



RHETORIC INFLUENCING POLICY: THE CONSEQUENCES OF INACCURATE DISCOURSE

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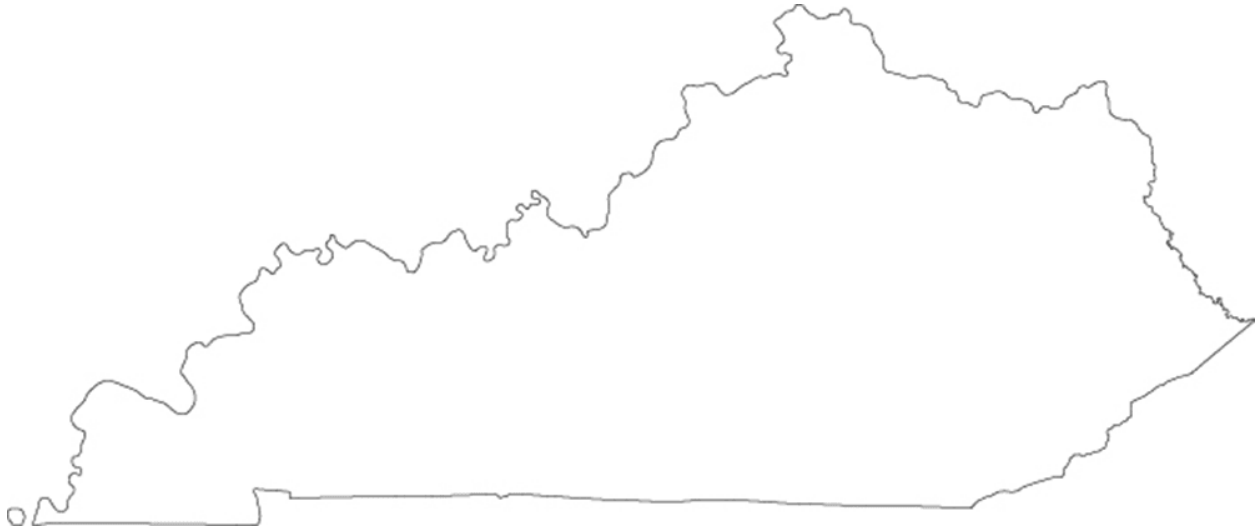


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EXECUTIVE SUMMARY

Appropriate language and rhetoric is critical in depicting the immigrant/noncitizen/refugee community in the media and in public spaces generally. Following a needs assessment survey of immigrant services providers, the Human Rights Advocacy Program at the Brandeis School of Law (“HRAP”) identified a community need to explore worrisome media depictions and strengthen language usage. HRAP fellows and law student public service project volunteers accordingly studied articles covering the immigrant/noncitizen/refugee community from mainstream news sources in Kentucky, Indiana, Ohio, and Tennessee from 2012 to early 2017 to analyze rhetoric and language trends generally. It then researched governing legal terminology and norms.

HRAP concluded that there was an inconsistency regarding the overall rhetorical image of noncitizens formed in articles as well as the language used when writing about noncitizens. From 2012 to 2014, mainstream print media portrayals of noncitizens were neutral-to-positive, though there were very few stories from the perspectives of noncitizens. Louisville, Kentucky print media in 2015 mainly contained positive portrayals of noncitizens. The mainstream print media of Kentucky cities outside of Louisville in 2015 were quite political, reporting on the opinions of Republican presidential candidates in regards to noncitizens, specifically refugees and undocumented individuals. For Kentucky’s surrounding states, portrayals of noncitizens in the media shifted in 2015, with Indiana, Ohio, and Tennessee print media showing a shift from neutral-to-positive portrayals of noncitizens to negative portrayals in November of 2015. Following the 2016 election, the mainstream print media in Kentucky, Indiana, Ohio, and Tennessee for the most part reported on noncitizens in a positive light.

In response, HRAP has begun producing a Comprehensive Guide to Language Use in Reference to the Noncitizen Community (The Guide) and a video cultural competency training resource. HRAP will next finalize and distribute The Guide and the video in late 2017 to members of the community including elected officials, schools, frontline workers in education and language, and journalists.



Wordle, <http://www.wordle.net/create>, (last visited Apr. 10, 2017).

INTRODUCTION

The Brandeis Human Rights Advocacy Program (HRAP) is committed to advancing the actualization of human rights at the local level for immigrants/noncitizens/refugees. This includes building a strong, inclusive community in which immigrants/noncitizens/refugees are an integral part of the infrastructure of the community, not outsiders or marginal members. HRAP is committed to a participatory action model in which it works in interactive partnership with the community to identify action items and appropriate responses to identified needs. Early needs-assessment work of HRAP organically revealed concerns with the ways in which mainstream print media depicted the noncitizen community. This included concerns that language was inaccurate when compared to governing statutes, but also misaligned with community usage standards and potentially marginalizing. This Report

summarizes the findings of a comprehensive five-year review of mainstream print media in Kentucky, Indiana, Ohio, and Tennessee. It reveals some concerning narratives surrounding the noncitizen community that become more particularized and worrisome in recent months. This report summarizes these findings and suggests two critical action items going forward – the publication of The Human Rights Advocacy Program Comprehensive Guide to Language Use in Reference to the Noncitizen Community (The Guide), and a training video as community tools.

