

Title: APATHY AND COLOR-BLINDNESS IN PRIVATIZED IMMIGRATION CONTROL

Short Title: Apathy in Immigration Control

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Keywords: racism, immigration, ideology, social control, legitimacy

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ABSTRACT

Despite several widely covered scandals involving the role of for-profit corporations in administering immigration policy, the privatization of immigration control continues apace with the criminalization of immigration. How does this practice sustain its legitimacy among the public amid so much controversy? Recent studies on the criminalization of immigration suggest that supporters would explicitly vilify immigrants to defend the privatization of immigration control. Research on racialized social control, on the other hand, implies that proponents would avoid explicit racism and vilification and instead rely on subtler narratives to validate the practice. Drawing on a qualitative analysis of over 600 frames derived from nearly 200 news media articles spanning over 20 years, we find that journalists and their sources rarely vilify immigrants to justify the privatization of immigration control. Instead, they frame the privatization of immigration detention as a normal component of population management and an integral part of the U.S. economy through what we call the *apathy strategy*—a pattern of void in which not only the systematic oppression of immigrants is underplayed, immigrant themselves also become invisible.

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In recent decades, the privatization of immigration control has become institutionalized, as it is firmly embedded in the sphere of detention. Despite this, reports have criticized aspects of for-profit interests in immigration control and beyond, such as the infusion of a profit motive into population management, its influence in government practices, and abuses and neglect within its facilities (ACLU 2014; Elk and Sloan 2011; Horowitz 2016; Kirkham 2012; PICO 2011; Shapiro 2011; Sullivan 2010). Perhaps the culmination of these exposés was the Obama administration’s 2016 announcement that the Department of Justice would phase out the use of private prisons that primarily house “criminal aliens” (Yates 2016), signaling cracks in the union between corporate and government interests in population control.¹ Given the significant controversy surrounding the industry, how does the privatization of immigration control maintain its legitimacy in the eyes of the public?

Extant investigations of immigration control emphasize the role of explicit vilification—the use of the “criminal alien” or “Latino threat” narratives—in rationalizing the oppression of the immigrant community (Becket and Evans 2015; Chavez 2013; Guia, Woude, and Leun 2013; Menjívar, Cervantes, and Alvord 2018; Pickett 2016; Stewart 2012). This implies that political and financial beneficiaries of immigration control would defend and promote this institutional practice by constructing immigrants as “less worthy, problematic, or in some regard dangerous” (Roscigno et al. 2015:362). Research on the justifications of racialized social control, on the other hand, emphasizes a shift away from blatant racism to subtler, “color-blind” ideologies that minimize attention towards group-based effects and systematic inequality (Alexander 2010; Bonilla-Silva 2017; Doane 2017; Lewis 2004). Based on this research, one would expect that supporters would defend and validate privatized immigration control by downplaying group-

based effects and avoiding explicitly racist or discriminatory narratives.

Drawing from an original dataset comprised of over 600 frames from 1995 to 2015 derived from *The New York Times* (and supplemented with *The Wall Street Journal* and *USA Today*), we examine the public controversy over the *privatization of immigration detention* alongside broader narratives that offer contextualization. We contribute to scholarship on immigration and racial inequality through an investigation of the legitimization process encompassing immigration control, which involves the spectrum of narratives reproducing and disrupting a variety of detention practices for both domestic and immigrant populations. Research within the field of immigration has examined the role of private interests in the creation and enforcement of immigration laws and their implications within the immigrant community (Ackerman and Furman 2013; Doty and Wheatley 2013; Golash-Boza 2009). We contribute to this line of research by shifting the focus away from the factual accounts of privatized immigration control and toward the process by which it is sustained, which is important because privatization has become fully embedded in immigration control as for-profit facilities currently house the majority of detained immigrants (Kelly 2018). We also contribute to scholarship on racism, emphasizing that immigration control is a case of structural racism wherein interlocking institutions and institutional practices over time have resulted in the disproportionate detainment and deportation of immigrants of African and Latin American descent (Golash-Boza 2016). Our analysis provides insights into the legitimization process involving the institutionalization of privatized immigration detention, and the integration of immigration control into the broader system of mass incarceration and racialized social control.

Our analysis reveals that justifications of privatized immigration control rarely involve the explicit vilification of immigrants. Instead, the legitimization strategies are subtler, employing

a framing technique we call the *apathy strategy*—the active avoidance of discussing immigrants and inequality, as though the oppressed or oppressive practices do not matter or exist. Three patterns that emerged from the analysis exemplify the apathy strategy. First, frames were apathetic toward immigration as a social problem; supporters of privatized detention diverted attention away from negative claims and toward something else, oftentimes offering privatization as a solution to a manufactured social problem. Second, reportage was apathetic toward immigrants as people in that much of the coverage failed to talk about immigrants and instead, framed private detention as a natural component of population management and an integral part of the U.S. economy, therefore normalizing the commodification of immigrants. Third, when presented with the opportunity to engage in systematic critique, journalists and their sources tended to offer superficial critiques that rely on individualistic and legalistic approaches, which were largely apathetic toward structural racism.

