International's Concerns Regarding Post September 11 Detentions in the USA*. London: International Secretariat, 2002.
- Amsterdam, Anthony G., and Jerome Bruner. *Minding the Law*. Cambridge, MA: Harvard University Press, 2000.
- Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Rev. ed. London: Verso, 2006.

- Anderson, Michelle J. "A License to Abuse: The Impact of Conditional Status on Female Immigrants." *Yale Law Journal* 102 (1993): 1401–30.
- Arrizón, Alicia. *Latina Performance: Traversing the Stage*. Bloomington: Indiana University Press, 1999.
- . *Queering Mestizaje: Transculturation and Performance*. Ann Arbor: University of Michigan Press, 2006.
- Auslander, Philip. *Liveness: Performance in a Mediatized Culture*. 2nd ed. London: Routledge, 2008.
- Bacon, David. *Illegal People: How Globalization Creates Migration and Criminalizes Immigrants*. Boston: Beacon Press, 2008.
- Báez, Jillian M. "Towards a Latinidad Feminista: The Multiplicities of Latinidad and Feminism in Contemporary Cinema." *Popular Communication* 5, no. 2 (2007): 109–128.
- Ball, Milner S. "All the Law's a Stage." *Cardozo Studies in Law and Literature* 11, no. 2 (Winter 1999): 215–21.
- . "The Play's the Thing: An Unscientific Reflection on Courts Under the Rubric of Theater." *Stanford Law Review* 28, no. 1 (November 1975): 81–115.
- Barba, Eugenio, and Nicola Savarese. *A Dictionary of Theatre Anthropology: The Secret Art of the Performer*. New York: Routledge, 1991.
- Basiouny, Dalia. "The Powerful Voice of Women Dramatists in the Arab American Theatre Movement." PhD diss., The Graduate Center, City University of New York, 2009.
- Baugh, Scott L., ed. *Mediating Chicana/o Culture: Multicultural American Vernacular*. Newcastle, UK: Cambridge Scholars Press, 2006.
- Bayoumi, Moustafa. *How Does It Feel To Be a Problem?: Being Young and Arab in America*. New York: Penguin Press, 2008.
- Beckett, Katherine. *Making Crime Play: Law and Order in Contemporary American Politics*. New York: Oxford University Press, 1997.
- Ben-Asher, Noa. "Who Says 'I Do'?": Reviewing Judith Butler & Gayatri Chakravorty Spivak, *Who Sings the Nation-State? Language, Politics, Belonging*." *Yale Journal of Law and Feminism* 21 (2009): 245–60.
- Bennett, Susan. *Theatre Audiences: A Theory of Production and Reception*. 2nd ed. New York: Routledge, 2003.

- Bentley, Eric. Introduction to *Fuente Ovejuna*. In Bentley, *Life Is a Dream and Other Spanish Classics*, 66.
- , ed. *Life Is a Dream and Other Spanish Classics*. 1959. New York: Applause, 1985.
- Berglund, Jeff, and Monica Brown. “*Sin Vergüenza*: Resisting Body Shame in *Real Women Have Curves* and *Caramelo*.” In Baugh, *Mediating Chicana/o Culture*, 62–72.
- Berman, Paul Schiff. “Rats, Pigs, and Statues on Trial: The Creation of Cultural Narratives in the Prosecution of Animals and Inanimate Objects.” *New York University Law Review* 69, no. 2 (May 1994): 288–326.
- Bhabha, Homi K. *The Location of Culture*. London: Routledge, 2004.
- Bigsby, Christopher. *Arthur Miller: A Critical Study*. Cambridge: Cambridge University Press, 2005.
- . *A Critical Introduction to Twentieth-Century American Drama*. Vol. 2. Cambridge: Cambridge University Press, 1984.
- Bissoondath, Neil. *Selling Illusions: The Cult of Multiculturalism in Canada*. Toronto: Penguin, 1994.
- Blackstone, William. *Commentaries on the Laws of England*. 1769. Vol. 1. Philadelphia: Lippincott, 1893.
- Booth, Michael. *English Melodrama*. London: Herbert Jenkins, 1965.
- Bosniak, Linda S. *The Citizen and the Alien: Dilemmas of Contemporary Membership*. Princeton, NJ: Princeton University Press, 2006.
- Bouknight, Jon. “Language as a Cure: An Interview with Milcha Sanchez-Scott.” *Latin American Theatre Review* 23, no. 2 (Spring 1990): 63–74.
- Bourdieu, Pierre. *Distinction: A Social Critique of the Judgment of Taste*. Translated by Richard Nice. Cambridge, MA: Harvard University Press, 1984.
- . *The Field of Cultural Production*. Edited by Randal Johnson. New York: Columbia University Press, 1993.
- . “The Force of Law: Toward a Sociology of the Juridical Field.” Translated by Richard Terdiman. *Hastings Law Journal* 38 (1987): 805–53.
- . *Language & Symbolic Power*. Translated Gino Raymond and Matthew Adamson. Cambridge, MA: Harvard University Press, 1991.