Why Rhetoric and Language Matters

HRAP was focused on studying both rhetoric more broadly and language more specifically. When used in the context of media, “rhetoric” refers to the bigger picture that articles as a whole paint of a group of people after seeing the same references and

attitudes presented repeatedly—it is the “art of discourse.”¹ Rhetoric can be damaging in this context when article after article presents noncitizens and subgroups of noncitizens as having negative traits. “Language” refers to the specific words and terms used to describe situations and actions² and in the context of the media, groups of people. Language can be damaging in this context when the print media uses words and terms with negative connotations to describe noncitizens and subgroups of noncitizen. Therefore, using proper language requires an “exercise of judgment and responsibility.”³

SUMMARY OF RESEARCH AND FINDINGS

Methodology

Upon identifying community concerns regarding the damaging ways in which noncitizens have been portrayed in the media, HRAP began the Rhetoric and Policy Project in 2014 with the ultimate goal of educating news organizations and public figures generally on appropriate ways to discuss noncitizens in the media. In the past three years, HRAP, with the assistance of a team of public service volunteers, has been researching how the mainstream print media of Kentucky, Indiana, Ohio, and Tennessee has portrayed noncitizens from 2012 through post-election 2016 with the ultimate goal of developing materials to help the community. HRAP compiled a list of terms and phrases and analyzed the problematic representations of the noncitizen community from the archived research materials.

Results⁴

The mainstream print media of Kentucky, Indiana, Ohio, and Tennessee changed in its portrayals of noncitizens from 2012 through post-election 2016. From 2012-2014, most mainstream print publications in Kentucky, Indiana, and Ohio depicted noncitizens in a neutral-to-positive light. In 2015, however, the Louisville, Kentucky print media contained mainly positive portrayals of noncitizens while the remainder of the Kentucky print media contained mainly political pieces regarding noncitizens. The print media of surrounding states Indiana, Ohio, and Tennessee shifted in November of 2015 from neutral-to-positive portrayals of noncitizens to negative portrayals. Surprisingly, in Kentucky, Indiana, Ohio, and Tennessee after the 2016 election, the mainstream print media mainly presented noncitizens in a positive light. Supporting details and sources will be discussed below.

1. [In Kentucky, Indiana, and Ohio from 2012-2014, Most Mainstream Print Publications Depicted Noncitizens in a Neutral-to-Positive Light.](#)

From 2012 to 2014, mainstream print media portrayals of noncitizens were neutral-to-positive, though there were very few stories from the perspectives of noncitizens.⁵ Most of the stories focused on the opinions and actions of politicians and U.S. organizations.⁶ The media presented very few perspectives of noncitizens.⁷ Articles that did not focus on politics focused on the art, food, and festivals of noncitizens and about organizations helping noncitizens.⁸

2. In Kentucky, Indiana, Ohio, and Tennessee During the Year 2015, Kentucky Differed from its Surrounding States in its Depictions of Noncitizens.

Louisville, Kentucky print media in 2015 mainly contained positive portrayals of noncitizens.⁹ The Louisville media was largely supportive of noncitizens.¹⁰ Many articles celebrated immigrant, refugee, and noncitizen culture.¹¹ When a car accident happened in March of 2015 involving refugee teenagers from Nepal,¹² and a fatal shooting of a Sudanese refugee happened in September of 2015,¹³ these unfortunate events were met with community and media support. There was a focus on both Louisvillians helping noncitizens¹⁴ as well as on members of the noncitizen community, themselves.¹⁵ There was increased media coverage after November, but the positive coverage still drastically out-weighted the negative.¹⁶ The media covered former Governor Beshear's statements supporting noncitizens.¹⁷ Overall, Louisville, Kentucky's media portrayed noncitizens in a positive light.

The mainstream print media of Kentucky cities outside of Louisville in 2015 were quite political, reporting on the opinions of Republican presidential candidates in regards to noncitizens, specifically refugees and undocumented individuals.¹⁸ Articles that were not about politics were either positive portrayals of and support for noncitizens¹⁹ or fear mongering.²⁰ A limitation of this component of our study was that we only gathered articles from September to December of Kentucky outside of Louisville in 2015, so we were not able to tell if there was a shift in portrayals in November as there was in the states of Indiana, Ohio, and Tennessee, which is discussed below.