BACKGROUND

The “immigration industrial complex” forms an integral part of the prison-industrial complex that characterizes the system of social control in contemporary United States (Doty and Wheatley 2013; Golash-Boza 2009). Since the 1970s, the United States has witnessed a dramatic prison boom caused in part by an expansion of the definition of criminal behavior and an increase in the harshness of punishment for such behavior (Alexander 2010; Eason 2016). Multiple legislative and law enforcement initiatives, including the “War on Drugs,” created a system of mass incarceration, justified through a color-blind ideology, that disproportionately imprisoned Black and Latino men (Alexander 2010). Meanwhile, corporations and interlocking individuals and institutions such as lobbyists, politicians, municipalities, and law enforcement benefit from a strong and growing prison-industrial complex, one that involves managing and

supplying private prisons and hiring prison labor. More recently, immigrants have become another “supply” group of this growing business. Much like the incarceration of domestic populations, immigration detention represents a form of structural racism insofar as it disproportionately targets impoverished men of African and Latin American descent (Golash-Boza 2016). Among all immigration detainees issued between 2012 and 2013, more than 90 percent were against men, most of whom came from Mexico (>70 percent) and other Latin American countries (TRAC 2014).

Two recent developments have facilitated the expansion of mass incarceration to include immigration control. First, government agencies have grown more dependent on the private sector to manage and administer immigrant detention responsibilities, and estimates indicate that private facilities now hold more than 70 percent of the nearly 40,000 detained immigrants (Kelly 2018). Since the 1980s, three corporations—CCA (now CoreCivic), The GEO Group, Inc. (GEO Group), and Management and Training Corporation (MTC)—have emerged as the primary contractors responsible for private prison facilities in the United States (Selman and Leighton 2010). Accounting for more than half of the market share of the entire private prison industry (Oliver 2018), recent estimates indicate that the GEO Group and CCA operate nine out of the 10 largest immigrant detention centers and house 45 percent of all detained immigrants (Juárez, Gómez-Aguíñaga, and Bettez 2018).²

Second, immigrants and immigration have become increasingly criminalized through the partial shift in the prosecution of immigration law from civil to criminal courts and the increase in punishment associated with “immigration offenses,” processes referred to as “crimmigration” (Arriaga 2017; Armenta 2017a; Golash-Boza 2016; Stumpf 2006). Local law enforcement agencies play a critical role in carrying out crimmigration policies; routine traffic stops put

undocumented persons, especially Latino men, at disproportionate risk for citation and arrest, which can then lead to their deportation (Armenta 2017b; Golash-Boza 2016). In 2009, the number of prisoners entering federal prison for “immigration offenses” surpassed the number entering for weapons, property, and violent offenses combined (ACLU 2014).

These two processes—privatization of government programs and criminalization of immigration—are not recent phenomena nor are they limited to the United States. Since the mid-1980s, however, the two appear to have merged into a mutually reinforcing institutional practice that has created a perverse financial incentive to detain immigrants. Corporations profit from detention, have a financial motive to expand the number of detainees and the length of their detention (Golash-Boza 2009), and have exerted their influence in formal politics to assert their financial interests (Ackerman and Furman 2013). The aggressive intervention from private interests in government functioning has sparked some controversy. Around 2010, the privatized prison industry began to face harsh criticisms, with reports highlighting the problematic nature of infusing a profit motive into population management and chastising its undue influence in government functions (Horowitz 2016; Kirkham 2012; PICO 2011; Shapiro 2011; Sullivan 2010). The industry also faced scrutiny when investigative reporting uncovered systematic abuses and neglect within for-profit facilities (ACLU 2014).

THEORIES AND EXPECTATIONS

Because the legitimacy of privatized immigration control is in dispute, supporters of the practice are pressured to respond. Institutional legitimacy, or the “fundamental social processes wherein the actions of an institution are socially constructed as desirable and just” (Roscigno et al. 2015:18), offers a framework to understand how their responses work to sustain and reinforce controversial institutional practices. Such responses, or legitimation strategies, are bound to take

myriad and seemingly inconsistent forms because they rely on dominant ideologies, which are flexible and adaptable (Brooks et al. 2017; Jackman 1994). In the following, we outline the theoretical underpinnings of the process of institutional legitimacy: the importance of elite frames and the types of frames that elites might rely on to defend a contested institutional practice.

Elite Frames

Elites—groups such as government officials and business leaders that have elevated access to power, prestige, and resources—have a vested interest in promoting dominant ideologies that legitimate inequality and advance their group interests because they are the ultimate benefactors of systems of stratification (Cunningham and Browning 2004; Jackman 1994; Lamont, Beljean, and Clair 2014; Noakes 2000; Shriver, Adams, and Cable 2013; Simmons and Keohane 1992). Elites manufacture narratives to rationalize their actions that regularly reproduce systems of inequality, such as the corporatization of immigration control, through various frames (Byron and Roscigno 2014; Roscigno 2011; Roscigno et al. 2015).

Frames are “definitions of a situation” (Goffman 1974:10) that set the parameters for how something is spoken, thought, or written about, providing storylines for social actors to make sense of the world around them. Frames are powerful because they shape public opinions, including those related to immigration issues, which in turn can influence policy outcomes and transform behaviors (Merolla, Ramakrishnan, and Haynes 2013). Frames contribute to the social construction of reality, whereby groups actively compete to define reality or the “regime of truth” (Foucault 1991) through different interpretations of the same situation (Entman 1993). Elite frames offer insight into the preservation and durability of legitimacy, “the construction of social reality in which the elements of a social order are seen as consonant with norms, values,

and beliefs that individuals presume are widely shared, whether or not they personally share them” (Johnson, Dowd, and Ridgeway 2006: 55). Though multiple groups contribute to the social construction of reality, elite frames are often the most influential because elites possess an inordinate share of power, privilege, and resources to reach a wider audience and to promote their message in a field of alternatives (Noakes 2000).

