

Present Tense

A Journal of Rhetoric in Society

Economic Globalization and the “Given Situation”: Jan Brewer’s Use of SB 1070 as an Effective Rhetorical Response to the Politics of Immigration

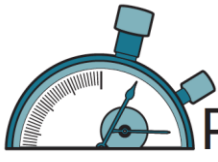
Jennifer J. Asenas and Kevin A. Johnson

California State University Long Beach and University of
Texas at Austin

Present Tense, Vol. 4, Issue 1, 2014.

<http://www.presenttensejournal.org> | editors@presenttensejournal.org





Economic Globalization and the “Given Situation”: Jan Brewer’s Use of SB 1070 as an Effective Rhetorical Response to the Politics of Immigration

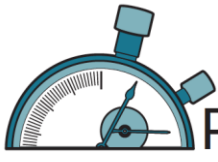
Jennifer J. Asenas, Kevin A. Johnson

Immigration, legal or illegal, is a staple issue in American politics. Since at least the 1830s, many Americans began expressing a “growing concern” about “the increasing volume of immigration in both absolute terms and relative to the US population and the facts that more of the arrivals were Catholic and unskilled” (Cohn).¹ These concerns resulted in the passage of the Chinese Exclusion Act in 1882 followed by other laws in the 20th century;² however, those efforts pale in comparison to the fury of anti-immigration legislation post-9/11, especially at the state level.³ According to the “Immigrant Policy Project” report, 2010 was a record year for state laws concerning immigration: “Forty-six state legislatures and the District of Columbia enacted 208 laws and adopted 138 resolutions for a total of 346.” Perhaps the most (in)famous of those laws was Arizona’s SB 1070 (the Support Our Law Enforcement and Safe Neighborhoods Act), which became a focal point for advocates seeking a more aggressive approach to deterring illegal immigration.

On April 23, 2010, Arizona Governor Jan Brewer signed SB 1070 into law. The intent of the law was to reduce Arizona’s illegal immigrant population by allowing state and local law enforcement agencies to determine the legal status of an alien if they had “reasonable suspicion” that the individual was in the country

illegally and to impose penalties on those “hir[ing], . . . transporting, moving, concealing, harboring, or shielding . . . unlawful aliens” (SB 1070 1, 5). Supporters of the law claimed it was necessary to safeguard citizens from the criminal conduct of illegal aliens and from the drain on public resources their presence posed (Brewer, “Statement”; Pearce). Critics of the law claimed that it would legalize racial profiling (Woods qtd. in Schwartz and Archibold; Obama qtd. in Hough).

There are numerous ways to analyze the importance and impact of SB 1070, but the purpose of this article is to assess how Governor Brewer used SB 1070 as a rhetorical response to generate and maintain political support from her constituents, state industries, and wealthy contributors who might have conflicting social and economic interests. Working from Aristotle’s definition of rhetoric as “the faculty of observing in any given situation the available means of persuasion,” we believe that Governor Brewer’s given situation should not be limited to Arizona’s political situation (Bizzell and Herzberg 151). To understand how bills like SB 1070 function as rhetorical responses for politician-rhetors requires an assessment of the “given situation” that includes the realities of economic globalization.



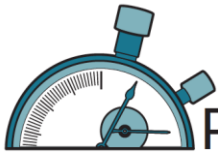
Present Tense

Economic globalization is a term that “describes a set of processes whereby production and consumption activities shift from the local or national scale to the global scale” (O’Brien and Leichenko 225). This “intensification and stretching of economic interrelations across the globe” creates “new linkages among national economies” (“Globalization”). Rising levels of international trade, foreign direct investment, and multinational production processes integrate even local economies in important ways. For example, a multinational hotel chain might host a meeting for a group of US and non-US investors strategizing the expansion of their business in Arizona whose rooms are cleaned by and meals prepared and served by undocumented immigrants. While the meeting would bring business to Arizona, not all of the money spent would benefit or employ the citizens of that state.⁴ The previous scenario is not hard to imagine and demonstrates how economic globalization produces some of the conflicting interests that influence economic decisions elected officials must make. From this vantage point, our argument is that whether by design or accident, SB 1070 was both a fitting response and tremendous rhetorical resource for Governor Brewer, who needed to increase her political popularity. We begin by briefly describing the importance of emphasizing the “given situation” segment of Aristotle’s definition of rhetoric and then outline the impact globalization has on the political process in the United States. We then turn to Governor Brewer’s specific political situation and how she used SB 1070 as an effective way to balance the interests of her constituents and corporations within the context of economic globalization to gain political popularity.

