

Polarized Toward Apathy: An Analysis of the Privatized Immigration-Control Debate in the Trump Era

Emily P. Estrada, State University of New York at Oswego

Kim Ebert, North Carolina State University

Wenjie Liao, Rochester Institute of Technology

Interlocking corporations, individuals, and institutions have benefited from a strong and growing prison-industrial complex that targets poor communities of color. More recently, immigrants have become another “supply” group of this growing business—a business that has been particularly profitable for private prison corporations, including CoreCivic (formerly Corrections Corporation of America); The GEO Group, Inc. (GEO); and Management & Training Corporation (MTC) (Doty and Wheatley 2013). Like the incarceration of domestic populations (Alexander 2010), immigration detention represents a gendered form of institutional racism that disproportionately targets impoverished men of African and Latin American descent (Golash-Boza 2016). Moreover, like mass incarceration, for-profit detention has been the subject of considerable public debate. Numerous reports criticize aspects of corporate detention, including its influence and embeddedness in government institutions, exploitation and mismanagement within its facilities, and the infusion of a profit motive into population management (American Civil Liberties Union 2014; Elk and Sloan 2011; Horowitz 2016; Sullivan 2010). These critiques reached a critical point when, in August 2016, President Obama’s Department of Justice announced plans to phase out the use of for-profit prisons that primarily house “criminal aliens.” However, months later, the Trump administration reversed this decision, thereby strengthening its commitment to incarcerating immigrants, most of whom are imprisoned in for-profit facilities (Cullen 2018).

Despite support from the Trump administration, the controversy surrounding for-profit (and public) immigration

control continues, most notably amid scandals involving detained children and family separation. Faced with new economic opportunities, and new criticisms, proponents are pressured to defend and elicit support for privatized immigration control. Before Trump’s election, advocates for the industry employed an apathy strategy by actively avoiding discussions of immigrants and inequality, as though the oppressed or oppressive practices do not matter or exist (Ebert, Liao, and Estrada 2019). This strategy is akin to existing analytic frameworks including racial apathy and color-blind racism (Bonilla-Silva 2017; Forman and Lewis 2006; Mueller 2017) in that rather than explicitly vilifying immigrants, journalists and their sources framed privatized immigration control as a normal component of population management and the economy as well as a solution to manufactured social problems.

In contrast, throughout his campaign and presidency, Trump has aimed overtly racist statements at immigrants and other communities of color (Crabtree et al. 2018; Medina Vidal 2018). Recent studies argue that blatant expressions of racism within the Trump administration may have facilitated major immigration-policy changes (Pierce and Steele 2017) and normalized white supremacist and nativist narratives (Shafer 2017). That is, Trump’s embrace of “politically incorrect” rhetoric may have altered aspects of the discursive opportunity structure (DOS), thereby validating certain narratives and enabling their diffusion and increased visibility in the public sphere (see McCammon et al. 2007 and references therein). It remains to be seen, however, whether the transformation of the DOS has influenced narratives in other arenas (e.g., immigration control). Have supporters

embraced virulent racism and nativism to justify the industry? What about opponents? Has the transformation of the DOS inspired counter-narratives that publicize the institutional racism underlying the industry?

DATA AND ANALYSIS

To answer these questions, we compared frames—that is, publicly stated claims or arguments—about privatized immigration control from the New York Times (NYT) in two distinct periods (i.e., 1995–2015 and 2016–2018). For each period, we searched for articles that referenced one of the three largest private prison corporations or one of the “Criminal Alien Requirement” facilities that these companies manage or managed (see the online appendix

We began our analysis by developing a semi-inductive codebook based on articles published between 1995 and 2015. We tested and revised the codebook across four rounds, meeting

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regularly to discuss any discrepancies. Once we established an intercoder reliability score of more than 90% among our four-member research team, we coded the remaining data. For articles published between 2016 and 2018, we relied primarily on the existing codebook, although we added emergent frames. Details regarding the study’s methodology and codebook are in the online appendix.

Table 1, which includes the frequency and percent share of frames from the two periods, shows that 646 frames emerged from 191 eligible articles in the first period and 148 frames emerged from 30 eligible articles in the second

for search terms). We focused on the NYT because its reportage shapes coverage in other media (Golan 2006; Martin and Hansen 1998) and its extensive national circulation reaches a wider audience (Doctor 2015). Because the purpose of the study is to investigate frames, we analyzed direct quotations within thematic articles, entire texts for episodic articles, and paragraphs within editorials and op-eds (see the online appendix for a description of article types). In the following sections, we discuss the findings, which reveal that during the Trump era, arguments for and against privatized immigration detention have become more polarized. The overall pattern in the two timeframes, however, is the same. In both eras, journalists and their sources minimized the systematic oppression of immigrants and ignored their voices.