Explicit Racism and Vilification

Prior studies have found that elites such as government officials regularly justify anti-immigration policies and practices through the explicit vilification of immigrants (Armenta 2017b; Becket and Evans 2015; Chavez 2013; Guia, Woude, and Leun 2013; Menjívar et al. 2018; Pickett 2016; Stewart 2012). For example, to garner support for exclusionary policies, politicians often rely on the “Latino threat” narrative to depict immigrants as dangerous criminals (Chavez 2013; Flores 2003; Santa Ana 2002). Likewise, the characterization of immigrants as “anti-persons...darker skinned, uneducated, unattached and uncouth, prone to crime and violence” rationalizes the criminalization of immigration in the European Union (Wacquant 2005:46).

Such research coincides with established scholarship on institutional legitimacy, which has identified two key elite frames that provide credibility to state-sanctioned systems of social control: *vilification* and *amplification* (Byron and Roscigno 2014; Roscigno 2011; Roscigno et al. 2015). Vilification is “the process wherein less powerful actors are deemed as less worthy, problematic, or in some regard dangerous” (Roscigno et al. 2015:362), while symbolic amplification “involves discursive processes that imbue and elevate certain elements of cultural and institutional/organizational life to a place of almost sacred reverence” (p.363). For example, the government rationalized its use of violence in the Sioux massacre through vilifying the Sioux

community as dangerous threats, while simultaneously sanctifying these racist frames as a part of the nation's identity (Roscigno et al. 2015).

Based on this research, *one would expect that proponents of privatized immigrant detention would justify their views and actions through frames that explicitly vilify or racialize immigrants*. Such frames could take multiple forms, including but not limited to the following examples: “When Mexico sends its people...[t]hey’re bringing drugs. They’re bringing crime. They’re rapists...” and “Illegals are criminals and deserve to be behind bars.”

Color-blind Racism

Although elites possess resources, status, and power to manipulate popular narratives and legitimate oppressive practices to their own advantage, they tend to do so within accepted cultural parameters. They may avoid explicit vilification and racism and instead rationalize privatized immigration control through subtler means that individualize the experience of suffering and minimize institutional discrimination, mirroring patterns found in research on dominant and hegemonic interpretations of racial inequality. Such research emphasizes a shift away from blatant racism to subtler, “color-blind” ideologies that deflect attention away from group-based effects and inequality (Alexander 2010; Bonilla-Silva 2017; Doane 2017; Forman and Lewis 2006; Lewis 2004). Because cultural shifts invalidated and stigmatized overt racism, elites may rely on frames stemming from *color-blind racism*, which gradually took the place of Jim Crow racism as a dominant racial ideology.³ Bonilla-Silva (2017) identified multiple frames of color-blind racism that have emerged in recent immigration scholarship (e.g., Armenta 2017a; Rodriguez 2018).

Based on the framework of color-blind racism, *one would expect that proponents of corporatized immigration control would avoid explicit racism of immigrants and instead rely on*

subtler, “color-blind” narratives to defend and validate this institutional practice. For example, confronted with accusations of institutional racism, instead of denigrating immigrants as a group—which would reiterate and accentuate the claims of institutional racism—supporters of privatized immigration control or immigration control more broadly might respond by attempting to mask the racism inherent in the institutional practice. They might downplay such claims, casting them as “overdramatic” and sensational, thus minimizing claims of institutional racism. Similarly, and perhaps simultaneously, they may emphasize personal responsibility and blame the detainment of immigrants on the bad choices of individuals, thus minimizing the structural nature of the practice.

DATA AND METHODS

To assess these expectations, our research relies on a qualitative analysis of 646 frames, spanning from 1995 to 2015, and emerging from 191 articles published in *The New York Times* (*NYT*). We pay heavy attention to *NYT* because it has among the largest national circulation rates, reaching 625,000 readers daily and over one million readers monthly (Doctor 2015), and because its coverage shapes reporting in other media as it occupies a leading position in the field (Martin and Hansen 1998:32). We conducted a supplementary analysis of articles published in newspapers that also rank among the largest in terms of circulation. Using the same data collection techniques covering the same years, we collected articles from *The Wall Street Journal* (via ProQuest) and *USA Today* (via LexisNexis Academic) to assess the generalizability of the patterns emerging from the *NYT*. Throughout the study, we spotlight frames from these newspapers to illustrate lines of convergence with, and divergence from, the *NYT*.

Our original plan was to search for and analyze frames that *justified the privatization of immigration control*. We expanded the search parameters and the scope of analysis to include

discussions of institutional practices that disproportionately target immigrants for a few reasons. First, we approached immigration control as a case of structural racism wherein immigrants of color are more likely to be detained and deported than their white counterparts. Second, we learned from pilot analysis that media coverage of detention of immigrants and domestic populations conflates the two; conflation also occurs within coverage of privately and publicly managed detention facilities.