The “Given Situation” of Economic Globalization, Illegal Immigration, and the Political Process

Translations of Aristotle’s definition of rhetoric differ slightly. For example, rather than the “given situation,” George A. Kennedy’s translation refers to “any given case”: “the faculty of observing in any given case the available means of persuasion” (7). What remains consistent is that rhetorical resources arise from specific contexts. For, as Thomas Farrell noted, “unless we believe that means of persuasion are fixed and that cases are eternally recurring, what the rhetorician ‘sees’ must vary with the times” (324). Given this focus, the “given situation” is not simply a catalog of preexisting persuasive resources but instead a context that makes certain rhetorical strategies (un)available. The given situation of state and national politicians is one in which the influence of economic globalization on campaigning, political popularity, and economic policy is pervasive.

Economic globalization creates a complicated situation that politicians must negotiate while trying to obtain or maintain political popularity. As multinational corporations have acquired increasing global power, international corporate interests have played an active role in domestic policy agendas, a situation exacerbated by the Citizens United decision that prohibits the government from restricting independent political expenditures by corporations and unions.⁵ Most politicians rely on financial backing from wealthy contributors who have accumulated their wealth through investment in markets that maximize profits, in part, by minimizing labor costs.⁶ Once (re)elected, politicians must maintain the political support of their constituencies whose interests and/or



Present Tense

agendas might run counter to those of their wealthy contributors. We suggest that illegal immigration is an issue in which politician-rhetors are pressured to accommodate the conflicting interests that are exacerbated by economic globalization.

Balancing Perception and Profits: Creating Synergistic Immigration Laws

Effectively balancing the desires of constituents and the economic impact of restricting illegal immigrant labor is difficult. Illegal immigration is difficult for governments to control, in part, because it pits governments against market forces (Naim). In states in which opposition to undocumented immigrants is strong, elected officials must respond to the concerns of some of their constituents. Strict immigration laws might be ideologically pleasing to some members of the population, but they might also have negative consequences for the economy. Such was the case with HB 87, Georgia's immigration enforcement law, which created labor shortages in 2011. These shortages "triggered an estimated \$140 million in agricultural losses" and "affected the hotel and restaurant industries" (Powell).

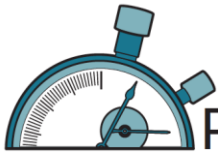
Unlike HB 87, SB 1070 might have created a symbiotic relationship between industries that would detain undocumented immigrants through greater enforcement and those reliant on exploitable labor pools. Prison corporations, including Corrections Corporation of America (CCA), have had a hand in drafting the legislation and have contributed millions of dollars to the bill's sponsors (Hoy; Roth). Perhaps in anticipation of increased arrests and detainment of undocumented immigrants, Governor Brewer allocated \$98 million to private prison corporations (Hoy; Roth). Tanya Roth

reported the following: "According to the *Arizona Daily Star*, the [CCA] runs six private prisons in the state. If more illegal immigrants are detained as a result of the law, [then] the corporation stands to make more money." In an investigative report for National Public Radio, Laura Sullivan reported that "hundreds of pages of campaign finance reports, lobbying documents and corporate records "revealed that the CCA expects "to bring in 'a significant portion of [its] revenues' from Immigration and Customs Enforcement, the agency that detains illegal immigrants."

Other industries that might use illegal immigrant labor in Arizona are either unaffected or might benefit from SB 1070. Perhaps the biggest indicator that SB 1070 would not significantly impact these industries is that few, if any, used their resources to contest the bill. SB 1070 was written in a way that would appear to be "tough on illegal immigration" while creating a synergistic relationship between multiple industries. These features of SB 1070 enabled Governor Brewer to use it as an available means of persuasion to her given situation to increase her political popularity.

SB 1070 and Governor Brewer's Available Means

Governor Brewer's interest in illegal immigration is relatively recent. Prior to her 2010 campaign, she had never made immigration an issue of any significance in her 25 years of public service (Archibold); however, analysis of Jan Brewer's reelection situation reveals how championing an illegal immigration bill was an effective response to her waning political appeal. SB 1070 was in the interest of some of her campaign donors, it was ideologically pleasing to many of her constituents, and it created future



Present Tense

opportunities in which she could fund-raise and address a national audience.

