Book Review


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From Deportation to Prison is a provocative, thoroughly researched, well-written, and timely book. Patrisia Macías-Rojas argues that the Criminal Alien Program (CAP), created in the 1980s, is at the center of the expansion of deportation in recent years. This close look at CAP is refreshing and informative, as scholars and advocates tend to focus on 287(g) and Secure Communities, even though CAP is responsible for far more deportations. Macías-Rojas makes the case that CAP was created to free up prison beds in the expanding criminal justice system. She argues that Congress ordered what was then the Immigration and Naturalization Service (INS) to deport noncitizens convicted of crimes such that they would no longer cycle in and out of the overburdened criminal justice system.

Macías-Rojas draws on government documents and legislative changes to direct our attention to the creation of the Criminal Alien Program in the late 1980s. Her arguments are based on over 150 interviews with immigration agents, law enforcement officers, officials in the United States and Mexico, judges, public defenders, nongovernmental organization (NGO) directors, migrants, and border residents, in addition to archival research at the National Archives and the US Citizenship and Immigration Services (USCIS) library.

To make her case that our new enforcement terrain has its origins in the 1980s, Macías-Rojas traces the history of the War on Crime and connects it to the criminalization of immigrants. The 1984 Comprehensive Crime Control Act, she shows, intensified prison overcrowding, which gave the government an incentive to deport noncitizens who otherwise would have cycled in and out of prison. The 1986 Anti-Drug Act expanded the grounds on which noncitizens could be deported. In that same year, the Immigration Reform and Control Act (IRCA) was passed, with provisions to deport convicted felons. The 1988 Anti-Drug Abuse Act included a provision for deporting noncitizens convicted of aggravated felonies. Beyond rendering some noncitizens deportable, these latter two acts also set the stage for the critical changes that derived from the passage of the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996.

Macías-Rojas provides some direct evidence that connects prison overcrowding to the deportation of convicted noncitizens. For example, she quotes from the INS internal procedures handbook: “It appears to be the intent of Congress in its passage of the criminal provisions of IRCA to take steps to alleviate the nationwide problem of prison overcrowding by addressing expeditiously the large illegal alien population encountered in corrections systems in many states” (60). I would have liked, however, to see additional evidence making this connection.

Macías-Rojas also links the punitive turn in criminal law enforcement to the punitive turn in immigration law enforcement, drawing on scholars such as Naomi Murakawa, who conceptualizes civil rights and criminalization as integrally linked and complementary. Macías-Rojas argues that the recent shift toward the reliance on criminal processes to enforce immigration laws has created a new enforcement terrain in which migrants are criminalized and racialized. She poignantly argues that the United States has created anti-Mexican, anti-
Latino, and anti-immigrant policy under the guise of fighting crime.

Macías-Rojas contends that like criminal law enforcement, immigration law enforcement underwent a punitive turn in the post-1965 era. This punitive turn has enabled and legitimized large-scale exclusion of noncitizens, particularly those of Latin American origin. This claim is borne out in the numbers: 98 percent of deportees are sent to Latin America and the Caribbean. Notably, 90 percent are also men — a fact that receives little attention in Macías-Rojas’s analyses.

I find Macías-Rojas’s arguments convincing. The 1996 laws were a key turning point yet built on a foundation set by the 1980s laws she examines. Her arguments could be strengthened through a closer look at the appropriation of financial resources toward immigration law enforcement. At what point, for example, did Congress begin to appropriate significant amounts of money for immigration law enforcement? Macías-Rojas does follow the money, so to speak, and rightly points out that the creation of the Department of Homeland Security (DHS) in 2003 involved the allocation of massive amounts of money toward immigration law enforcement. It would be useful, however, to see a comparative analysis of the budgetary allocations in the 1980s, 1990s, and 2000s.

Overall, this is an important book that scholars of both immigration and criminalization should read. The arguments are well constructed and provocative, and Macías-Rojas breaks new empirical and theoretical ground.