- . *On Television*. Translated by Priscilla Parkhurst Ferguson. New York: The New Press, 1998.
- . *Outline of a Theory of Practice*. Translated by Richard Nice. Cambridge: Cambridge University Press, 1977.
- Brater, Enoch. "A Dominican View: An Interview with Darryl V. Jones." In *Arthur Miller's Global Theater*, edited by Brater, 87–95. Ann Arbor: University of Michigan Press, 2007.
- Brimelow, Peter. *Alien Nation: Common Sense About America's Immigration Disaster*. New York: HarperPerennial, 1995.
- Brooks, Peter. "The Law as Narrative and Rhetoric." In Brooks and Gewirtz, *Law's Stories*, 14–22.
- Brooks, Peter, and Paul Gewirtz, eds. *Law's Stories: Narrative and Rhetoric in the Law*. New Haven: Yale University Press, 1996.
- Broyles-González, Yolanda. *El Teatro Campesino: Theater in the Chicano Movement*. Austin: University of Texas Press, 1994.
- Buck, Leila. "Finding Our Voice: The Politics of the Personal in Arab American Theater." In *Etching Our Own Image: Voices from Within the Arab American Art Movement*, edited by Anan Ameri and Holly Arida, 18–31. Newcastle, UK: Cambridge Scholars Publishing, 2007.
- Buff, Rachel Ida. "Toward a Redefinition of Citizenship Rights." Introduction to *Immigrant Rights in the Shadows of Citizenship*, edited by Buff, 1–21. New York: New York University Press, 2008.
- Butler, Judith. *Bodies That Matter: On the Discursive Limits of "Sex."* New York: Routledge, 1993.
- Butler, Judith, and Gayatri Chakravorty Spivak. *Who Sings the Nation-State?: Language, Politics, Belonging*. London: Seagull Books, 2007.
- Callahan, Laura. *Spanish/English Codeswitching in a Written Corpus*. Amsterdam: John Benjamins, 2004.
- Camayd-Freixas, Erik. "Interpreting After the Largest ICE Raid in U.S. History: A Personal Account." In *Behind Bars: Latino/as and Prison in the United States*, edited by Suzanne Oboler, 159–74. New York: Palgrave Macmillan, 2009.
- Carlson, Marvin. *The Haunted Stage: The Theatre as Memory Machine*. Ann Arbor: University of Michigan Press, 2003.
- . *Performance: A Critical Introduction*. New York: Routledge, 1996.

- . *Speaking in Tongues: Language at Play in the Theatre*. Ann Arbor: University of Michigan Press, 2006.
- Centola, Steven R., and Michelle Cirulli, eds. *The Critical Response to Arthur Miller*. Westport, CT: Praeger, 2006.
- Channick, Joan. "Border Shenanigans." *American Theatre* 19, no. 5 (May/June 2002): 4.
- Chang, Grace. *Disposable Domestic: Immigrant Women Workers in the Global Economy*. Cambridge, MA: South End Press, 2000.
- Chavez, Leo R. *Covering Immigration: Popular Images and the Politics of the Nation*. Berkeley: University of California Press, 2001.
- . *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. Stanford: Stanford University Press, 2008.
- Chin, Tung Pok with Winifred C. Chin. *Paper Son: One Man's Story*. Philadelphia: Temple University Press, 2000.
- Cohen, Lizabeth. *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*. New York: Knopf, 2003.
- Cohen, Robin. "Diasporas, the Nation-State, and Globalisation." In *Global History and Migrations*, edited by Wang Gungwu, 117–44. Boulder: Westview Press, 1997.
- Cohen-Cruz, Jan. *Local Acts: Community-Based Performance in the United States*. New Brunswick: Rutgers University Press, 2005.
- Cole, David. *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism*. New York: New Press, 2003.
- Comaroff, Jean. *Body of Power, Spirit of Resistance*. Chicago: University of Chicago Press, 1985.
- Comaroff, Jean, and John L. Comaroff. "Criminal Obsessions, after Foucault: Postcoloniality, Policing, and the Metaphysics of Disorder." In *Law and Disorder in the Postcolony*, edited by Comaroff and Comaroff, 273–98. Chicago: University of Chicago Press, 2006.
- . "The Madman and the Migrant: Work and Labor in the Historical Consciousness of a South African People." *American Ethnologist* 14, no. 2 (May 1987): 191–209.
- Conquergood, Dwight. "Lethal Theatre: Performance, Punishment, and the Death Penalty." *Theatre Journal* 54, no. 3 (October 2002): 339–67.

- Coombe, Rosemary J. "Contingent Articulations: A Critical Cultural Studies of Law." In *Law in the Domains of Culture*, edited by Austin Sarat and Thomas R. Kearns, 21–64. Ann Arbor: University of Michigan Press, 1998.
- Corbin, Edwin. "Transnational Barrio Politics: Staging Justice in Red Tights in DC." Paper presented at the annual American Society of Theatre Research conference, Boston, 2008.
- Cortez, Beatriz. "Hybrid Identities and the Emergence of Dislocated Consciousness: *Deporting the Divas* by Guillermo Reyes." In Foster, *Chicano/Latino Homoerotic Identities*, 131–45.
- Costello, Donald P. "Arthur Miller's Circles of Responsibility: *A View from the Bridge* and Beyond." In Centola and Cirulli, *The Critical Response to Arthur Miller*, 320–29.
- Coutin, Susan Bibler. *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. Ann Arbor: University of Michigan Press, 2000.
- . *Nations of Emigrants: Shifting Boundaries of Citizenship in El Salvador and the United States*. Ithaca: Cornell University Press, 2007.
- Davis, Mike. *Ecology of Fear: Los Angeles and the Imagination of Disaster*. New York: Metropolitan Books, 1998.
- De Certeau, Michel. *The Practice of Everyday Life*. Translated by Steven Rendall. Berkeley: University of California Press, 1984.
- De Genova, Nicholas, and Ana Ramos-Zayas. *Latino Crossings: Mexicans, Puerto Ricans, and the Politics of Race and Citizenship*. New York: Routledge, 2003.
- De La Torre, Miguel A. "For Immigrants." In *To Do Justice: A Guide for Progressive Christians*, edited by Rebecca Todd Peters and Elizabeth Hinson-Hasty, 73–84. Louisville: Westminster John Knox Press, 2008.
- . *Hispanic American Religious Cultures*. Santa Barbara, CA: ABC-CLIO, 2009.
- "Democracy in the Age of New Media: A Report on the Media and the Immigration Debate." Transcript from 25 September 2008 presentation in Washington DC, Brookings Institute website, www.brookings.edu/events/2008/0925_media_immigration.aspx (accessed 21 September 2009).
- Derrida, Jacques. *Of Grammatology*. Translated by Gayatri Chakravorty Spivak. Baltimore: Johns Hopkins University Press, 1997.