For Kentucky's surrounding states, portrayals of noncitizens in the media shifted in 2015. Indiana, Ohio, and Tennessee print media showed a shift from neutral-to-positive portrayals of noncitizens²¹ to negative portrayals in November of 2015.²² There were five trends among the mainstream print media in Indiana, Ohio, and Tennessee:

- ❖ Portrayals of noncitizens shifted from vulnerable to threatening. (i.e., "Ind. Attorney general strives to protect immigrants" in July of 2015 vs. "Ohio has received 48 Syrian refugees in 2015; Gov. Kasich says resettlement should stop in name of security" in November of 2015.)
- ❖ Articles shifted from focusing on noncitizens to focusing on U.S. citizens discussing noncitizens. (i.e., "Syrian refugees resettle in Toledo; City agency reports it is handling more cases than ever" in September of 2015²³ vs. "Ohio House rejects refugees; 'The Islamic State wants to get rid of us,' lawmaker says" in November of 2015.²⁴)
- ❖ Concerns about hostilities towards noncitizens shifted to concerns about U.S. citizen safety and U.S. citizen moral duties. (i.e., "Ind. Attorney general strives to protect immigrants" in July of 2015²⁵ vs. "Haslam says TN is 'scared'" in November of 2015.²⁶)
- ❖ Instead of primarily using the term "immigrant" the media began primarily using the term "refugee". (i.e., "Immigrants' fear of police worries small-town mayors" in March of 2015²⁷ vs. "23 states refuse refugees; Legal experts say governors may not have much say" in November of 2015.²⁸)

- ❖ Instead of stories focusing on noncitizens, focus shifted to stories of U.S. citizens with noncitizens as props. (i.e., “Syrian refugees resettle in Toledo; City agency reports it is handling more cases than ever” in September of 2015²⁹ vs. “Hoosier hospitality takes another hit” in November of 2015.³⁰)

3. In Kentucky, Indiana, Ohio, and Tennessee, After the 2016 Election, The Mainstream Print Media Mainly Presented Noncitizens in a Positive Light.

Following the 2016 election, the mainstream print media in Kentucky, Indiana, Ohio, and Tennessee for the most part reported on noncitizens in a positive light.³¹ The majority of the reports focused on the uncertainties, fears, and hardships that noncitizens and refugees were facing and are continuing to face in light of the November election and what the local communities are doing to mobilize and help alleviate some of those fears and uncertainties.³² The terminology used to describe the immigrant community was humane and non-offensive.³³ In particular, Louisville and Bowling Green seemed to be very serious about finding ways to help solve the problems facing the local noncitizen community.³⁴



7 Things Americans Love That Were Invented By Immigrants, Complex, <http://www.complex.com/life/2017/02/things-americans-love-invented-by-immigrants> (last visited Apr. 9, 2017).

- ❖ Generally, the way noncitizens were labeled seemed to depend on the context in which the story was reported and not where the story originated. (i.e., “Immigrants ‘absolutely afraid’ after Trump named president-elect” using the

term “immigrant” to refer to people who technically are immigrants³⁵ vs. “Refugees experience Christmas bounty after receiving toys, books” using the term “refugee” to refer to people who technically are refugees.³⁶)

- ❖ Generally, the noncitizen community was presented in a positive light, except for two Tennessee newspapers: one from south-western Tennessee, and the other from eastern- Tennessee. (i.e., “Student photography project tells refugee stories” presenting noncitizens in a positive light³⁷ vs. “Ohio State stabbing and the rise of immigrant-related terrorism” presenting noncitizens as threats to U.S. citizen safety.³⁸)

- ❖ Articles shifted from addressing concerns about hostilities towards noncitizens and refugees to concerns about the safety of U.S. citizens as a result of the Ohio State University attacks. (i.e., “Immigrants ‘absolutely afraid’ after Trump named president-elect” reporting on the concerns and fears of immigrants after the election results were released³⁹ vs. “Ohio State stabbing and the rise of immigrant-related terrorism” presenting noncitizens as threats to U.S. citizen safety.⁴⁰)

- ❖ The phrases “illegal immigrant” and “alien” were virtually nonexistent in these articles. (i.e., “1,000 to talk immigration in Nashville” uses the term “illegal immigrants,” but in quotations while referring to a proclamation of a town when the town used the term.⁴¹)

SUMMARY OF THE LAW AS IT APPLIES TO RHETORIC AND POLICY AND ACADEMIC ANALYSIS OF THE LAW

While the mainstream print media does appear to be improving over time in its use of proper noncitizen language, more work can be done. Using the correct terminology to describe noncitizens is more than just “political correctness” because it has real life implications for noncitizens who fall into or are incorrectly placed in certain categories.⁴² Perhaps the most damaging term with which to describe a person is “illegal.” Only acts can be illegal, not people.⁴³ Using the term “illegal” effectively obliterates the presumption of innocence.⁴⁴ The Immigration and Nationality Act (INA) along with other sources provide guidance on which terms to use when describing subgroups of noncitizens.

The INA defines terms related to immigrants, refugees, and noncitizens. According to the INA, an “alien” is any person who is not a citizen or national of the United States.⁴⁵ “Noncitizen” is an appropriate and more respectful alternative.⁴⁶ “Immigrant” is a noncitizen authorized to reside permanently in the United States.⁴⁷ Alternative terms include “lawful permanent resident” or “permanent resident.”⁴⁸ “Nonimmigrant” is a noncitizen authorized to reside in the United States for a limited amount of time.⁴⁹ “Undocumented persons or individuals” are noncitizens who are not authorized to be in the United States.⁵⁰ They are present in the United States either by overstaying a visa or entering without inspection by an

immigration officer. A non-INA term the United States Census Bureau uses to refer to anyone who was not a United States citizen at birth is “foreign-born.”⁵¹

Even though the term “alien” is a legally accurate term used to describe noncitizens under the INA, it is often used with animosity to impart a sense of “otherness” on noncitizens.⁵² Through the use of the term “alien,”

“The increasing use of criminal terminology in immigration terminology creates an association between noncitizens and criminals.”

noncitizens who have lived in the United States for years and have ties to the United States through family and community are made to feel like outsiders.⁵³ “Alien” is also a reminder that noncitizens always have the threat of deportation looming over their heads as they have a history of unpopularity in the United States that fuels nativism,⁵⁴ which also contributes to the negative connotations of the word.