Compared to previous years, supporters of privatized detention denied the existence of problems within the private prison industry relatively more often (i.e., a difference of 12%; see table

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1) and more forcefully in the Trump era. Before Trump’s election, advocates of privatized immigration detention denied the existence of problems or deflected attention away from private prison scandals by blaming individual employees or other entities, such as Immigration and Customs Enforcement (ICE). In recent years, however, responses to criticisms were more unequivocal, with such frames outright denying the existence of problems. For example, in response to the Obama administration’s announcement to

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Support for Privatized Detention

The surge of anti-immigrant discourse and policies at the highest level of office appears to have enabled supporters of privatized immigration control to be bolder and more explicit in their public support of the industry.

Table 1

Frequency and Percent Share of Frames Before and After Trump's Election

| | 1995–2015 | | 2016–2018 | | % Difference |
|--|-----------|-------|-----------|-------|--------------|
| | # | % | # | % | |
| Frames Critical of Private Detention | 344 | 100 | 93 | 100 | |
| Poorly managed/violates human rights | 184 | 53.49 | 60 | 64.52 | 11.03* |
| Not economically efficient | 18 | 5.23 | 9 | 9.68 | 4.44 |
| Should be public | 32 | 9.30 | 7 | 7.53 | -1.78 |
| Other | 110 | 31.98 | 17 | 18.28 | -13.70** |
| Frames Supportive of Private Detention | 188 | 100 | 40 | 100 | |
| Able to address problems | 56 | 29.79 | 4 | 10.00 | -19.79** |
| Deflects structural problems | 30 | 15.96 | 11 | 27.50 | 11.54* |
| Provides needed service | 28 | 14.89 | 8 | 20.00 | 5.11 |
| Economically efficient | 19 | 10.11 | 4 | 10.00 | -0.11 |
| Other | 55 | 29.26 | 13 | 32.50 | 3.24 |
| Other Frames | 114 | 100 | 15 | 100 | |
| Total Articles | 191 | | 30 | | |

Notes: *p<0.10, **p<0.05 (Chi-squared tests of independence).

phase out private prisons, an MTC spokesperson wrote: “[t]o base this decision on cost, safety and security, and programming is wrong” (Savage 2016, A.11). In another article, a GEO spokesperson claimed that allegations of abuse within its facilities were “completely baseless” and that “federal authorities reviewed that situation and ‘found that the officers acted in accordance with established protocol’” (Haberman 2018, A.17). Furthermore, in the previous period, actors commonly described how the industry was attempting to address identified problems—a strategy that was significantly less common in the recent period (30% and 10%, respectively; see table 1).

Additionally, advocates were more likely to argue that the industry provides a much-needed service in the Trump era. Although the difference is not statistically significant (see table 1), a qualitative difference between the two eras emerged within this frame. In the Trump era, supporters are much more explicit about why privatized detention is needed, citing Trump’s immigration policies or an increase in the number of undocumented immigrants. Consider, for example, statements from representatives of two different private prison companies, one of which argued that his company is prepared to help meet the “escalation of capacity need for all three federal agencies

[i.e., ICE, Customs and Border Protection, and the US Marshals Service] as a result of the president’s new executive orders” (Sommer 2017). Another representative unambiguously connected his company’s growth to migrant children: “Our growth is in direct response to kids coming to the border” (Fernandez and Benner 2018, A.15).

In summary, in the Trump era, supporters of privatized immigration control are more vocal in their unwavering support of the industry compared to the previous era, wherein supporters often recognized the well-documented problems associated with for-profit detainment. Moreover, proponents in the recent timeframe were more likely to reference Trump's role in the increased need for detention services. Taken together, these findings indicate that proponents have become emboldened and more forthright in their support for privatized immigration detention and in acknowledging Trump's relationship with the industry.

These shifts likely stem from recent openings in the DOS due to the Trump administration's immigration narratives and policies. The DOS refers to ideas in the broader culture "believed to be 'sensible,' 'realistic,' and 'legitimate' and that facilitate the reception of certain movement frames" (Koopmans and Statham 1999; McCammon et al. 2007, 731). Although the DOS is most commonly associated with social movement framing, there is wider utility of the framework when conceptualized as part of the broader political opportunity structure (Kriesi 2004). Although "crimmigration" increased under past administrations, most notably during the Obama administration, the Trump administration has escalated anti-immigration practices. An arguably more striking distinction, however, is the Trump administration's use of blatant racist and nativist rhetoric to justify such actions. The surge of anti-immigrant discourse and policies at the highest level of office appears to have enabled supporters of privatized immigration control to be bolder and more explicit in their public support of the industry. It may also have encouraged journalists to rely on and capture more quotes from advocates of the industry compared to the previous era. Table 2 shows that in the Trump era, employees (most of whom

were spokespersons) of private prison corporations comprised a significantly higher share of sources that were quoted in news media coverage (i.e., a 9% difference).