- Doty, Roxanne Lynn. "Sovereignty and the nation: constructing the boundaries of national identity." In *State Sovereignty as Social Construct*, edited by Thomas J. Biersteker and Cynthia Weber, 121–47. Cambridge: Cambridge University Press, 1996.
- Dow, Mark. *American Gulag: Inside U.S. Immigration Prisons*. Berkeley: University of California Press, 2004.
- Doyle, Brian Leahy. "'In the Pocket': Larry Kirwan's Restless Writings." *New Hibernia Review* 11, no. 3 (Autumn 2007): 131–44.
- Duenas, Christopher A. "Coming to America: The Immigration Obstacle Facing Binational Same-Sex Couples." *Southern California Law Review* 73, no. 1 (May 2000): 811–41.
- Dunn, Timothy J. *The Militarization of the U.S.–Mexico Border, 1978–1992: Low-Intensity Conflict Doctrine Comes Home*. Austin: CMAS Books, University of Texas at Austin, 1996.
- Ehrenreich, Barbara, and Arlie Russell Hochschild. Introduction to *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, edited by Ehrenreich and Hochschild, 1–13. New York: Metropolitan Books, 2002.
- Elam, Jr., Harry J. "Towards a New Territory in 'Multicultural' Theater." In Uno and Burns, *The Color of Theater*, 91–114.
- Enders, Jody. *Rhetoric and the Origins of Medieval Drama*. Ithaca: Cornell University Press, 1992.
- Engel, David M., and Frank W. Munger. *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities*. Chicago: University of Chicago Press, 2003.
- Epstein, Arthur. "A Look at *A View From the Bridge*." In Centola and Cirulli, *The Critical Response to Arthur Miller*, 79–90.
- Eschbach, Karl, Jacqueline Hagan, Nestor Rodriguez, Rubén Hernández-León, and Stanley Bailey. "Death at the Border." *International Migration Review* 33, no. 2 (Summer 1999): 430–54.
- Esch-van Kan, Anneka. "Amazing Acrobatics of Language: The Theatre of Yussef El Guindi." *American Studies Journal* 52 (Winter 2008). Available at asjournal.zusas.uni-halle.de/157.html (accessed 17 October 2010).
- Eskridge, Jr., William N., and Darren R. Spedale. *Gay Marriage: For Better or for Worse? What We've Learned from the Evidence*. Oxford: Oxford University Press, 2006.

- Ewick, Patricia, and Susan S. Silbey. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press, 1998.
- Fellner, Kim. *Wrestling with Starbucks: Conscience, Capital, Cappuccino*. New Brunswick: Rutgers University Press, 2008.
- Fernandes, Deepa. *Targeted: National Security and the Business of Immigration*. New York: Seven Stories Press, 2007.
- Figuroa, María P. "Resisting 'Beauty' and *Real Women Have Curves*." In *Velvet Barrios: Popular Culture & Chicana/o Sexualities*, edited by Alicia Gaspar de Alba, 265–82. New York: Palgrave Macmillan, 2003.
- Fitch, Melissa A. "Gender Bending in Latino Theater: *Johnny Diego*, *The His-Panic Zone*, and *Deporting the Divas* by Guillermo Reyes." In *Latino/a Popular Culture*, edited by Michelle Habell-Pallán and Mary Romero, 162–73. New York: New York University, 2002.
- . *See also* Lockhart, Melissa Fitch.
- Fix, Michael, and Wendy Zimmerman. "All Under One Roof: Mixed-Status Families in an Era of Reform." *International Migration Review* 35, no. 2 (Summer 2001): 397–419.
- Foucault, Michel. *Discipline & Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage, 1977.
- The Essential Works of Foucault, 1954–1984*. Vol. 3, *Power*. Edited by James D. Faubion. Translated by Robert Hurley and others. New York: New Press, 2000.
- Language, Counter-Memory, and Practice: Selected Essays and Interviews by Michel Foucault*. Edited by Donald F. Bouchard. Ithaca: Cornell University Press, 1977.
- Foster, David William, ed. *Chicano/Latino Homoerotic Identities*. New York: Garland Publishing, 1999.
- . "Phoenix in Guillermo Reyes's *Places to Touch Him*." *Latin American Theatre Review* 43, no. 1 (Fall 2009): 71–86.
- . "Guillermo Reyes's *Deporting the Divas*." *Gestos* 27 (April 1999): 103–8.
- García, María Cristina. *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada*. Berkeley: University of California Press, 2006.
- Geertz, Clifford. *Local Knowledge: Further Essays in Interpretive Anthropology*. New York: Basic Books, 1983.