Using LexisNexis, we searched for articles that contained reference to one of the three largest private prison companies in the United States or to one of the “Criminal Alien Requirement” (CAR) facilities these companies manage or managed.⁴ Though we did not search for facilities by name that have contracts with Immigration and Customs Enforcement (ICE), many were included in analysis because CCA, GEO Group, and MTC manages them. In addition, we expanded the scope of our analysis to narratives beyond those that mentioned solely privatized immigration control to include arguments about detention, private facilities, the criminal justice system, and immigration management. We limited our search for articles published between 1995 and 2015 as this period encompasses the passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, the rise and expansion of the private prison industry in immigration management, and the implementation of Operation Streamline. This resulted in a return of 262 articles, 191 of which were eligible for the study.⁵

We analyzed the articles using NVivo, a qualitative software program that facilitates the coding process and provides a systematic way of analyzing data. We developed an extensive codebook that includes information on article eligibility, type of article, source of quote, and frame that emerged from the quote.⁶ To develop the codebook, we conducted a pilot analysis of approximately 10 percent of the data. Each research team member noted patterns that inductively

emerged from the analysis of the narratives. We then met to discuss our initial readings, which served as the basis for a codebook that identifies, defines, and provides examples of the themes that we applied to the remaining data. We tested and revised the codebook across four rounds, memoing and meeting regularly to discuss any discrepancies. Once we reached an intercoder reliability score of 90 percent, we divided the remaining data between members of the research team for systematic coding. During this process, we continued to meet on a regular basis to discuss concerns and periodically conducted further intercoder reliability checks.

The 191 articles fell into three types of coverage, including thematic, episodic, and editorial/op-ed (see Table 1), the purpose of which varies considerably (Iyengar 1991; Okamoto et al. 2011). Thematic articles, which constituted 60 percent of the total articles (115 of 191), involves in-depth reporting and offers historical and contextual information about the issue or event, and therefore are often longer. Comprising 32 percent of our sample, articles categorized as episodic focus on concrete issues and details with little information about the social significance or the controversies surrounding the subject of the article and tend to address questions such as “who,” “what,” “when,” and “where.” Editorials and op-eds, comprising seven percent of our sample, are essays written by the editorial staff of the newspaper that put forward an argument. As the purpose of the study is to investigate frames (i.e., publicly stated claims or arguments) about an institutional practice, we focus on direct quotations as the unit of analysis for the thematic articles. For editorials and op-eds, where authors engage in opinionated dialogue, we coded paragraphs and sentences that contained arguments. Articles categorized as episodic tended to be devoid of quotes; therefore, we categorized the entire article in terms of how it approached immigration control.

[Insert Table 1 here]

The 646 frames that emerged from the data fell under three packages: those that 1) praised, 2) criticized, and 3) did not include a direct argument but nevertheless normalized the existence of or the practices associated with corporatized detainment and control of domestic and immigrant populations (see Table 1).

RESULTS

Using these data, we assess two theoretically derived expectations concerning frames that proponents of privatized immigration control would use to justify the contested institutional practice. Table 1 shows that most of the articles failed to even mention immigrants or immigration (64 percent) and that most frames that emerged from the data were critical of privatized immigration control (54 percent), and thus, much of the data do not directly align with our expectations. However, the results reveal that despite the disproportionate coverage that casts privatized immigration control in a negative light, reportage contribute to the normalization and thus the legitimacy of this institutional practice, lending partial support to the first expectation but diverging in meaningful ways.

[Insert Table 2 here]

Smoke and Mirrors: Frames Supportive of Detention

Of the 646 total coded elements, nearly 30 percent (n=188) consisted of arguments favorable towards detention (see Table 1). Well over half (62 percent) of the 188 statements were reactive in that they directly or indirectly responded to criticisms appearing within the same article. Private prison companies and their supporters respond to and divert attention away from negative claims through three main frames (see Table 2): 1) emphasizing their ability and commitment to fix problems quickly and efficiently (30 percent); 2) highlighting that facilities are well-managed, safe, and secure (16 percent); and 3) minimizing or denying the existence of

the problems or by blaming someone or something else (16 percent). The following excerpt illustrates how private prison companies and their supporters responded to lawsuits over substandard healthcare at a CCA facility not only by highlighting the safety and cost-effectiveness of privately run facilities but also by challenging the political neutrality of the organization that made the allegations:

It's unfortunate that these organizations are so closed-minded when it comes to facts and perspectives that might challenge their political agendas...CCA simply provides safe inmate housing and quality rehabilitation programming at a cost savings to Texas taxpayers (Steve Owen, CCA spokesperson, as quoted in Grissom 2013).

Another example comes from the response of GEO Group (then known as Wackenhut) to a Justice Department's lawsuit citing abuse and life-threatening conditions:

[T]he company 'is providing a constitutionally sound, safe and secure facility' and it is 'working hard to continuously improve the operations through additional support from our corporate and regional staff'...[the company] believed the Justice Department experts had been misled by 'exaggerations and misstatements of facts' by inmates they had interviewed, and that the experts' findings 'do not accurately reflect the condition of the facility today' (Butterfield 2000).

Company officials not only respond to criticisms by highlighting the safety and quality of the private prison company's facility, but as this excerpt illustrates, they also discredit the allegations and those making the allegations. Additionally, they tend to shift the blame from their company toward someone or something else. For example, in an article reporting on an uprising in an immigration detention center in Elizabeth, NJ, a company representative shifted the blame for the riot away from the conditions at the facility and toward long waiting times for

immigration hearings, which is a responsibility of the Immigration and Naturalization Service.

“The tension in the facility was in direct proportion to the length of stay...They were frustrated” (Dunn 1995).

Other statements supportive of privatization did not respond to criticisms of detention but were more proactive in their support. Private prison companies and their supporters framed their services as a solution to a manufactured or amplified social problem in three main ways: (see Table 2): 1) emphasizing their ability to provide a much-needed service to combat increased demand for detention facilities (15 percent); 2) highlighting that their facilities will benefit struggling communities by increasing their tax base and by providing much-needed jobs (11 percent); and 3) arguing that privatization is economically efficient and will save taxpayers money (10 percent).

