Voices on the Run: What the Slave Narratives Can Tell Us about The Immigration Debate

Hadley Ajana
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By Hadley Ajana

“Our new immigrants are just what they’ve always been--people willing to risk everything for the dream of freedom. And America remains what she has always been: the great hope on the horizon, an open door to the future, a blessed and Promised Land. We honor the heritage of all who come here, no matter where they come from, because we trust in our country's genius for making us all Americans--one nation under God.”

President George W. Bush

“The slaves’ history – like all human history – was made not only by what was done to them but also what they did for themselves.”

Ira Berlin

SUMMARY

This paper compares the accounts of runaway slaves from the eighteenth and nineteenth centuries with twentieth and twenty-first century accounts of Spanish speaking immigrants to the United States. It argues that though there are substantial similarities, today’s literature is not likely to have the same impact as the slave narratives.

I. INTRODUCTION

While commentators on the current immigration debate often look to past waves of migration, such as that of the Irish or the Chinese, to illuminate the current immigration situation, another, less obvious, historical comparison may be more

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3 See, for example, Rebecca Van Uitert, Undocumented Immigrants in the United States: A Discussion on Catholic Social Thought and Mormon Social Thought Principles 46 J. CATH. LEGAL STUD. 285 (2007); or Emily Ryo Through the Back Door: Applying Theories of Legal Compliance to Illegal Immigration During the Chinese Exclusion Era 31 LAW & SOC. INQUIRY 109 (2006); or Kevin R. Johnson and Bill Ong Hing, National Identity of a Multicultural Nation: The Challenge of Immigration Law and Immigrants, 103 MICH. LAW REV. 1347 (2005).
instructive. This paper will make an argument that compares runaway slaves in the North of the United States during the 19th century and illegal immigrants in the United States today. While it may not be obvious, there are many parallels. For one thing, illegal immigrants, like the fugitive slaves before them, live and work with the fear of being “deported.” And like their historical counterparts, many – if not most -- undocumented workers undertook a perilous journey to escape North. Undocumented migrants lucky enough to make it far enough North face many of the same obstacles that runaway slaves did. They are often treated as less than equals who live and work at the mercy of legal citizens.

Considering these parallels, it seems reasonable to examine the historical era for clues about how the immigration debate in the U.S. will play out in the coming decades. This paper focuses on one small aspect of the former slaves’ attempts to change the slavery laws and asks whether there is a current counterpart. It is debatable of course, but this paper takes as a given that literature reflects and contributes to public opinion and that popular perception can influence legislation.

My analysis compares literary accounts of former slaves in the 18th and 19th centuries to contemporary American literature that depicts Spanish speaking undocumented immigrants. I argue that current accounts of Hispanic migrants in American literature seek to convince the public that immigration law is about human rights, just as slave narratives attempted to elevate the slavery debate from a political question to a human rights issue. Further, I argue that both slave narratives and modern accounts of Hispanic migrants employ similar rhetorical tactics. Still, I conclude that

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4 After the passage of the Fugitive Slave Act of 1850, it was a criminal offense to knowingly or willingly interfere with the arrest of a runaway slave, to attempt to rescue a fugitive slave, or to assist a slave in
today’s literature is not likely to be as significant in changing the laws as the slaves narratives were.

II. THE IMMIGRATION DEBATE TODAY

As I was preparing this article, news broke that eleven people were drowned and another 10 were missing after a boat headed for the United States carrying (presumably) illegal migrants from Central America sank off the coast of southern Mexico.\(^5\) The story is a reminder of an issue rarely absent from the news these days: the flood of Central American and Mexican immigrants pouring across the U.S. borders seeking economic opportunity.

President Bush promised immigration reform when he campaigned for office in 2000.\(^6\) Despite his efforts to form a consensus, the country is still divided on how best to deal with the undocumented workers amongst us. A 2006 article in *Time* magazine proclaimed illegal immigration has “caused a thousand brushfires of resentment throughout the country” and claimed that over sixty-three percent of Americans believe it is a serious problem.\(^7\)

Some advocate a crack down on so-called “illegals”.\(^8\) An example of this trend is a new Oklahoma law aimed at discouraging them from residing in the state. HB 1804 went into effect November 5, 2007, restricting the ability of illegal immigrants to obtain government identification and obtain public assistance, and giving police the authority to

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\(^7\) Nathan Thornburgh, Inside the Life of the Migrants Next Door, TIME, Feb. 6, 2006, at 36, 42.
\(^8\) Diane Solis, Cities, States Tackle Illegal Immigration on Their Own: Conflicting Laws and a Bitter Divide Emerge, DALLAS MORNING NEWS, Aug. 26, 2006, at 1A (“Efforts by cities and states to crack down on illegal immigration are gaining traction across the country as an overhaul of the nation’s immigration laws stalls in Congress.”)
check the immigration status of anyone arrested. The law also punishes those who do business with illegal immigrants. Any U.S. citizen who knowingly provides shelter, transportation or employment to illegal immigrants is guilty of a felony in the state. According to news reports, Latinos have been leaving Oklahoma by the thousands since the law was passed in May.

The Oklahoma law is just one example of the type of policy adopted by local and state governments around the country. This harsh attitude towards undocumented residents led to protests in 2006 and 2007. Demonstrators across the nation, including in Los Angeles, Phoenix and Atlanta, marched, walked out of schools, and organized work stoppages on March 24, 2006. The turnout in Los Angeles alone was estimated at half a million. Typical of the sentiments of the protesters were those of Norman Martinez, who came to the U.S. from Honduras as a child: “Enough is enough of the xenophobic movement. They are picking on the weakest link in society, which has built this country,” said the 63-year old.

