

Reaction to “Immigration Policy as a Defense of White Nationhood”

JEREMY PENN*

Professor Perea’s Article lays out three central arguments. First, white national identity has underpinned United States legal history since the country’s founding. Second, whites have repeatedly used immigration and naturalization law against Mexicans and Mexican Americans to reinforce the white national identity of the United States. Third, whites across the political spectrum are largely in favor of this cyclical violence. Professor Perea is, I think, correct in his assertions. But there are two central organizing principles that require clarification for Professor Perea’s points to illuminate this legal shadow properly.

The causal links between racist rhetoric, immigration policy, and white national identity should be clearly delineated. Professor Perea seems to consider white national identity as the means by which political actors achieve the ends of racist rhetoric and immigration policy. But the causal chain actually flows in the other direction. White national identity is not the *means* of this system, but the *ends* of it. Political actors throughout the United States’ history have used racist rhetoric and immigration policy to achieve the goal of white national identity. Without this clear understanding of the causal direction, Professor Perea’s third argument regarding the white national consensus on immigration policy does not explain the avowedly race-blind political ideology of white liberalism. Only with the understanding that the United States’ racist immigration policies are a means to white national ends does it become obvious that white liberals predictably subsume their avowedly race-blind politics to eyes-wide-open racist rhetoric and immigration policies to maintain the white national identity necessary for whites to maintain their political power.

Professor Perea also fails to make critical connections between the cycles of Mexican expulsion that would make for otherwise worthwhile scholarship illuminating the white national identity that underpins American immigration law. First, Professor Perea briefly discusses how Mexican and Latinx people’s lack of legal protections results in the labor market determining the timing of mass deportations in the United States. But Professor Perea never connects this lack of legal protections back to whites’ intentional imposition of Jim Crow segregation across the American Southwest in the first place. Second, Professor Perea discusses President Trump’s forcible separation of immigrant children and families. But again, Professor Perea does not connect the historical through line to President Obama’s deportation of American children’s parents which broke up immigrant families in an effectively identical way. It is worth discussing how President Obama’s policies were the spiritual predecessors to President Trump’s policies, and where President Obama’s policies themselves descended from U.S. history.

* Staff Editor, GEO. J. L. & MOD. CRIT. RACE PERSP. (Vol. 12); J.D. Candidate, Georgetown University Law Center, expected May 2021. © 2020, Jeremy Penn.

Professor Perea's Article brilliantly dismantles the notion that President Trump's rhetoric and immigration policies are newly or uniquely racist in U.S. history and begins to illuminate the political reasons underpinning white national identity. But as all good works of scholarship do, this Article ultimately invites more questions than it successfully answers-especially regarding the white national vision that motivates American immigration law. This Article is not sufficient in its discussion of these topics. But this Article is a necessary first step.