One of our expectations was that proponents of privatized immigrant detention would justify their views and actions through frames that explicitly vilified immigrants. Albeit infrequent, actors engaged in the implicit and explicit vilification of immigrants by emphasizing private prisons as a solution to combat the criminality of immigrants and “threats to national security.” CCA officials relied on a “commonsense” and vague claim that border security is important, when asking Congress for funding company projects: “Everyone agrees that border security is important...Now it’s time to step up and partner with this department to help support that” (Preston 2014). Another example comes from a local sheriff whose comments linked undocumented immigrants with criminality: “They violated our borders and then they committed other crimes...I think these offenders should be deported” (Preston 2006). Likewise, *USA Today* reportage of the corporatization of immigration control did not cover explicitly racist framing of immigrants to justify the involvement of corporations, but it did dehumanize immigrants by

nonchalantly and uncritically referring to the “catch-and-release” techniques of border officials and the beneficial role of private prisons in providing a vital service at the border (e.g., Johnson 2004; Bacon 2006).

Another expectation was that proponents would avoid explicit racism and vilification of immigrants and instead rely on subtler, “color-blind” narratives to defend and validate this institutional practice. Although proponents generally avoided explicit vilification and racism, they rarely relied on clear-cut frames of color-blind racism. Instead, to promote the privatization of population control, proponents used variations of neoliberal ideology, which contends that “open, competitive, and unregulated markets, liberated from all forms of state interference, represent the optimal mechanism for economic development” (Brenner and Theodore 2002:350; Crowley and Hodson 2014). To illustrate, the head of an advocacy organization argued that the private sector could solve economic problems: “If the federal government looks at ways to save money, it’s going to look to private sector bidders or entrepreneurs” (Whitaker 1998). Additionally, a city official offered his rationale for supporting a private detention facility in his city: “In my mind there’s no more recession-proof form of economic development...Nothing’s going to stop crime” (Kilborn 2001). Here, a private prison is portrayed as a safe and secure “recession-proof” economic solution for a struggling community that also normalizes the demand for detention by neglecting to question from where the demand stems and who are criminalized to form the supply. Similarly, a CCA company representative argued that privately run facilities offered a solution to combat increased demand, without problematizing the existence of the demand: “They find that their prison populations are at or beyond capacity and they have to relieve that capacity...They quickly turn to us and we have open prison capacity where we can accommodate growth” (Moore 2007). Such frames stemming from neoliberal

ideology that proactively argued for privatization normalized the existence of privatized prisons through offering a solution to a so-called social problem, as if privatization is a common-sense way of solving the problem.

Business as Usual

Among the most powerful narratives that establish the industry as an unquestionable reality are those more implicit in their support. Our analyses reveal the extent of the institutionalization of privatization in immigration detention in that supporters of privatization efforts generally did not have to argue proactively for their existence or directly respond to criticisms. Such coverage normalized privatized detention and immigration control, not through directly rationalizing or justifying such practices, but instead by discussing them as “business as usual.”

One such way coverage normalizes privatized detention and immigration control is by referring to them as though they are a normal part of the U.S. economy. This type of coverage often does so without discussing the nature of their “business,” namely social control. A representative of a private detention company argued, “What’s great about the detention business...is not that it’s a brand-new channel of demand, but that it is growing and significant” (Kolodner 2006). The representative fails to mention that by “demand” he means immigration control, and by doing so, casts immigrant bodies as merchandise. Their remarks not only dehumanize immigrants, but also mask the fact that the referenced company has a monetary incentive to detain people, which makes it qualitatively different from other types of companies. Another example comes from an unnamed entrepreneur who described private prison companies as, “the only real estate investment where you’re guaranteed 100 percent occupancy, at least” (Van Natta 1995). This statement classifies private prisons as merely a “real estate investment,”

but fails to mention that this investment entails imprisoning people. Such statements are reminiscent of neoliberal ideology, but they are notably different in that they are not arguing that privatization is optimal for detention as compared to state-run facilities, but merely that detention is a good money-making business.

In contrast to the periodic and clustered distribution of arguments that are either explicitly critical or supportive of privatization, these “neutral” reports appear to be regular and consistent, suggesting that routine coverage of the industry normalizes its existence. For example, an article describes how CCA hired an advertising agency to handle its account, something one would expect of any business (Elliott 2001). Another example comes from an article that describes the financial losses and gains of CCA alongside several different companies, including the Chrysler and Microsoft Corporations (Sloane 1995). This was also evident in coverage found in the *Wall Street Journal* and *USA Today*, though even more palpably in that most of these articles emerged as episodic, characterizing privatized prisons as ordinary businesses.

Another way coverage normalizes private facilities is by referring to them as though they are like any other detention facility. In an article that described the economic impact of prisons on rural communities, a county clerk suggested, “[w]e all took a tour out there, a before-they-opened-type-thing...I’d just never been inside a prison before. It looked like a safe and secure place to me” (Kilborn 2001). Though CCA manages the prison described in the article, the government official makes no distinction between it and a state-run facility. In another article, Arizona’s chief of staff explained, “[w]e have a lot of rural communities around Arizona that compete for prison projects” (Brooke 1997), suggesting that private prison projects are akin to other types of prison projects. This discursive strategy widens and extends the state’s legitimacy to the private prison industry. The state’s legitimacy stems from the social contract between

citizens and the government, whereby the former gives up certain freedoms to be protected by the latter (Locke 2003). Historically, the state has been tasked with the function of detaining individuals deemed harmful to or undesirable by society, a function that the public generally sees as meritorious (Buchanan 2002; Gilley 2006). Thus, when sources speak of private detention centers as though they are the same as state-managed detention centers, the private facilities are granted some of the legitimacy associated with the social contract.