- Gewirtz, Paul. "Narrative and Rhetoric in the Law." In Brooks and Gewirtz, *Law's Stories*, 2–13.
- Gilboy, Janet A. "Deciding Who Gets In: Decisionmaking by Immigration Inspectors." *Law & Society Review* 25, no. 3 (1991): 571–600.
- . "Penetrability of Administrative Systems: Political 'Casework' and Immigration Inspections." *Law & Society Review* 26, no. 2 (1992): 273–314.
- Giménez, Gilberto. "Cultura, territorio y migraciones. Aproximaciones teóricas." *Alteridades* 11, no. 22 (July–December 2001): 5–14.
- Gleeson, Shannon. "Labor Rights for All? The Role of Undocumented Immigrant Status for Worker Claims Making." *Law & Social Inquiry* 35, no. 3 (Summer 2010): 561–602.
- Golash-Boza, Tanya. "A Confluence of Interests in Immigration Enforcement: How Politicians, the Media, and Corporations Profit from Immigration Policies Destined to Fail." *Sociology Compass* 3, no. 2 (March 2009): 283–94.
- . "The Immigration-Industrial Complex: Why We Enforce Immigration Policies Destined to Fail." *Sociology Compass* 3, no. 2 (March 2009): 295–309.
- Gómez-Peña, Guillermo. "The Multicultural Paradigm: An Open Letter to the National Arts Community." In Taylor and Villegas, *Negotiating Performance*, 17–29.
- . Preface. In *Culture Clash in America*, vii–xi.
- Gordon, Jennifer, and R. A. Lenhardt. "Rethinking Work and Citizenship." *UCLA Law Review* 55, no. 5 (June 2008): 1161–1238.
- Grahams, Otis L. *Unguarded Gates: A History of America's Immigration Crisis*. Lanham, MD: Rowman & Littlefield Publishers, 2004.
- Guterman, Gad. "Field Tripping: The Power of *Inherit the Wind*." *Theatre Journal* 60, no. 4 (December 2008): 563–83.
- . "Reviewing the Rosenbergs: Donald Freed's *Inquest* and its Jurors." *Theatre Survey* 48, no. 2 (November 2007): 265–87.
- Gutiérrez, David G., and Pierrette Hondagneu-Sotelo. "Introduction: Nation and Migration." *American Quarterly* 60, no. 3 (September 2008): 503–21.
- Haedicke, Susan, and Tobin Nellhaus, eds. *Performing Democracy: International Perspectives on Urban Community-Based Performance*. Ann Arbor: University of Michigan Press, 2001.

- Hanson, Gordon H. "Illegal Migration from Mexico to the United States." *Journal of Economic Literature* 44, no. 4 (December 2006): 869–924.
- Hariman, Robert. "Performing the Laws: Popular Trials and Social Knowledge." In *Popular Trials: Rhetoric, Mass Media, and the Law*, edited by Hariman, 17–30. Tuscaloosa: University of Alabama Press, 1990.
- Havis, Allan. Introduction. In *American Political Plays after 9/11*, ed. Havis. Carbondale: Southern Illinois University Press, 2010.
- Heyman, Josiah McC. "U.S. Immigration Officers of Mexican Ancestry as Mexican Americans, Citizens, and Immigration Police." *Current Anthropology* 43, no. 3 (June 2002): 479–507.
- Hing, Bill Ong. *Deporting Our Souls: Values, Morality, and Immigration Policy*. Cambridge: Cambridge University Press, 2006.
- Holmlund, Chris. "Postfeminism from A to G." *Cinema Journal* 44, no. 2 (2005): 116–21.
- Hondagneu-Sotelo, Pierrette. *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence*. Berkeley: University of California Press, 2001.
- Howell, David R. "Do Surges in Less-Skilled Immigration Have Important Wage Effects? A Review of U.S. Evidence." Political Economy Research Institute, University of Massachusetts at Amherst, Working Papers (March 2007), available at www.peri.umass.edu/fileadmin/pdf/working_papers/working_papers_101-150/WP128.pdf (accessed 27 July 2009).
- Huerta, Jorge. *Chicano Drama: Performance, Society and Myth*. Cambridge: Cambridge University Press, 2000.
- . *Chicano Theater: Themes and Forms*. Tempe: Bilingual Press, 1982.
- . "Chicano Theatre in a Society in Crisis." In *Text & Presentation, 2007*, edited by Stratos E. Constantinidis, 5–23. Jefferson, NC: McFarland, 2008.
- . Introduction to El Teatro de la Esperanza and *La víctima*. In Huerta, *Necessary Theater*, 316–24.
- . Introduction to Milcha Sánchez-Scott and *Latina*. In Huerta, *Necessary Theater*, 76–84.
- . "Keeping in Touch with the People." *The Drama Review: TDR* 21, no. 1 (March 1977): 37–46.
- . "Looking for the Magic: Chicanos in the Mainstream." In Taylor and Villegas, *Negotiating Performance*, 37–48.