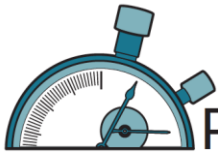
Like most politicians, Governor Brewer had to fund-raise for her reelection campaign. Some of her donors were board members and employees of the Corrections Corporation of America (CCA), the country's largest for-profit prison company, which operates six prisons in Arizona—three of which list US Immigration and Customs Enforcement as a client (Lemons). The CCA's political action committee also contributed to Proposition 100 (Loew), which was "considered by many to be the linchpin for a Brewer victory in November" (Lemons). Governor Brewer's spokesman, Paul Senseman, and her campaign manager, Chuck Coughlin, also had ties to CCA (Loew; Sullivan). Regardless of the influence her advisers might or might not have had on Governor Brewer, increasing the numbers of detained undocumented immigrants is big business, and the CCA stood to benefit from SB 1070.

Signing SB 1070 also benefitted Governor Brewer's political popularity. In his blog for the *Phoenix New Times*, James King wrote that most political pundits "would have laughed in your face" if you had asked them if they had "anticipated attending Brewer's second inauguration. . . . Then SB 1070 happened, and Brewer's signature . . . made her the Conservative darling behind which Arizona's predominantly Republican electorate could rally." Indeed, many Arizonans have favored tough illegal immigration policies. In 2010, a poll by Arizona State University's Morrison Institute for Public Policy found that "81 percent of [Arizona] registered voters approved of requiring people to produce documents that show they are in the country legally" ("More than 80%"). SB 1070 gave Governor Brewer

opportunities to speak, and a controversial topic to speak about, with little risk of failure in the two most important areas of her campaign: political support and economic/financial interests.

The national attention SB 1070 received also created opportunities to increase Governor Brewer's popularity and fundraising opportunities. After signing the bill, she gained private audience with President Obama in June of 2010. Although Governor Brewer initially called the meeting "very, very cordial" (qtd. in Feldmann), in her book *Scorpions for Breakfast*, she claimed that President Obama was condescending toward her. The supposed tension between the two was photographed in January of 2012 when Governor Brewer (in)famously wagged her finger at President Obama on the Phoenix-Mesa Gateway Airport tarmac.⁷ The next day, Governor Brewer appeared on the Fox News show *Hannity* and received praise from interviewer Monica Crowley. The image was also featured as a backdrop at Republican fundraising events at which Governor Brewer was the keynote speaker. And, not surprisingly, sales of her book skyrocketed after the incident (Rough).

The inevitable Supreme Court decision on SB 1070 also afforded Governor Brewer with opportunities to generate popularity. Ultimately, the Court's decision handed Governor Brewer the best possible outcome—a highly moderate policy necessary to sustain the synergistic cycle of economic interests, political support, and an unfinished cause to champion. If we could retroactively posit the possibility that Governor Brewer knew the Supreme Court would overrule most, if not all, of SB 1070, then we might conclude that Governor Brewer is a political genius; however, the more modest claim is that



Present Tense

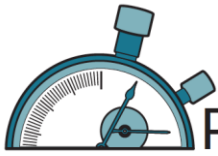
the situation given to Governor Brewer by the Court's decision provided the best rhetorical possibilities to advance her political interests. SB 1070, it seems, is a rhetorical gift that keeps on giving.

Economic Globalization and the Health of Democracy

Through our analysis of the politics surrounding SB 1070, we have argued that the realities of economic globalization are an essential feature of the political given situation on issues of immigration. In the past, immigration to the United States might also have been about the global labor market, but the current context of economic globalization presents politician-rhetors with a qualitatively different situation that might pit the needs and desires of their constituents against the economic will of the industries in their state, nation, and the international marketplace.

Our analysis of SB 1070 leads to troubling questions about the role of economic globalization and the accountability of elected officials. Voters might keep politicians accountable if they can "discern whether [elected officials] are acting in their interest and sanction them appropriately" (Manin, Przeworski, and Stokes 40). When elected officials' given situations require them to "enter into a web of symbiotic relationships with powerful special interests," democracy suffers (Canova 59). As a Senate staffer in the 1980s, Timothy Canova "saw firsthand how important it was for incumbent members of Congress to court powerful financial contributors and then to curry favor with their lobbyists" (59). To court the favor of industry and their constituents, politicians exploit ideological differences that exacerbate an already divisive political climate.