Yet, advocates of the industry did not outwardly embrace the virulent racism and nativism espoused by the president, which is indicative of the complexity of the DOS. The DOS allows for narratives that rely on a host of available ideologies. Insofar as they are political instruments, these narratives are flexible in their application across contexts, adapting to meet the goals of the dominant group (Brooks, Ebert, and Flockhart 2017; Jackman 1994). Although Trump's extremist rhetoric may resonate with a segment of the population, news media coverage of justifications of privatized immigration control did not include blatant racism. Changes in the DOS have signaled to proponents (and journalists who rely on them as sources) that more straightforward appeals are legitimate and may resonate with the broader public. Such changes have not, however, legitimized the use of racism typified by the current administration.

Opposition to Privatized Detention

Table 2

Frequency and Percent Share of Sources Quoted Before and After Trump's Election

| Source of Quote | 1995–2015 | | 2016–2018 | | |
|--------------------------------------|-----------|-------|-----------|-------|--------------|
| | # | % | # | % | % Difference |
| Government Official | 189 | 36.99 | 32 | 32.99 | -4.00 |
| Private Prison Company Employee | 102 | 19.96 | 28 | 28.87 | 8.91* |
| Advocacy Organization Representative | 55 | 10.76 | 13 | 13.40 | 2.64 |
| Expert (e.g., Professor, Analyst) | 25 | 4.89 | 7 | 7.22 | 2.32 |
| Detainee Attorney | 23 | 4.50 | 4 | 4.12 | -0.38 |
| Immigrant | 29 | 5.68 | 5 | 5.15 | -0.52 |
| Other | 88 | 17.22 | 8 | 8.25 | -8.97 |
| Total Quotes | 511 | 100 | 97 | 100 | |
| Total Articles | 191 | | 30 | | |

Note: * $p < 0.05$ (Chi-squared tests of independence).

Our analysis also reveals changes in narratives from those

opposed to the industry. In the Trump era, frames emphasizing human rights violations in privatized immigration control were more prevalent (i.e., an 11% difference; see [table 1](#)) and more complex. Before 2016, criticism often highlighted such human rights violations; however, it rarely probed the root causes of tragedies in for-profit prisons and often blamed them on individual bad actors or isolated organizational issues (Ebert, Liao, and Estrada 2019). In recent years, reportage is more likely to frame human rights problems as fundamental to the private prison industry. For example, an op-ed written by a professor of political science details lawsuits against GEO and CoreCivic, describing the labor arrangements of immigrant detainees as tantamount to modern-day slavery: “The plaintiffs have a strong case. Forced labor is constitutional so long as it is a condition of punishment....But in 1896, the Supreme Court held that ‘the order of deportation is not a punishment from crime’” (Stevens 2018, A.27). Another op-ed argued “... public centers, while still flawed, are more transparent [than private prisons]” and that “making a profit doesn’t just require keeping beds filled, it can often lead companies to skimp on services” (Loewenstein 2016, A.23). Critics in both timeframes countered a prominent neoliberal talking point that privatization saves the government and, therefore, taxpayers’ money. However, in the Trump era, they were not only more likely to do so (although the difference is not statistically significant; see [table 1](#)), they also were more likely to do so directly and against such threats (Van Dyke and Soule 2002). Although scholars generally rely on group threat theory to explain mobilization among the dominant group, additional research considers how threats influence collective identity forcefully. For example, the NYT editorial board wrote: “[o]ne

formation and mobilization among communities of color (Cruz Nichols and Garibaldo Valdez 2020; Sediqe 2020). Trump’s racist language coupled with “color-blind” but more forthright statements from supporters of privatized immigration detention seems to have made grievances more apparent and, as a result, activated a more forceful collective response among opponents of the industry. Charges of human rights violations against the industry existed before the Trump era; however, in the absence of racialized rhetoric directed toward immigrants and outspoken support for the industry, these criticisms were relatively superficial, rarely framing problems as inherent to the industry. However, in the current era, arguments highlighting human rights violations of privatized immigration control are more common and multifaceted. In addition, amid changes in the DOS, critics have challenged the economic efficiency of for-profit detention more straightforwardly than in the previous era.