- . “Some Thoughts On Casting *Deporting the Divas*.” *Gestos* 27 (April 1999): 159–61.
- Huerta-Macías, Ana, María Luisa González, and Linda Holman. “Children of Undocumented Immigrants: An Invisible Minority among Homeless Students.” In *Children on the Streets of the Americas: Homelessness, Education and Globalization in the United States, Brazil and Cuba*, edited by Roslyn Arlin Mickelson, 238–46. London: Routledge, 2000.
- Hwang, David Henry, and Laurence Maslon. Interviewed in “A Classic Evolves: From Print to Stage to Screen.” In Rodgers, Hammerstein, and Fields, *Flower Drum Song*, DVD.
- Immigration Marriage Fraud, Hearing Before the Subcommittee on Immigration and Refugee Policy of the Committee of the Judiciary*. U.S. Senate, 99th Congress, 1st Sess., 26 July 1985. Washington, DC: US Government Printing Office, 1986.
- Jottar, Berta. “Superbarrio Gomez for U.S. President: Global Citizenship and the ‘Politics of the Possible.’” *e-misférica* 1, no. 1 (2004), hemi.nyu.edu/journal/1_1/sb.html (accessed 3 September 2010).
- Kafka, Franz. *The Trial*. Translated by Willa and Edwin Muir. 1937. Reprinted with introduction by George Steiner. New York: Schocken Books, 1995.
- Kanellos, Nicolás. *A History of Hispanic Theatre in the United States: Origins to 1940*. Austin: University of Texas Press, 1990.
- Kelly, Linda. “Preserving the Fundamental Right to Family Unity: Championing Notions of Social Contract and Community Ties in the Battle of Plenary Power Versus Alien Rights.” *Villanova Law Review* 41, no. 3 (1996): 725–83.
- Kershaw, Baz. *The Politics of Performance: Radical Theatre as Cultural Intervention*. London: Routledge, 1992.
- Kondo, Dorinne. *About Face: Performing Race in Fashion and Theater*. London: Routledge, 1997.
- . “(Re)Visions of Race: Contemporary Race Theory and the Cultural Politics of Racial Crossover in Documentary Theatre.” *Theatre Journal* 52, no. 1 (2000): 81–107.
- Kristeva, Julia. *Revolution in Poetic Language*. Translated by Margaret Waller. New York: Columbia University Press, 1984.
- Kuftinec, Sonja. *Staging America: Cornerstone and Community-Based Theater*. Carbondale: Southern Illinois University Press, 2003.
- Kun, Josh D. “The Aural Border.” *Theatre Journal* 52, no. 1 (2000): 1–21.

- Kushner, Tony, et al. "How Do You Make Social Change?." *Theater* 31, no. 3 (Fall 2001): 62–93.
- Lai, H. Mark, Genny Lim, and Judy Young. *Island: Poetry and History of Chinese Immigrants on Angel Island 1910–1940*. Seattle: University of Washington Press, 1991.
- Launius, Christie. "Real Women Have Curves: A Feminist Narrative of Upward Mobility." *American Drama* 16, no. 2 (Summer 2007): 15–27.
- Lee, Esther Kim. *A History of Asian American Theatre*. Cambridge: Cambridge University Press, 2006.
- Lee, Josephine. *Performing Asian America: Race and Ethnicity on the Contemporary Stage*. Philadelphia: Temple University Press, 1997.
- Lee, Robert G. *Orientalists: Asian Americans in Popular Culture*. Philadelphia: Temple University Press, 1999.
- Lessard, Gabrielle, and Leighton Ku. "Gaps in Coverage for Children in Immigrant Families." *The Future of Children* 13, no. 1 (Spring 2003): 100–115.
- Levit, Nancy. *The Gender Line: Men, Women, and the Law*. New York: New York University Press, 1998.
- Levy, Heather. *The World of Lucha Libre: Secrets, Revelations, and Mexican National Identity*. Durham: Duke University Press, 2008.
- Lewis, Sasha G. *Slave Trade Today: American Exploitation of Illegal Aliens*. Boston: Beacon Press, 1979.
- Li, Peter S. "Fictive Kinship, Conjugal Tie and Kinship Chain Among Chinese Immigrants in the United States." *Journal of Comparative Family Studies* 3, no. 1 (Spring 1977): 47–63.
- Lockhart, Melissa Fitch. "Living between Worlds: An Interview with Guillermo Reyes." *Latin American Theatre Review* 31, no. 1 (Fall 1997): 117–21.
- . "Queer Representations in Latino Theatre." *Latin American Theatre Review* 31, no. 2 (Spring 1998): 67–78.
- Lope de Vega. *Fuente Ovejuna*. Translated by Roy Campbell. In Bentley, *Life Is a Dream and Other Spanish Classics*, 67–135.
- . "The New Art of Writing Plays." Translated by Marvin Carlson. In *Theatre/Theory/Theatre: The Major Critical Texts from Aristotle and Zeami to Soyinka and Havel*, edited by Daniel Gerould, 135–45. New York: Applause, 2000.

- López, Ian F. Haney. *White by Law: The Legal Construction of Race*. New York: New York University Press, 1996.
- López Rodríguez, Miriam. "Sophie Treadwell, Jung, and the Mandala: Acting a Gendered Identity." In *Codifying the National Self: Spectators, Actors and the American Dramatic Text*, edited by Barbara Ozieblo and María Dolores Narbona-Carrión, 123–36. Bruxelles: P.I.E.-Peter Lang, 2006.
- Love, Meredith A., and Brenda M. Helmbrecht. "Teaching the Conflicts: (Re)Engaging Students with Feminism in a Postfeminist World." *Feminist Teacher* 18, no. 1 (2007): 41–58.
- Luibhéid, Eithne. *Entry Denied: Controlling Sexuality at the Border*. Minneapolis: University of Minnesota Press, 2002.
- . "Immigration." In *Keywords for American Cultural Studies*, edited by Bruce Burgett and Glenn Hendler, 127–31. New York: New York University Press, 2007.
- MacKay, Ellen. "Auditioning for the Role of a Lifetime: Performing Self-Translation at the American Immigration and Naturalization Service." *Canadian Theatre Review* 102 (Spring 2000): 20–24.
- Martínez, Rubén. *Crossing Over: A Mexican Family on the Migrant Trail*. New York: Metropolitan Books, 2001.
- Marx, Karl. *Theories of Surplus Value*. Translated by Renate Simpson. Edited by S. Ryazanskaya. London: Lawrence and Wishart, 1969.
- Mason, Jeffrey D. *Stone Tower: The Political Theater of Arthur Miller*. Ann Arbor: University of Michigan Press, 2008.
- McCracken, Grant. *Culture and Consumption: New Approaches to the Symbolic Character of Consumer Goods and Activities*. Bloomington: Indiana University Press, 1988.
- Memmi, Albert. *The Colonizer and Colonized*. Expanded ed. Translated by Howard Greenfeld. Boston: Beacon Press, 1991.
- Merry, Sally Engle. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press, 1990.
- . *Colonizing Hawai'i: The Cultural Power of Law*. Princeton: Princeton University Press, 2000.
- Metzger, Sean. "Charles Parsloe's Chinese Fetish: An Example of Yellowface Performance in Nineteenth-Century American Melodrama." *Theatre Journal* 56, no. 4 (December 2004): 627–651.