The term “alien” has also increasingly become connected to people of color, bringing racial issues into the term.⁵⁵ This connection has gotten to the point that the term “alien” is often used as code for noncitizens of color.⁵⁶ Laws regulating aliens are a way to get around the strict scrutiny those laws would have to stand up against if the laws were written as regulating Latin@s.⁵⁷

Additional problematic terms have arisen out of the criminalization of immigration law. The criminalization of immigration law

is the trend of immigration control becoming increasingly similar to the criminal justice system.⁵⁸ The increasing use of criminal terminology in immigration terminology creates an association between noncitizens and criminals.⁵⁹ Two problematic terms of note are “criminal alien” and “aggravated felon”.⁶⁰

“Criminal alien” is a term for a noncitizen with a past criminal conviction.⁶¹ The term “criminal alien” replaced “convicted alien.”⁶² “Convicted” emphasized the past crime, while “criminal” emphasizes a continuing criminality of the individual’s character.⁶³ Referring to someone as a “criminal alien” results in an apparent justification of punishment, such as deportation.⁶⁴ It is easier to justify deportation when it seems that the person going through the process deserves it due to her criminal nature.⁶⁵

“Aggravated felon” is a term for a subgroup of “criminal aliens” whose past crimes fall under the umbrella of “aggravated felonies.”⁶⁶ The category of “aggravated felonies” was created in the Anti-Drug Abuse Act of 1988 and included murder, drug trafficking, and firearms trafficking.⁶⁷ Even though this term brings to mind the very worst of crimes, the term has expanded over the years and has become broad enough to include crimes that would not logically seem “aggravated,” such as gambling crimes.⁶⁸ This creates an exaggerated classification that makes noncitizens who fall under this term come across as a dangerous threat to citizens.⁶⁹ The use of these terms foster acceptance of treating noncitizens like criminals instead of treating documentation status like the civil matter that it is.

The problem of inaccurate and disrespectful use of noncitizen language descriptors

extends to outside of the United States. One example of damaging noncitizen language outside of the United States comes from the current European migration. The use of the term “crisis” in describing the Syrian migrants in Europe is inaccurate and misleading given that a steady flow of migrants have been entering European countries for years, but that is a term that the media has adopted to describe current events.⁷⁰ Another example of language misuse in European migration is using the terms “refugee,” “asylum seeker,” and “economic migrant” based on the desired point to be made instead of based on which term is technically accurate.⁷¹ “Refugees” are perceived as good noncitizens while “asylum seekers” are viewed with skepticism, and economic migrants are perceived as “bad” noncitizens.⁷²

The use of the term “migrant worker” instead of “economic migrant” is encouraged due to the overbreadth of “economic migrant” and the negative connotation of selfishness that accompanies it.⁷³ Using more respectful terms such as “undocumented” or “migrant worker” along with terms that are legally accurate is important in writing about noncitizens in a way that is both respectful and accurate.

“Illegal immigrant” or “illegal alien” are never acceptable terms to use. Both terms are dehumanizing and incorrectly imply that



Undocumented, Not Illegal: Beyond the Rhetoric of Immigration Coverage, nacla, <http://nacla.org/news/2011/12/30/undocumented-not-illegal-beyond-rhetoric-immigration-coverage> (last visited Apr. 9, 2017).

unlawful presence in the United States is a crime.⁷⁴ “Illegal immigrant” is an oxymoron in immigration law as an immigrant, by definition, has legal permission to reside in the United States.⁷⁵ *Arizona v. United States* found that it is not a crime to be unlawfully present in the United States.⁷⁶ These terms also have racist undertones given that the majority of undocumented noncitizens are people of color.⁷⁷ While many mainstream news agencies have discontinued the use of these terms, they are still in use, and need to be discontinued completely.⁷⁸

DEVELOPMENT OF COMMUNITY MATERIALS

After conducting research on media portrayals of noncitizens in Kentucky, Indiana, Ohio, and Tennessee mainstream print media from 2012 through post-election 2016 and examining the law, HRAP focused on how to go about educating the media on its portrayals of noncitizens. It was decided that HRAP would create a reference guide (The Comprehensive Guide to Language Use in Reference to the Noncitizen Community) to be distributed to the media and other public relations fields. The Guide,

currently under construction, contains a section on context focusing on rhetoric; a glossary of terms and phrases focusing on language, defining what terms and phrases are appropriate and inappropriate to use when writing about noncitizens; and a section containing reference materials. Moving forward, the HRAP Rhetoric and Policy project will focus on finalizing and distributing The Guide.