DISCUSSION

Returning to our initial questions, our analysis reveals that (1) justification of privatized immigration control does not reflect the racist rhetoric of the Trump administration, and (2) opponents of the industry in the Trump era have not publicized the institutional racism inherent in the industry. However, (3) the transformation of the DOS in recent years appears to have inspired more direct and confrontational frames, resulting in a more polarized debate. To defend the industry, actors unequivocally denied the existence of welldocumented problems stemming from the private prison industry; instead, they touted corporate detention as a much-

forceful arguments against the systemic nature of abuses within and the

Although changes to the DOS may have inspired more polarized debates over racialized institutions of social control, actors on both sides (and journalists who report on them) remain largely apathetic to those adversely affected—here, mostly Latino immigrants.

would think a hard-nosed executive like Mr. Trump, who won the White House in part because of his assurances that he would run

economic utility of for-profit prisons.

An implication of these findings concerns the relationship

government more like a business, would be loath to reward a contractor that does a bad job while saving no money” (New York Times Editorial Board 2017).

These differences suggest that changes in the DOS have not only enabled supporters of privatized detention to engage in more direct frames, but they also have created openings for counter-narratives targeting the private prison industry. Previous research argued that threats to group interests uncover shared grievances that can activate a collective identity (Ray et al. 2017; Zepeda-Millán 2017). This collective identity, in turn, can manifest in counter-narratives used to mobilize needed service. Furthermore, opponents of privatized immigration control offered more straightforward and

between evolving discourses and the maintenance of racial inequality. Although changes to the DOS may have inspired more polarized debates over racialized institutions of social control, actors on both sides (and journalists who report on them) remain largely apathetic to those adversely affected—here, mostly Latino immigrants. This pattern is similar to the apathy strategy that emerged in our previous study wherein journalists and their sources minimized the systematic oppression of immigrants and ignored their voices (Ebert, Liao, and Estrada 2019). Journalists, albeit indirectly, are apathetic to immigrants as people in that they seemingly fail to interview immigrants. Comprising a miniscule share of the

sources quoted in the news media, immigrant voices are largely absent from the conversation. Table 2 illustrates that of those quoted, only 6% from 1995 to 2015 and 5% from 2016 to 2018 were immigrants. Conversely, in both eras, employees of private prison companies and government officials were much more readily quoted—together, these groups comprise the majority share of those quoted in both eras. Although a majority of the articles (i.e., 19 of 30) in the Trump era at least mentioned immigration, the fact that immigrant voices are largely missing can explain why opponents of the industry in the Trump era have not publicized the institutional racism inherent in the industry. Racism and other systems of oppression are more likely to be ignored and accepted as normal when the oppressed are omitted from the conversation.

Thus, even when the DOS evolves to accommodate new actors and new rhetoric, the overall system of racism remains intact and largely unquestioned. Furthermore, apathy toward immigrants may be amplified amid the polarization that characterizes the Trump era: actors involved in debates engage with one another so loudly that they silence the voices and perspectives of immigrants. By centering the actions of the state rather than immigrant experiences, even critics may contribute to the very inequalities against which they are fighting. Systematic critiques of the industry are apathetic as long as they remain responsive to the legitimating techniques adopted by beneficiaries of this system and stay within the parameters they set for public debates. For example, claims that the industry is economically inefficient imply that if privatized immigration control were economically efficient, then it would be acceptable. This framing therefore upholds neoliberal ideology, which places economic utility in higher regard than racial justice.

One frame that is outside the scope of this study but that emerged from the analysis of articles published in the Trump era warrants further investigation: the political embeddedness of the private prison industry. Coverage of the private prison industry referenced the financial and political interconnectedness between the Trump administration and the industry in a few ways, including direct criticisms of this relationship, explicit denials of untoward practices, and implicit statements of this relationship as part of our taken-for-granted reality. Whereas this framing is intriguing in and of itself, it also is notable that frames related to the political embeddedness of the industry were largely absent in previous coverage, even though previous administrations had relationships with the industry. This patterned absence points to another way that journalists and their sources legitimate private detention in that they implicitly normalize not only private prison companies but also the embeddedness of the private prison industry within formal political institutions. This is a meaningful line of inquiry given the interconnectedness of for-profit interests and immigration control. It illustrates the internal tension of practices driven by neoliberal ideology. Indeed, privatization has been achieved in large part due to increases in government intervention in immigration control in the past 20 years (Guevara Urbina and Espinoza Álvarez 2016).

SUPPLEMENTARY MATERIALS

To view supplementary material for this article, please visit <http://dx.doi.org/10.1017/S1049096520000785>. ■

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