- Mezey, Naomi. "Law as Culture," in *Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism*, edited by Austin Sarat and Jonathan Simon, 37–72. Durham: Duke University Press, 2003.
- Minter, Shannon. "Sodomy and Public Morality Offenses Under U.S. Immigration Law: Penalizing Lesbian and Gay Identity." *Cornell International Law Journal* 26 (1993): 771–818.
- Motomura, Hiroshi. *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States*. Oxford: Oxford University Press, 2006.
- . "The Family and Immigration: A Roadmap for the Ruritanian Lawmaker." *American Journal of Comparative Law* 43, no. 4 (Autumn 1995): 511–44.
- . "Whose Alien Nation?: Two Models of Constitutional Immigration Law." *Michigan Law Review* 94, no. 6 (1996): 1927–52.
- Muñoz, José Esteban. *Disidentifications: Queers of Color and the Performance of Politics*. Minneapolis: University of Minnesota Press, 1999.
- Nathan, Debbie. *Women and Other Aliens: Essays from the U.S.-Mexico Border*. El Paso: Cinco Puntos Press, 1991.
- Neal, Valerie. "Slings and Arrows of Outrageous Fortune: The Deportation of 'Aggravated Felons.'" *Vanderbilt Journal of Transnational Law* 36 (November 2003): 1619–55.
- Neuman, Gerald L. "Aliens as Outlaws: Government Services, Proposition 187, and the Structure of Equal Protection Doctrine." *UCLA Law Review* 42, no. 6 (August 1995): 1425–52.
- . "The Lost Century of American Immigration Law (1776–1875)." *Columbia Law Review* 93, no. 8 (December 1993): 1833–1901.
- Nevins, Joseph. *Operation Gatekeeper and Beyond: The War on "Illegals" and the Remaking of the U.S.-Mexico Boundary*. New York: Routledge, 2010.
- Ngai, Mae M. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press, 2004.
- Nguyen, Tram. *We Are All Suspects Now: Untold Stories from Immigrant Communities after 9/11*. Boston: Beacon Press, 2005.
- Nield, Sophie. "On the border as theatrical space: Appearance, dis-location and the production of the refugee." In *Contemporary Theatres in Europe: A Critical Companion*, edited by Joe Kelleher and Nicholas Ridout, 61–72. London: Routledge, 2006.

- . “The Proteus Cabinet, or ‘We Are Here but Not Here.’” *Research in Drama Education* 13, no. 2 (June 2008): 137–45.
- Nielsen, Laura Beth. “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment.” *Law & Society Review* 34, no. 4 (2000): 1055–1090.
- Oboler, Suzanne. *Ethnic Labels, Latino Lives: Identity and the Politics of (Re)Presentation in the United States*. Minneapolis: University of Minnesota Press, 1995.
- Ohmae, Kenichi. *The End of the Nation State: The Rise of Regional Economies*. New York: Free Press, 1995.
- Olivares, Cecilia. “Seeking Divine Intervention: Votive Iconography and Processes of U.S.-Mexican Migration.” In Baugh, *Mediating Chicana/o Culture*, 100–112.
- Palumbo-Liu, David. *Asian/American: Historical Crossings of a Racial Frontier*. Stanford: Stanford University, 1999.
- Parker, Kevin. “The ‘True’ Nanny Experience.” Introduction to Nandi, *The True Nanny Diaries*, unnumbered pages.
- Passel, Jeffrey S., and D’Vera Cohn. “A Portrait of Unauthorized Immigrants in the United States.” Pew Hispanic Center Research Report, 14 April 2009, pewhispanic.org/files/reports/107.pdf (accessed 30 December 2010).
- . “U.S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade.” Pew Hispanic Center Research Report, 1 September 2010, pewhispanic.org/files/reports/126.pdf (accessed 3 September 2010).
- Passel, Jeffrey S., and Paul Taylor. “Unauthorized Immigrants and Their U.S.-Born Children.” Pew Hispanic Center Report, 11 August 2010, pewhispanic.org/files/reports/125.pdf (accessed 13 September 2010).
- Pineda, Richard D. “Will They See Me Coming? Do They Know I’m Running? Los Lobos and the Performance of *Mestizaje* Identity through Journey.” *Text and Performance Quarterly* 29, no. 2 (April 2009): 183–200.
- Posner, Richard A. *Law and Literature*. 3rd ed. Cambridge, MA: Harvard University Press, 2009.
- Puchner, Martin. *Poetry of the Revolution: Marx, Manifestos, and the Avant-Gardes*. Princeton: Princeton University Press, 2006.
- Ramírez, Elizabeth C. *Chicanas/Latinas in American Theatre: A History of Performance*. Bloomington: Indiana University Press, 2000.