CONCLUSION

The media and public figures have a social responsibility to be aware of the impact their articles have on building community. Noncitizen terminology has a great impact on the everyday lives of noncitizens as well as high-stakes events in their lives such as deportation. The media needs to be aware of the legally-accurate terms for noncitizens as well as the complexities of certain legally-accurate terms before choosing what terms to use in articles involving noncitizens. Using the compiled research, HRAP has begun The Comprehensive Guide to Language Use in Reference to the Noncitizen Community to educate journalists and others in public relations positions on the importance and proper use of noncitizen terminology and depictions.

¹ Francis J. Mootz III, *Rhetorical Knowledge in Legal Practice and Theory*, 6 S. CAL. INTERDIS. L.J. 491, 551 (1998).

² Marianne Constable, *Be True to What You Said on Paper: Paper Pether on the Positivism of Law and Language*, 60 VILL. L. REV. 549, 559 (2015).

³ *Id.*

⁴ Note that no statistical analysis tests have been performed on our results. Our findings simply represent patterns researchers noticed as they read print media sources.

⁵ See Kristen Clark, *First Feast-New American Citizens Look Forward to Thanksgiving*, THE COURIER-JOURNAL, Nov. 25, 2013, at HIGHLANDS/CRESCENT HILL; Devin Katayama, *Resettling Agencies Say Extra Funds Improve Partnership with JCPS*, WFPL NEWS (Oct. 21, 2013), <http://wfpl.org/resettling-agencies-say-extra-funds-improve-partnership-jcps/>; Katie Brandenburg, *General Assembly Bill Would Give Immigrants Longer to Graduate*, BOWLING GREEN DAILY NEWS, Jan. 3, 2014, at NEWS; Laura Ungar, *Iraqi Torture Survivors Find Help in Louisville*, THE COURIER-JOURNAL (Aug. 22, 2014), <http://www.courier-journal.com/story/news/2014/08/22/iraqi->

torture-survivors-find-help-louisville/14416667/; Kristen Clark, *Art Show Features Work of Refugee Artists*, THE COURIER-JOURNAL, Nov. 3, 2013, at LOCAL NEWS; Kristen Clark, *Refugees Get Help Learning English Through Sewing Class*, THE COURIER-JOURNAL, Dec. 24, 2013, at HIGHLANDS/CRESCENT HILL; Laurel Wilson, *Local Celebration Observes African Traditions, Culture*, BOWLING GREEN DAILY NEWS, Jan. 3, 2014, at FEATURES.

⁶ See Devin Katayama, *Resettling Agencies Say Extra Funds Improve Partnership with JCPS*, WFPL NEWS (Oct. 21, 2013), <http://wfpl.org/resettling-agencies-say-extra-funds-improve-partnership-jcps/> (reporting on the Kentucky Refugee Ministries and Catholic Charities Migration and Refugee Services receiving federal Refugee School Impact Grant funding usually reserved for schools); see also Katie Brandenburg, *General Assembly Bill Would Give Immigrants Longer to Graduate*, BOWLING GREEN DAILY NEWS, Jan. 3, 2014, at NEWS (a proposal to allow immigrant students to remain in public schools until they are 23 instead of the current cutoff of 21 due to language barriers).

⁷ See Laura Ungar, *Iraqi Torture Survivors Find Help in Louisville*, THE COURIER-JOURNAL (Aug. 22, 2014), <http://www.courier-journal.com/story/news/2014/08/22/iraqi-torture-survivors-find-help-louisville/14416667/> (this is one of the few stories presenting a perspective of a noncitizen—Jinan Alnasrawi, a Louisville resident who was an Iraqi torture victim).

⁸ See Kristen Clark, *Art Show Features Work of Refugee Artists*, THE COURIER-JOURNAL, Nov. 3, 2013, at LOCAL NEWS (Kentucky Refugee Ministries and Highland Presbyterian Church supported an art show featuring art from local and refugee artists); see also Kristen Clark, *Refugees Get Help Learning English Through Sewing Class*, THE COURIER-JOURNAL, Dec. 24, 2013, at HIGHLANDS/CRESCENT HILL (refugee women sew together to work on their English and sell their creations to support their families); see also Laurel Wilson, *Local Celebration Observes African Traditions, Culture*, BOWLING GREEN DAILY NEWS, Jan. 3, 2014, at FEATURES (State Street Baptist Church held a Kwanzaa celebration for the local Africa refugees in the Bowling Green community).

⁹ See Jere Downs, *Refugee Cookbook Highlights Tastes from Home*, THE COURIER-JOURNAL, May 27, 2015, at D₂; Clair Galofaro, *Wife Recounts Last Farewell*, THE COURIER-JOURNAL, Feb. 27, 2015, at A₄; *Courage is the Secret of Liberty*, THE COURIER-JOURNAL, Nov. 25, 2015, at A₁₅; Chris Kenning, *200 at Louisville Vigil Back Refugees*, THE COURIER-JOURNAL, Nov. 25, 2015, at A₁; Joseph Gerth, *Beshear: US is Safe From Refugees*, THE COURIER-JOURNAL, Nov. 19, 2015, at A₉.