Look into the Eyes of Evil (But Not the Roots): Frames Critical of Detention

Though we found that most of the frames (344 of 646) emerged as critical of some aspect of detention and/or privatization (see Table 1), the prevalence of frames critical of privatized detention does not amount to a genuine threat to the legitimacy of the practice. Instead, due to their lack of depth and complexity, these critical references contribute to the normalization of the structural inequality and injustice underlying the causes and management of immigration. In addition, they are easily neutralized by arguments supportive of the industry in the same article.

Critical references highlighted the poor management or inhumane conditions (184 of 344; 54 percent), argued that private prisons lacked accountability or should remain in the public sphere (roughly 19 percent), and around 10 percent argued that private prisons are not economically beneficial or that they are not worth the trouble that they cause (see Table 2). The modal frame, focusing on the poor management or human rights violations of individual detention facilities, is one of only two critical frames that directly engage the detainees' experiences (the other, comprising less than three percent of critical frames, argues that private detention tears families apart). This frame is highly clustered in that 155 of the 184 coded elements appeared during four time spans: 1995, 2000, 2007-2009, and 2014-2015. All but the last of these periods correspond to the timings of major scandals involving the private prison

industry, including an uprising in an immigration detention center in Elizabeth, NJ (1995), a lawsuit by the Justice Department against Wackenhut for poor management of a juvenile detention center in Louisiana (2000), and the outbreak of cases involving immigrant deaths in detention (2007-2009). This pattern suggests that instead of a consistent monitoring force, the negative attention targeting the private prison companies is more likely to take the form of transitory reactions to sensational and outstanding cases. Thus, such critiques are unlikely to be thorough and systematic.

The content of these critiques confirm that they rarely raise questions regarding root causes of the seemingly never-ending catastrophes in private detention facilities. The criticism of for-profit detention facilities focuses on either the mistakes or abusive behaviors happening in these facilities or the suffering caused by such mistakes and abuse, blaming pathological individuals or “bad apples.” For instance, a USINS report on a private immigration prison concluded that, “no real control was exercised over Esmor guards by their mid-level supervisors.” The investigation found that guards harassed and humiliated detainees, locking them in isolation, waking them throughout the night, and on one occasion, giving women inmates men’s underwear with question marks drawn on the crotches (Dunn 1995).

The problems are described as exceptional, results of individual and organizational shortcomings instead of systemic problems and thus easily manageable through either internal reorganization or changing contractors. Other references that “question the effectiveness of privately owned and operated prison facilities” (Brown 2012, quoting Representative Bennie G. Thompson, Democrat of Mississippi) focus on the lack of experience and qualification of private businesses instead of their profit-seeking nature. Therefore, the legitimacy of the privatization of government functions remains intact amongst numerous scandals of riots and abuse. In framing

these abuses as stemming from issues associated with specific individuals or organizations, journalists and their sources avoid a discussion of how they may be inherent to the system of privatized detention, and as such construct and reinforce privatization as a natural and normal part of our social reality.

Another group of references highlights the psychological and physical harms detainees in private holding facilities suffer because of abusive or inefficient practices. In an article covering the legal struggles of asylum an immigration lawyer describes what she saw at a detention camp in New Mexico: “The kids were really sick...A lot of the moms were holding them in their arms, even the older kids -- holding them like babies, and they’re screaming and crying, and some of them are lying there listlessly” (Hylton 2015). These accounts, which usually come from detainees and their advocates, humanize immigrants and are likely useful in garnering sympathy from the readers. Nonetheless, they do little to challenge the root causes of the problem.

A few notable exceptions problematize immigration detention more holistically. For instance, in their fight for refugee rights, some immigration lawyers emphasized the dire circumstances faced by immigrants in sending countries and thus call for humane treatment and a path to legal status (Hylton 2015). Yet in addition to being rare, such arguments neglect to mention the U.S. involvement in damaging the political economy in Latin America, which initiated many of the current migration patterns within the Americas (Grandin 2006). Thus, this argument (or lack thereof) allows the United States to retain its moral high ground and maintain its interventionist foreign policy (Sakellaropoulos and Sotiris 2008). As such, it not only masks global inequality as an inevitable consequence of the U.S. imperial project but also has the potential to further reinforce the status quo through reifying negative stereotypes associating immigrants and their countries of origin with criminality, volatility, and corruption.

Consequentially, these arguments put forward by immigrant advocates parallel the public construction of “model immigrants” by some pro-immigrant social movements (Yukich 2013). Though potentially an effective rhetoric strategy to garner support for immigrant rights, this partial depiction of immigrant humanity contributes to the construction and maintenance of distinctions between “deserving” and “undeserving” immigrants.

DISCUSSION: THE APATHY STRATEGY

Our results reveal that the explicit vilification of immigrants is the exception, not the rule, in discussions about private detention. Although the vilification of immigrants contributes to the justification of crimmigration (see Menjívar et al. 2018), supporters of privatized immigration control rarely justify it as a tool to control a “dangerous population.” Instead, the focus was on how for-profit detention centers are well managed, contribute to the communities’ well-being, and are part of the normal economy. In other words, this form of population management is construed as an ordinary part of our reality, so much so that its existence and purpose does not need direct justification. Accordingly, we suggest our results point to an important analytic framework similar to color-blind racism and racial apathy (Bonilla-Silva 2017; Forman 2004; Forman and Lewis 2006)—the apathy strategy.