In this way, economic globalization erodes voters' abilities to discern whether elected officials are acting in their interests both actually and perceptually, further reducing government accountability to the electorate (Hellwig and Samuels 297). SB 1070 confronts all Americans with the status of democracy in the context of economic globalization. If we are to respond effectively to this crisis of democracy, then we must consider the extent to which a globalized economy influences our political system. This consideration is a first step toward finding the available means of persuasion to counter the consequences of SB 1070 and exploitable pools of labor.



Present Tense

Endnotes

1. Cohn, Raymond. "[Immigration to the United States](#)." *EH.net*. Economic History Association, Web. 2 Aug. 2012. Prior to 1830, anti-immigrant sentiments were more broadly conceived. Notably, the first use of "illegal alien" in a legal sense did not occur until the early 1900s. See Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, (Princeton, NJ: Princeton UP, 2004).
2. Other attempts to restrict immigration in the 20th century include the following: the adoption of a literacy test in 1917, the Quota Act of 1921, The National Origins Act of 1924, and the Immigration and Nationality Act of 1965.
3. According to the Immigrant Policy Project report generated by the National Conference of State Legislature, 2011 found a dramatic increase in state laws: see [link](#).
4. For articles that analyze the impact of spending at locally owned versus national or multinational corporations, see [link](#).
5. For example, this tension existed for the 2012 Obama campaign in which Obama supported, but did not solicit for, the Priorities USA super-PAC. George Zornick. "[Obama Unleashes His Super-PAC](#)." *The Nation*. 7 Feb. 2012. Web. 6 July. 2012.
6. See Robert Reich's analysis in "[Employment Will Come Back in America; It's Just Pay that Won't](#)." *Business Insider*. Web. 2 June 2014.
7. Image [link](#).

Works Cited

[Arizona v. United States](#), 567 U.S. ____ (2012). Web. 2 Aug. 2012.

Brewer, Janice. "[Brewer: Supreme Court's Arizona Decision a 'Victory for the Rule of Law'](#)." *FOXNews.com*. 25 June 2012. Web. 19 July 2012.

—. "Inaugural Address." Phoenix, AZ. 3 Jan. 2011. Web. 1 Aug. 2012.

—. *Scorpions for Breakfast: My Fight Against Special Interests, Liberal Media, and Cynical Politicos to Secure America's Borders*. New York: Broadside, 2011. Print.

—. "[Statement by Governor Jan Brewer](#)." 23 Apr. 2010. Web 1 Aug. 2012.

Calmes, Jackie. "[In Border City Talk, Obama Urges G.O.P. to Help Overhaul Immigration Law](#)." *New York Times*. Web. 10 May 2011.

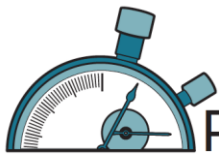
Canova, Timothy A. "Campaign Finance, Iron Triangles and the Decline of American Political Discourse." *Nexus, A Journal of Opinion: Chapman's Journal of Law and Policy* 12 (2007): 57-83. Web. *LexisNexis* 2 Aug. 2012.

Citizens United v. Federal Election Commission, [558 U.S. 50](#) (2010).

Cohn, Raymond L. "[Immigration to the United States](#)," *EH.net*. Operated by the Economic History Association, Web. 29 July 2012.

Farrell, Thomas B. "Rhetoric in History as Theory and Praxis: A Blast from the Past." *Philosophy & Rhetoric* 41. 4 (2008): 323-36. Web. 29 July 2012.

Feldmann, Linda. "Obama-Brewer Summit on Illegal Immigration Eases Tensions; Though They Continue to Differ on Illegal Immigration Issues, Including Comprehensive Reform and Border



Present Tense

Security, Arizona Gov. Jan Brewer and the White House Described the Meeting as Cordial." *Christian Science Monitor* 3 June 2010. Web. LexisNexis 3 Aug. 2012.

"Globalization." *The Encyclopedia of Political Science*. Ed. George Thomas Kurian. Washington, DC: CQ, 2011. 677-81. SAGE knowledge. Web. 28 May 2014.

Hellwig, Timothy, and David Samuels. "The Electoral Consequences of Globalization." *Comparative Political Studies* 40 (2007): 283-306.

Hough, Mary. "[President Obama on The Supreme Court's Ruling on Arizona's Immigration Law](#)." 25 June 2012. Web. 2 Aug. 2012.