¹⁰ *Id.*

¹¹ See Martha Elson, *Germans in Louisville*, THE COURIER-JOURNAL, Jan. 4, 2015, at A₁₈ (celebrating German culture in Louisville); see also Jere Downs, *Refugee Cookbook Highlights Tastes from Home*, THE COURIER-JOURNAL, May 27, 2015, at D₂ (highlighting the creation of the cookbook “Flavors From Home: Refugees in Kentucky Share Their Stories and Comfort Foods” by Aimee Zaring).

¹² James Bruggers, *Service Honors Train Crash Victims*, THE COURIER-JOURNAL, Mar. 29, 2015, at A₄.

¹³ Phillip M. Bailey, *Patrols Rise After Police Shooting*, THE COURIER-JOURNAL, Sept. 1, 2015, at A₅.

¹⁴ See Martha Elson, *Clothing Ministry a Full-Blown Venture*, THE COURIER-JOURNAL, Apr. 7, 2015, at A₅ (praising a Louisvillian woman who collects clothing as a volunteer project for the immigrant community near the Americana Community Center); see also Sheldon S. Shafer, *American Buyers to Maintain Diversity*, THE COURIER-JOURNAL, May 18, 2015, at A₅ (praising buyers of the Americana Apartments, historic apartments known for housing hundreds of refugees, for pledging to continue to provide homes to refugees).

¹⁵ See Clair Galofaro, *Wife Recounts Last Farewell*, THE COURIER-JOURNAL, Feb. 27, 2015, at A₄ (covering a story of loss when an immigrant from Pakistan was killed, leaving behind his wife, and immigrant from Morocco); see also Chris Kenning, *Ruling Delays Protection for Workers*, THE COURIER-JOURNAL, Jun. 5, 2015, A₁ (highlighting undocumented worker Alma Moreno’s worries about deportation).

¹⁶ See Opinion, *Courage is the Secret of Liberty*, THE COURIER-JOURNAL, Nov. 25, 2015, at A₁₅ (opinion piece showing support for Syrian refugees); see also Chris Kenning, *200 at Louisville Vigil Back Refugees*, THE COURIER-JOURNAL, Nov. 25, 2015, at A₁ (describing Louisville vigil with Louisville Mayor Greg Fischer, Congressman John Yarmuth, and 200 Louisville-area residents attending a vigil in support of Syrian refugees after the Paris attacks).

¹⁷ Joseph Gerth, *Beshear: US is Safe from Refugees*, THE COURIER-JOURNAL, Nov. 19, 2015, at A₉.

¹⁸ See Eugene Robinson, *GOP Still Stuck with Trump; Report Card for the Debate*, LEXINGTON HERALD-LEADER (Sept. 18, 2015), <http://www.kentucky.com/opinion/national-opinions/article42614922.html> (a review of the Sept. 16, 2015 Republican candidate presidential debate, reviewing the performances of each candidate and mentioning Trump’s promise to deport 11 million undocumented people); see also Margaret Carlson, *Trump Had a Bad Night in the Republican Debate*, LEXINGTON HERALD-LEADER (Nov. 11, 2015), <http://www.kentucky.com/opinion/national-opinions/article44954769.html> (a review of the Nov. 11, 2015 Republican candidate presidential debate, reviewing the performances of each candidate and reporting on Kasich and Bush telling Trump that his deportation plan was ridiculous).

¹⁹ See Editorial, *Shameful Politics of Fear Exploit Refugees' Plight*, LEXINGTON HERALD-LEADER (Nov. 17, 2015), <http://www.kentucky.com/opinion/editorials/article45282015.html> (an opinion piece shaming politicians using fear-mongering tactics, claiming that turning refugees away goes against the United States' founding principles); see also Kyle Richie, Letter to the Editor, *Refugees are Humans not Pariahs*, LEXINGTON HERALD-LEADER (Nov. 25, 2015), <http://www.kentucky.com/opinion/letters-to-the-editor/article46526485.html> (a criticism of the United States' denial of refugees, claiming that the action is helping ISIS and other terrorist organizations); see also Randy Patrick, *St. Catherine Catholic Church collects furniture for Refugees*, THE KENTUCKY STANDARD, Oct. 27, 2015, at RELIGION (telling the story of a church community coming together to donate furniture to refugees).

²⁰ See Dan M. Rose & Ron Vissing, Opinion, *U.S. Should Put Moratorium on Immigration*, LEXINGTON HERALD-LEADER (Nov. 19, 2015), <http://www.kentucky.com/opinion/op-ed/article45549861.html> (an opinion piece in support of discontinuing immigration for U.S. citizen safety, citing the "insatiable thirst of Islamic radicals for Western blood" and claiming that letting in any refugees is too great of a risk); see also Kery Murakami, *Kentucky Case Shows Gaps in Refugee Screening, Lawmakers Say*, JOURNAL-TIMES, Dec. 15, 2015, at CNHI NETWORK (emphasizing that terrorists might enter the country disguised as refugees).