This seemingly contradictory term, where “apathy” implies inactivity and “strategy” suggests active planning, resonates with work on the intentional maintenance of white ignorance of racial oppression (Mueller 2017; Mueller and Issa 2016). It involves the active avoidance, willful ignorance, and patterned absence of discussing immigrants and inequality, as though the oppressed or oppressive practices do not matter or exist. Because reportage, critics, and scholars rarely link privatization with racial inequality, elites do not have to acknowledge its racially disparate consequences or injurious impacts on immigrants. This offers elites a degree of

distance from the groups most adversely affected by their rhetoric and policies (see also Armenta 2017b).

The three patterns that emerged from the analysis encapsulate the apathy strategy. First, coverage that is supportive of privatized immigration control is largely apathetic toward immigration as an issue in that supporters did not highlight immigration as a social problem. Supporters rarely vilified immigrants to justify the institutional practice but instead diverted attention away from the substance of the criticisms and from immigrants and inequality. They engaged in amplification to a certain extent, but instead of imbuing and elevating “certain elements of cultural and institutional/organizational life to a place of almost sacred reverence” (Roscigno et al. 2015:363), they highlighted the managerial excellence of private companies or amplified attention to contrived social problems that were often unrelated to immigration or the practices surrounding privatized social control. Accusations of racism and discrimination were rare, which makes sense given that much of the high profile criticism of privatized immigration control focus on outwardly “nonracial” problems, including neglect and abuse within its facilities and its excessive influence in government functions. As a result, proponents of privatized immigration control did not have to talk about immigration, let alone structural racism.

Second, reports that were seemingly neutral are largely apathetic toward immigrants as people, conveying privatized detention as “business as usual.” Such reportage contributed to the normalization of privatized immigration management by utilizing alternative, subtler, and passive techniques that did not involve direct rationalizations or proactive arguments. Instead, legitimacy appears to be maintained through characterizing detention as a natural part of population control and a normal component of the U.S. economy. In this way, the rhetoric also seemingly draws from neoliberalism, but it diverges in that oftentimes, no frame is present—

there is no direct argument regarding the benefits of privatization. Additionally, the apathy strategy mirrors color-blind racism in that it includes nonracial rhetoric regarding a system that maintains racial inequality, but it diverges in that immigrants and immigration were largely absent from the conversation. In fact, a majority of the articles (64 percent) failed to mention immigrants, even though our search parameters included corporations and facilities that predominantly engage in immigration control. The fact most articles neglected to mention immigrants reflects a patterned absence that contributes to the legitimacy of privatized immigration control and reinforces the idea that noncitizens are outside the bounds of citizenship and more likely to remain “nameless” and invisible (Bosniak 2006). Indeed, structural racism is much more palatable when the oppressed are omitted from the conversation.

Third, reportage critical of privatized immigration detention is largely apathetic toward structural racism, bearing a resemblance to the “minimization of racism” frame of color-blind racism (Bonilla-Silva 2017). When presented with the opportunity to engage in systematic critique, those critical of the practice often referenced abhorrent cases of abuse, framing these cases as isolated incidences that stem from poorly managed facilities or individual bad apples. Such critiques may humanize individual immigrants and are likely useful in garnering sympathy from the readers, however, the emphasis on isolated incidences and pathological individuals obscures and minimizes systematic inequality and does little to question how “illegality” is socially constructed and rooted in global power dynamics (Armenta 2017b; De Genova 2004; Golash-Boza 2016). It also allows readers to claim ignorance, and thus innocence, by distancing themselves from the locales of oppressive practices and dissociating interlocking systems of exploitation that benefit white communities (Mueller and Issa 2017). In other words, even commentators most sympathetic toward immigrants characterize immigration control as natural

part of the status quo, and seem to portray detention as problematic only when physical abuse is prevalent or when the detainees are vulnerable, harmless, and sympathetic. This framing device not only normalizes population control, but it also reinforces distinctions and inequalities among immigrant groups, casting some as deserving while implying that others are undeserving (Yukich 2013).

In sum, beyond coverage of major crises or scandals, the media tend to report on the private detention industry as a normal component of both population control and the regular economy. To justify the privatization of immigration control, they rarely explicitly vilify immigrants, and they seldom discuss its connection to the criminalization and control of immigrants. The reliance on the apathy strategy points to an important way that the privatization of immigration detention appears to sustain its legitimacy; namely, beneficiaries of privatized immigration control ignore those populations most adversely affected.

CONCLUSION

In this paper, we examine how supporters of the privatization of immigration management sustain its legitimacy amid controversy. We focus on public discussions of institutional practices that constitute an integral part of the broader system of mass incarceration and disproportionately target the immigration population. We found little direct effort in legitimating the practice, with or without hostility toward immigrants. Instead, we revealed a pattern of void in which not only the systematic oppression of immigrants is underplayed, immigrant themselves also become invisible. Consequently, by explicating the normalization process of the privatization of immigration control, our research contributes to scholarship on legal violence that describes the abuses suffered by immigrants that stem from these “normal” practices (Menjívar and Abrego 2012). Moreover, we also contribute to scholarship that

examines the role of color-blindness and similar ideological frameworks in justifying the oppression of immigrants (e.g., Armenta 2017a; Rodriguez 2018) by revealing a framing strategy that overlaps with but diverges from the central frames of color-blind racism.