- Reyes, Guillermo. "Teatro Bravo and remember the Mummers." *Theatre Journal* 56, no. 3 (October 2004): 474–77.
- Roach, Joseph. *Cities of the Dead: Circum-Atlantic Performance*. New York: Columbia University Press, 1996.
- Rokem, Freddie. *Performing History: Theatrical Representations of the Past in Contemporary Theatre*. Iowa City: University of Iowa Press, 2000.
- Rollins, Judith. *Between Women: Domesticity and Their Employers*. Philadelphia: Temple University Press, 1985.
- Román, David. Editorial Comment for *Theatre Journal* 52, no. 1 (March 2000): iv–v.
- Romero, Elaine. "Memories on the Border." *American Theatre* 25, no. 10 (December 2008): 64–65.
- Romero, Mary. *Maid in the U.S.A.* 10th anniversary ed. New York: Routledge, 2002.
- Rossini, Jon D. *Contemporary Latina/o Theater: Wrighting Ethnicity*. Carbondale: Southern Illinois University Press, 2008.
- . "Radiohead on the Border: Geography and Desire in *El Paso Blue*." In Baugh, *Mediating Chicana/o Culture*, 41–51.
- Rusinko, Susan. *British Drama 1950 to the Present: A Critical History*. Boston: Twayne Publishers, 1989.
- Said, Edward. *Orientalism*. New York: Vintage Books, 1978.
- Salazar-Parreñas, Rhacel. *The Force of Domesticity: Filipina Migrants and Globalization*. New York: New York University, 2008.
- Salyer, Lucy. *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*. Chapel Hill: University of North Carolina Press, 1995.
- Samora, Julian, with Jorge A. Bustamante F. and Gilbert Cardenas. *Los Mojados: The Wetback Story*. Notre Dame: University of Notre Dame Press, 1971.
- Sandoval-Sánchez, Alberto. *José, Can You See?: Latinos On and Off Broadway*. Madison: University of Wisconsin Press, 1999.
- Sandoval-Sánchez, Alberto, and Nancy Saporta Sternbach. "Re-visiting Chicana Cultural Icons: From Sor Juana to Frida." In *The State of Latino Theater in the United States: Hybridity, Transculturation, and Identity*, edited by Luis A. Ramos-García, 30–38. New York: Routledge, 2002.

- Sánchez-Scott, Milcha. Introduction to *Roosters*. In *On New Ground: Contemporary Hispanic-American Plays*, edited by M. Elizabeth Osborn, 244–47. New York: Theatre Communications Group, 1987.
- Sarat, Austin, and Thomas R. Kearns, eds. *Law in Everyday Life*. Ann Arbor: University of Michigan Press, 1995.
- Sassatelli, Roberta. *Consumer Culture: History, Theory and Politics*. Los Angeles: Sage Publications, 2007.
- Sassen, Saskia. *Territory, Authority, Rights: From Medieval to Global Assemblages*. Princeton: Princeton University Press, 2006.
- Savran, David. *Communists, Cowboys, and Queers: The Politics of Masculinity in the Works of Arthur Miller and Tennessee Williams*. Minneapolis: University of Minnesota Press, 1992.
- . *The Playwright's Voice: American Dramatists on Memory, Writing and the Politics of Culture*. New York: Theatre Communications Group, 1999.
- Scaperlanda, Michael A. *Immigration Law*. Chicago: Gilbert Law Summaries, 2008.
- Schlosser, Eric. *Fast Food Nation: The Dark Side of the All-American Meal*. Boston: Houghton Mifflin, 2001.
- Schooler, Deborah. “Real Women Have Curves: A Longitudinal Investigation of TV and the Body Image Development of Latina Adolescents.” *Journal of Adolescent Research* 23, no. 2 (March 2008): 132–53.
- Schuck, Peter H. *Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship*. Boulder: Westview Press, 1998.
- Schwarz, Mauricio-José. *Todos somos Superbarrio: la verdadera y asombrosa historia del luchador social más enigmático de México*. Mexico City: Editorial Planeta, 1994.
- Shimakawa, Karen. *National Abjection: The Asian American Body Onstage*. Durham: Duke University Press, 2002.
- Sieg, Katrin. *Ethnic Drag: Performing Race, Nation, Sexuality in West Germany*. Ann Arbor: University of Michigan Press, 2002.
- Simon, Julian L. *The Economic Consequences of Immigration*. 2nd ed. Ann Arbor: University of Michigan Press, 1999.
- Smith, Peggy R. “Organizing the Unorganizable: Private Paid Household Workers and Approaches to Employee Representation.” *North Carolina Law Review* 79, no. 1 (2000): 45–110.