²¹ See Maureen Hayden, *Ind. Attorney General Strives to Protect Immigrants*, BATESVILLE HERALD-TRIBUNE, Jan. 6, 2015, at NEWS (Attorney General Greg Zoeller of Indiana expressed his outrage at a woman posing as a legal adviser to scam immigrants); see also Staff Writer, *Mayors Looking to Improve Relations with Immigrant Population*, THE WASHINGTON TIMES-HERALD, Mar. 9, 2015, at LOCAL NEWS (a description of an effort to expand community policing in the Indianapolis Latino community after Goshen Police Chief Wade Branson admitted his prejudices towards people who do not speak English).

²² See Cornelius Frolik & Chris Stewart, *Refugee Debate Rages Anew; Kasich Says No More Syrians Despite Crisis; Safety at Risk, he Asserts*, DAYTON DAILY NEWS, Nov. 17, 2015, at A₁ (reporting on Ohio Governor John Kasich joining in the group of governors calling for a ban on Syrian refugees, citing Paris attack and U.S. citizen safety concerns); see also Mary Troyan, *23 States Refuse Refugees; Legal Experts Say Governors May Not Have Much Say*, DAYTON DAILY NEWS, Nov. 17, 2015, at Z₁ (covering the 23 governors who want to prevent Syrian refugees from settling in their states due to justifications of fear of terrorism based on the Paris attacks).

²³ Lauren Lindstrom, *Syrian Refugees Resettle in Toledo; City Agency Reports it is Handling More Cases than Ever*, DAYTON DAILY NEWS, Sept. 26, 2015, at B₅ (telling the story of refugee families from Syria and Afghanistan acclimating to life in the United States).

²⁴ Anthony Shoemaker, *Ohio House Rejects Refugees; 'The Islamic State Wants to Get Rid of Us,' Lawmaker Says*, DAYTON DAILY NEWS, Nov. 18, 2015, at B₁ (discussing the Ohio House voting to ask President Obama to stop allowing Syrian refugees into the United States).

²⁵ Maureen Hayden, *Ind. Attorney General Strives to Protect Immigrants*, BATESVILLE HERALD-TRIBUNE, Jan. 6, 2015, at NEWS (Attorney General Greg Zoeller of Indiana expressed his outrage at a woman posing as a legal adviser to scam immigrants).

²⁶ Joey Garrison, *Haslam Says TN is 'Scared'*, THE TENNESSEAN, Nov. 24, 2015, at A₁ (Tennessee Governor Bill Haslam defended his request that Syrian refugees no longer be settled in Tennessee due to the fears of Tennesseans).

²⁷ Maureen Hayden, *Immigrants' Fear of Police Worries Small-Town Mayors*, PHAROS-TRIBUNE, Mar. 11, 2015, at STATE NEWS (covering mayors' desires to take action to improve immigrant-police relations after Goshen Police Chief Wade Branson admitted to having prejudices against people who do not speak English).

²⁸ Mary Troyan, *23 States Refuse Refugees; Legal Experts Say Governors May Not Have Much Say*, DAYTON DAILY NEWS, Nov. 17, 2015, at Z₁ (covering the 23 governors who want to prevent Syrian refugees from settling in their states due to justifications of fear of terrorism based on the Paris attacks).

²⁹ Lauren Lindstrom, *Syrian Refugees Resettle in Toledo; City Agency Reports it is Handling More Cases than Ever*, DAYTON DAILY NEWS, Sept. 26, 2015, at B₅ (telling the story of refugee families from Syria and Afghanistan acclimating to life in the United States).

³⁰ Brian Howey, *Hoosier Hospitality Takes Another Hit*, THE BLUFFTON NEWS-BANNER, Nov. 30, 2015, at NEWS pg. 4 (discussing the Paris attacks from the perspective of a person from Indiana, mentioning refugees).

³¹ See Aaron Mudd, *Immigrants 'Absolutely Afraid' After Trump Named President-Elect*, DAILY NEWS, Dec. 3, 2016, NEWS; Chris Kenning, *Trump Election Raises Immigrants' Fears*, THE COURIER-JOURNAL, Nov. 14, 2016, at A₁₂; Amy Smelser, *Church Helps Undocumented Stay*, CHRONICLE-TRIBUNE, Dec. 4, 2016, at NEWS.

³² See Aaron Mudd, *Immigrants 'Absolutely Afraid' After Trump Named President-Elect*, DAILY NEWS, Dec. 3, 2016, NEWS (discussing Immigrants' fears post-election and what local immigration attorney Carlos D'Angelo Bailey is going to help); see also Chris Kenning, *Trump Election Raises Immigrants' Fears*, THE COURIER-JOURNAL, Nov. 14, 2016, at A₁₂ (discussing fears of immigrant Angel Cruz Rodriguez from El Salvador).