The apathy strategy—the active avoidance of discussing immigrants and inequality, as though the oppressed and oppressive practices do not matter or exist—is useful in understanding the institutional legitimacy of privatized immigration control. It remains to be seen, however, whether the apathy strategy is applicable in the legitimacy process of other practices. Future research may investigate the generalizability of the apathy strategy as it relates to immigration more broadly. To garner support for anti-immigrant legislation, Armenta (2017b:154) found that politicians draw on “racialized fears about ‘criminal aliens’ and construct immigrants as criminals who pose a threat to (white) American citizens” (see also Flores 2015). However, unlike legislators, local police justify their actions that disproportionately target Latinx immigrants through subtler, racially neutral, means (Armenta 2017b). Furthermore, Estrada and colleagues (2016) found that within news coverage that is critical of anti-immigrant legislation, even seemingly sympathetic coverage shows an indifference toward immigrants in that outlets devoted more attention to the negative effects of exclusionary legislation for nonimmigrants (such as government officials, law enforcement officers, and the business community) than immigrants. Such disparate findings point to the fact that a proper study of the generalizability of the apathy strategy warrants more specific attention to the actors involved in the framing process and the ways that the news media act as a filter than the current study allows.

Future research may also investigate the applicability of the apathy strategy beyond immigration control to other institutional practices that involve the commodification of people, including the corporatization of education and the military. Just as it has with population control,

the state has generally fulfilled the functions associated with these institutions as they represent a “public good” that benefits society and are central to its stability—creating a knowledgeable public as it relates to education and enforcing national security as it relates to the military. However, the privatization of these industries introduces an alternative goal: profit making. As such, in these cases, where the product or the target is people, companies might divert attention away from the product to avoid criticisms of this profit-making motive, and in doing so, contribute to the normalization of privatization.

An important implication of our study is that the sources quoted by the *NYT* and its reporting patterns not only normalize both privatization of immigration control and the criminalization of immigration as institutional practices but also mask their connection as mutually reinforcing practices. Although the most prevalent argument that emerged from the data is overtly critical of privatization, the timing of different types of arguments, the tactics they utilize, and their distribution in relation to one another solidify rather than refute the institutional legitimacy of the privatization of detention of both domestic and immigrant populations. That is, actors engaging in critical frames seemed to object to “bad apples” and isolated incidences of neglect rather than to systems of oppression (i.e., racism and capitalism) that create a profit-incentive for social control.

Another implication is that the use of the apathy strategy maintains inequality, as it employs the active avoidance of topics and perspectives that can potentially incriminate systems of oppression (i.e., racism and capitalism) and beneficiaries therein. The reliance on the apathy strategy allows powerful groups to enjoy the privileges of inequality without having to acknowledge the inequality itself, let alone their role in the production of the inequality. More specifically, our study speaks to the relationship between racism and capitalism in that both are

maintained through cultural processes that “clothe the rude facts of expropriation” (Jackman 1994:309), in this case through distilling institutional practices out of historical context to divert attention away from systematic oppression.

NOTES

1. In February 2017, the Trump administration withdrew the action (Sessions 2018).
2. MTC is not traded publicly and thus detailed information about its specific market value and operation remains difficult to obtain.
3. Some analysts have suggested that color-blind racism is no longer a dominant racial ideology and that White Victimhood has arisen in its place. Although dominant racial ideologies are flexible and continually shifting (Jackman 1994), we are cautious of granting too much credence to the “Trump effect.”
4. We searched the following terms and their variations: “GEO Group” “Management and Training Corporation” “Corrections Corporation of America” “Adams County Correctional” “Big Spring Correctional” “Cibola County Correctional” “D. Ray James Correctional” “Giles W. Dalby Correctional” “Eden Detention Center” “McRae Correctional” “Moshannon Valley Correctional” “NE Ohio Correctional” “Northeast Ohio Correctional” “Reeves County Detention” “Rivers Correctional” “Willacy County Correctional.”
5. We relied on approximately 33 of the 71 ineligible articles to contextualize the analysis. These 33 articles did not meet eligibility requirements as they either covered another issue or included no quotes that were relevant for analysis. The remaining articles classified as ineligible were those that included a key word but the meaning did not match our use of the term, repeat articles, letters to the editors, and sections of the *NYT* blog.
6. The codebook is available upon request.

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Table 1. Frequency (percent share in parentheses) of coded elements within article type by package

	Thematic	Episodic	Editorials	Total coded elements
Critical	295 (53.54%)	18 (29.03%)	31 (93.94%)	344 (53.25%)
Favorable	186 (33.76%)	0	2 (6.06%)	188 (29.10%)
Normalizing	70 (12.70%)	44 (70.97%)	0	114 (17.65%)
Total coded elements	551	62	33	646 (100%)
Total articles	115 (60.21%)	62 (32.46%)	14 (7.33%)	191 (100%)
Articles that mention immigrants	56	9	4	69

Table 2: Frequency and percent share of frames within each package

Frames within Critical Package	number	%
poorly managed/violate human rights	184	53.49
lack of accountability	32	9.30
not economically beneficial	18	5.23
should be public	32	9.30
aren't worth the trouble	18	5.23
tear families apart	9	2.62
other	51	14.83
Number of coded elements	344	100
Frames within Favorable Package	number	%
able to address issues	56	29.79
well-managed	30	15.96
deflect structural problems	30	15.96
economically efficient	19	10.11
beneficial to community	20	10.64
needed service	28	14.89
other	5	2.66
Number of coded elements	188	100
Normalizing Frame/Package	114	100