- Soltero, Carlos R. *Latinos and American Law: Landmark Supreme Court Cases*. Austin: University of Texas Press, 2006.
- Somers, Margaret R. *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights*. Cambridge: Cambridge University Press, 2008.
- Sumida, Stephen H. "The More Things Change: Paradigm Shifts in Asian American Studies." *American Studies International* 38, no. 2 (June 2000): 97–114.
- Sung, Betty Lee. *The Story of the Chinese in America*. New York: Collier Books, 1967.
- Stanislavski, Constantin. *An Actor Prepares*. Translated by Elizabeth Reynolds Hapgood. New York: Routledge, 1948.
- Stanislavski, Konstantin. *An Actor's Work: A Student's Diary*. Translated by Jean Benedetti. New York: Routledge, 2008.
- Taylor, Diana. "Afterword: War Play." *PMLA* 124, no. 5 (October 2009): 1886–95.
- . *The Archive and the Repertoire: Performing Cultural Memory in the Americas*. Durham: Duke University Press, 2003.
- . *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's "Dirty War"*. Durham: Duke University Press, 1997.
- . "Double-Blind: The Torture Case." *Critical Inquiry* 33, no. 4 (Summer 2007): 710–33.
- Taylor, Diana, and Juan Villegas, eds. *Negotiating Performance: Gender, Sexuality, and Theatricality in Latin/o America*. Durham: Duke University Press, 1994.
- Thorpe, Helen. *Just Like Us: The True Story of Four Mexican Girls Coming of Age in America*. New York: Scribner, 2009.
- Trinch, Shonna L. *Latinas' Narratives of Domestic Abuse: Discrepant Versions of Violence*. Amsterdam: John Benjamins Publishing Company, 2003.
- Tucker, Joe A. "Assimilation to the United States: A Study of the Adjustment of Status and the Immigration Marriage Fraud Statutes." *Yale Law & Policy Review* 7, no. 1 (1989): 20–100.
- United States Governmental Accountability Office. "Illegal Immigration: Border-Crossing Deaths Have Doubled since 1995; Border Patrol Efforts to Prevent Deaths Have Not Been Fully Evaluated." Report no. GAO-06-770, August 2006, www.gao.gov/new.items/d06770.pdf (accessed 24 October 2010).
- Uno, Roberta. "The Color of Theater." In Uno and Burns, *The Color of Theater*, 3–17.

- Uno, Roberta, with Lucy Mae San Pablo Burns, eds. *The Color of Theater: Race, Culture, and Contemporary Performance*. London: Continuum, 2002.
- Van Vleck, William C. *The Administrative Control of Aliens: A Study in Administrative Law and Procedure*. New York: Commonwealth Fund, 1932.
- Varea, Roberto. "Poética Mojada's basic principles." Unpublished manifesto, 31 August 2009.
- Veblen, Thorstein. *The Theory of the Leisure Class: An Economic Study of Institutions*. New York: MacMillan, 1912.
- Viladrich, Anahí, Ming-Chin Yeh, Nancy Bruning, and Rachael Weiss. "'Do Real Women Have Curves?' Paradoxical Body Images among Latinas in New York City." *Journal of Immigrant & Minority Health* 11, no. 1 (February 2009): 20–28.
- Vogel, Richard D. "Harder Times: Undocumented Workers and the U.S. Informal Economy." *Monthly Review* 58, no. 3 (July-August 2006): 29–39.
- Wada, Karen. Afterword. In Rodgers, Hammerstein, and Hwang, *Flower Drum Song*, 99–115.
- Wall, Eamonn. *From the Sine-é Café to the Black Hills: Notes on the New Irish*. Madison: University of Wisconsin Press, 1999.
- Ward, Ian. *Law and Literature: Possibilities and Perspectives*. Cambridge: Cambridge University Press, 1995.
- Weisberg, Richard H. *Poethics and Other Strategies of Law and Literature*. New York: Columbia University Press, 1992.
- Weissbrodt, David, and Laura Danielson. *Immigration Law and Procedure*. 5th ed. Eagan, MN: West Group, 2005.
- Whitman, James Q. *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe*. Oxford: Oxford University Press, 2003.
- Williams, Dave. Introduction to *The Chinese Other, 1850–1925: An Anthology of Plays*, edited by Williams, xii–xiii. Lanham, MD: University Press of America, 1997.
- Wilson, Luke. *Theaters of Intention: Drama and the Law in Early Modern England*. Stanford: Stanford University Press, 2000.
- Winner, Lucy. "Democratic Acts: Theatre of Public Trials." *Theatre Topics* 15, no. 2 (September 2005): 149–69.

- Wong, Sau-ling C. "Diverted Mothering: Representations of Caregivers of Color in the Age of 'Multiculturalism.'" In *Mothering: Ideology, Experience, and Agency*, edited by Evelyn Nakano Glenn, Grace Chang, and Linda Rennie Forcey, 67–91. New York: Routledge, 1994.
- Woo, Miseong. "Diaspora and Geographies of Identity: Genny Lim's *Paper Angels and Bitter Cane*." *Journal of Modern British and American Drama* 17, no. 1 (April 2004): 177–200.
- Woodyard, George. "Rompiendo las fronteras: El teatro de Guillermo Reyes." In *Théâtre et territoires Espagne et Amérique Hispanique, 1950–1996/Teatro y territorios España e Hispanoamérica*, edited by Sara Bonnardel and Geneviève Champeau, 333–43. Bordeaux: Maison des Pays Ibériques, 1998.
- Worthen, William B. "Staging América: The Subject of History in Chicano/a Theatre." *Theatre Journal* 49, no. 2 (May 1997): 101–120.
- Yarbro-Bejarano, Yvonne. "Chicanas' Experience in Collective Theatre: Ideology and Form." *Women & Performance* 2, no. 2 (1985): 45–58.
- . "The Female Subject in Chicano Theatre: Sexuality, 'Race,' and Class." *Theatre Journal* 38, no. 4 (December 1986): 389–407.
- Yngvesson, Barbara. "Making Law at the Doorway: The Clerk, the Court, and the Construction of Community in a New England Town." *Law and Society Review* 22 (1988): 409–48.
- . *Virtuous Citizens, Disruptive Subjects: Order and Complaint in a New England Court*. New York: Routledge, 1993.
- Yoxall, Peter. "The Minuteman Project, Gone in a Minute or Here to Stay? The Origin, History and Future of Citizen Activism on the United States–Mexico Border," *University of Miami Inter-American Law Review* 37, no. 3 (Spring–Summer 2006): 517–66.
- Zhao, Xiaojian. *Remaking Chinese America: Immigration, Family, and Community, 1940–1965*. New Brunswick: Rutgers University Press, 2002.