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- ³³ See Aaron Mudd, *Immigrants ‘Absolutely Afraid’ After Trump Named President-Elect*, DAILY NEWS, Dec. 3, 2016, NEWS (using the term “undocumented”); Amy Smelser, *Church Helps Undocumented Stay*, CHRONICLE-TRIBUNE, Dec. 4, 2016, at NEWS (using the term “undocumented”).
- ³⁴ See Aaron Mudd, *Immigrants ‘Absolutely Afraid’ After Trump Named President-Elect*, DAILY NEWS, Dec. 3, 2016, NEWS (discussing Immigrants’ fears post-election and what local immigration attorney Carlos D’Angelo Bailey is going to help); see also Chris Kenning, *Trump Election Raises Immigrants’ Fears*, THE COURIER-JOURNAL, Nov. 14, 2016, at A12 (discussing fears of immigrant Angel Cruz Rodriguez from El Salvador).
- ³⁵ Aaron Mudd, *Immigrants ‘Absolutely Afraid’ After Trump Named President-Elect*, DAILY NEWS, Dec. 3, 2016, NEWS.
- ³⁶ Aaron Mudd, *Refugees Experience Christmas Bounty After Receiving Toys, Books*, DAILY NEWS, Dec. 9, 2016, at NEWS.
- ³⁷ Kate Snyder, *Student Photography Project Tells Refugee Stories*, THE ADVOCATE-MESSENGER, Dec. 5, 2016, at FEATURES.
- ³⁸ Susan Stamper Brown, *Ohio State Stabbing and the Rise of Immigrant-Related Terrorism*, THE GREENEVILLE SUN, Dec. 6, 2016, at NOTIONAL COLUMNS.
- ³⁹ Aaron Mudd, *Immigrants ‘Absolutely Afraid’ After Trump Named President-Elect*, DAILY NEWS, Dec. 3, 2016, NEWS.
- ⁴⁰ Susan Stamper Brown, *Ohio State Stabbing and the Rise of Immigrant-Related Terrorism*, THE GREENEVILLE SUN, Dec. 6, 2016, at NOTIONAL COLUMNS.
- ⁴¹ Ariana Sawyer, *1,000 to Talk Immigration in Nashville*, THE TENNESSEAN, Dec. 10, 2016, at A3.
- ⁴² Paola Pace & Kristi Severance, *Migration Terminology Matters*, 51 FORCED MIGRATION REVIEW 69, 69 (2016).
- ⁴³ *Id.*
- ⁴⁴ *Id.*
- ⁴⁵ INA § 101(a)(3), 8 U.S.C. § 1101(a)(3); This term is not encouraged to be used outside of a legal context as it can have a dehumanizing effect, as is discussed further below.
- ⁴⁶ ENID TRUCIOS-HAYNES & JAMIE ABRAMS, REPORT, NONCITIZEN AND REFUGEE SERVICES IN KENTUCKY 7 (2015).
- ⁴⁷ INA § 101(a)(15), 8 U.S.C. § 1101(a)(15).
- ⁴⁸ HUMAN RIGHTS ADVOCACY PROGRAM, REPORT, NONCITIZEN AND REFUGEE SERVICES IN KENTUCKY 15 (2015).
- ⁴⁹ INA § 101(a)(15), 8 U.S.C. § 1101(a)(15).
- ⁵⁰ ENID TRUCIOS-HAYNES & JAMIE ABRAMS, REPORT, NONCITIZEN AND REFUGEE SERVICES IN KENTUCKY 16 (2015).
- ⁵¹ *Id.*
- ⁵² Kevin R. Johnson, “*Aliens*” and the U.S. Immigration Laws: The Social and Legal Construction of Nonpersons, 28 U. MIAMI INTER-AM. L. REV. 263, 264 (1997).
- ⁵³ *Id.*
- ⁵⁴ *Id.* at 265.
- ⁵⁵ *Id.* at 266.
- ⁵⁶ *Id.* at 267.
- ⁵⁷ *Id.* at 269.
- ⁵⁸ Teresa A. Miller, *Citizenship & Severity: Recent Immigration Reforms and the New Penology*, 17 GEO. IMMIGR. L.J. 611, 613 (2003).
- ⁵⁹ *Id.* at 652.
- ⁶⁰ *Id.*
- ⁶¹ *Id.* at 632.
- ⁶² *Id.* at 652.
- ⁶³ *Id.*
- ⁶⁴ *Id.* at 653.
- ⁶⁵ *Id.* at 652.
- ⁶⁶ *Id.* at 653.
- ⁶⁷ *Id.* at 633.
- ⁶⁸ *Id.* at 634.
- ⁶⁹ *Id.* at 653.
- ⁷⁰ Paola Pace & Kristi Severance, *Migration Terminology Matters*, 51 FORCED MIGRATION REVIEW 69, 69 (2016).
- ⁷¹ *Id.* at 70.
- ⁷² *Id.*
- ⁷³ *Id.*

⁷⁴ HUMAN RIGHTS ADVOCACY PROGRAM, REPORT, NONCITIZEN AND REFUGEE SERVICES IN KENTUCKY 15 (2015).

⁷⁵ INA § 101(a)(15), 8 U.S.C. § 1101(a)(15).

⁷⁶ *Arizona v. United States*, 132 S.Ct. 2492, 2505 (2012).

⁷⁷ HUMAN RIGHTS ADVOCACY PROGRAM, REPORT, NONCITIZEN AND REFUGEE SERVICES IN KENTUCKY 15 (2015).

⁷⁸ *Id.*