Hoy, Seth. "[Prisonomics 101: How the Prison Industry Got Arizona's SB10780 onto Gov. Jan Brewer's Desk](#)." *LA Progressive*. Web. 30 Oct. 2010.

[Immigrant Policy Project: 2010 Immigration-Related Laws and Resolutions in the States \(January 1 – December 31, 2010\)](#). *National Conference of State Legislatures*. 5 Jan. 2011.

King, James. "[Jan Brewer Sworn In as Arizona's 22nd Governor—Compliments of SB 1070](#)." *Phoenix New Times*. Web. 3 Jan. 2011.

Lemons, Stephen. "[Jan Brewer's CCA Money and Her Possible Conflict of Interest Over SB 1070](#)." *Phoenix New Times*. Web. 15 Sept. 2014.

Loew, Morgan. "[Brewer Linked To Private Prisons Housing Illegal Immigrants 9-01-2010](#)." CBS5AZ.Com. Web. 15 Sept. 2014.

Manin, Bernard, Adam Przeworski, and Susan C. Stokes. "Elections and Representation." In

Democracy, Accountability, and Representation. Ed. Adam Przeworski, Susan C. Stokes, and Bernard Manin. NY: Cambridge UP, 1999. Print. 29-54.

"More Than 80% Back Tougher Immigration Law in Arizona," *The Nation*. (4 Sept. 2010). Web. LexisNexis 2 Aug. 2012.

Naim, Moises. "The Five Wars of Globalization." *Foreign Policy*. 134 (2003): 28-36. Web. 4 June 2014.

Ngai, Mae M. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton UP, 2004. Print.

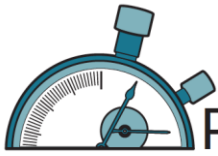
O'Brien, Karen L., and Robin M. Leichenko. "Double Exposure: Assessing the Impacts of Climate Change within the Context of Economic Globalization." *Global Environmental Change* 10 (2000): 221-32. Web. 30 May 2014.

Pearce, Russel. "[ENOUGH IS ENOUGH: WHAT DOES IT TAKE. \(ALSO BELOW A SHORT LIST OF DEATHS, MAIMINGS, CRIME, AND SOME OF THE COST\)](#)." Email Message to John Huppenthal. 30 June 2009. Web. 1 Aug. 2012.

Powell, Benjamin. "[The Law of Unintended Consequences](#)." Editorial. *Forbes* 17 May 2012. Web. 1 Aug. 2012.

Roth, Tanya. "[Private Prisons Helped Draft Arizona's SB 1070](#)." *LawInfo.com*. Web. 29 Oct. 2010.

Rough, Ginger. "[Gov. Jan Brewer's Most Memorable Moments in Office](#)." AZCentral Web. 15 Sept. 2014.



Present Tense

Schwartz, John, and Randal C. Archibold. "[A Law Facing a Tough Road Through the Courts.](#)" *The New York Times* 27 Apr.2010. Web. 2 Aug. 2012.

Sullivan, Laura. "[Prison Economics Help Drive Ariz. Immigration Law.](#)" National Public Radio 28 Oct. 2012 Web. 31 July 2012.

Support Our Law Enforcement and Safe Neighborhoods Act. S.B. 1070. 49th Legislature. Second Regular Session. (2010).

Zornick, George. "[Obama Unleashes His Super-PAC.](#)" *The Nation*. 7 Feb. 2012. Web. 6 July 2012.



Jennifer J. Asenas (Ph.D. University of Texas at Austin, 2007) is an associate professor at California State University, Long Beach

where she teaches rhetorical theory and criticism. Her work explores the intersections between narrative, rhetoric, and social change and has appeared in such publications as *Rhetoric Society Quarterly*, *First Amendment Studies*, *American Multicultural Studies: Diversity of Race, Ethnicity, Gender and Sexuality*, and *Communication Activism: Struggling for Social Justice Amidst Difference*.

Kevin A. Johnson (Ph.D., 2007, University of Texas at Austin) is Director of Research at the Center for First Amendment Studies and Assistant Professor in the Department of Communication Studies at



California State University, Long Beach. His research interests include rhetorical theory, public controversies, and/or the First Amendment. He is the author of over 20 essays appearing in edited volumes or academic journals, including recent works in *The First Amendment Studies Journal*, *Rhetoric Society Quarterly*, and *Feminist Media Studies*.