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10 Id.
11 Id.
15 Id.
In May of 2007, immigrants angry at recent raids and frustrated with Congress demonstrated in Miami, New York, Detroit and Phoenix.\(^\text{16}\) Protester Melissa Woo explained to a reporter: “Us immigrants aren’t pieces of trash, we’re human beings.”\(^\text{17}\)

Many solutions have been proposed to deal with the presence of foreign-born people who are in the United States without government permission. The idea of building a wall along the U.S.-Mexico border has been seriously considered.\(^\text{18}\) On September 29, 2006, after months of debate, the Senate approved the construction of a 700-mile fence along the southern border of the U.S., under the Secure Fence Act of 2006 (the “Secure Fence Act”).\(^\text{19}\)

Others have suggested that an amnesty program and worker-visa policy would solve the problem. This approach would allow undocumented aliens who meet certain conditions to apply for U.S. citizenship. In 2004, John Kerry suggested an “earned-legalization program for people who have been here for a long time, stayed out of trouble, got a job, paid their taxes, and their kids are American.”\(^\text{20}\) And though President Bush has stated objections to calling his program amnesty, he has indicated that some illegal aliens should be provided a path for earning citizenship.\(^\text{21}\)

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\(^{17}\) *Id.*


\(^{19}\) Nicole Gaouette, *Border Bills Come Down to Last Minute*, LA. TIMES, Sept. 25, 2005, at A1


\(^{21}\) *President Bush Signs Secure Fence Act*, (Oct. 28, 2006), http://www.whitehouse.gov/news/releases/2006/10/20061026.html. Last accessed 11/30/0. (“We must face the reality that millions of illegal immigrants are here already. They should not be given an automatic path to citizenship. This is amnesty, and I oppose it. Amnesty would be unfair to those who are here lawfully, and it would invite further waves of illegal immigration.”) For a discussion of the broader debate on
In his note, “The Issue of Mexican Immigration: Where Do We Go from Here?” Nicholas R. Montorio acknowledges that public opinion plays an important role in forming immigration policy.\(^{22}\) He is not optimistic that it will be a positive influence, however. In answering the question he posed in his title, Montorio concludes “intense emotions surround the immigration debate” but “public sentiment must not be permitted to outweigh the country's needs.”\(^{23}\)

Some scholars have looked to America’s past for clues about how the immigration policy of the U.S. will evolve in the coming years.\(^{24}\) History is at its best when it gives context to our lives today. However, an issue can be contextualized in many different ways. While the most obvious analogy to draw from history might seem to be other waves of immigrants, I propose that the situation of runaway slaves in the early 19\(^{th}\) century might also provide insight about the current immigration debate.

III. ABOLITIONISM AND THE SLAVE NARRATIVES

The first anti-slavery society in the United States was formed in the mid 1600s by a Quaker minority in Pennsylvania.\(^{25}\) Based primarily in the churches, and led by the Quakers, abolitionists “employed all manner of strategies to persuade the American public and its leadership to end slavery.”\(^{26}\) Their initial strategy was to gather like-minded souls together. Then groups such as the American Anti-Slavery Society organized lectures and attempted to employ moral persuasion to change hearts and minds.

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\(^{22}\) Montorio, supra note 21, at 201.

\(^{23}\) Id.

\(^{24}\) Supra note 3


one individual at a time. Some activists abandoned the strategy of moral persuasion and turned to political lobbying.

As the 18th century progressed, imagine the disappointment of the abolitionists (not to mention the slaves!) when independence and then a new constitution each failed to fulfill the revolution’s promise of freedom and equality for all (men). After the institution of the new government, Congress quickly moved emancipation and the slavery debate off its political agenda.

While the former northern colonies moved one by one to abolish slavery at the state level, the slave population in the South continued to grow. In 1790, the total slave population approached 700,000 (up about 200,000 since 1776). No matter how much northern whites wished the issue would go away, the presence of runaway slaves was a constant reminder of “the peculiar institution” and forced the federal government into a precarious balancing act.

One example of the balance struck by the federal government was the Fugitive Slave Act of 1793, which forced authorities of free states to return runaway slaves. In practice the law was rarely enforced and local governments found ways to weaken it.

Throughout the first half of the 1800s abolitionists continued to protest and slaves continued to run away. These two groups collaborated to create what has become known

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28 *I Will Be Heard*, supra note 26
30 *Id.* at 89-90
31 *Id.* at 103.
as the Underground Railroad, a loose-knot collection of safe houses that acted as a network for harboring fugitive slaves.\textsuperscript{34} Sentiment was so strong in some places in the North that not only churches, but entire colleges and cities worked to aid the escapees.\textsuperscript{35}

The expanse of the nation westward fueled the tension between free states in the North and slaveholders in the South. As territories in the west applied for statehood, they had to declare their land either “free” or slave.” Each addition to the Union threatened to upset the delicate political balance.

When Congress had to deal with the admission of western lands acquired after the Mexican-American War, pro- and anti-slavery forces were so agitated they threatened to tear the nation apart. Again, Congress attempted a precarious balancing act. The Senate passed the Compromise of 1850, which included a new fugitive slave law.\textsuperscript{36} The law mandated a $1,000 fine for any Federal marshal or other official who refused to arrest an alleged runaway slave.\textsuperscript{37} Further, it gave all law-enforcement officers a duty to arrest any suspected runaway slave in response to no more than a sworn claim of ownership.\textsuperscript{38} It also prohibited a suspected slave from requesting a jury trial and testifying on his or her own behalf.\textsuperscript{39} Any person providing food or shelter to a runaway risked a $1,000 fine and six months' imprisonment.\textsuperscript{40}

Despite the best efforts of the United States Senate to forge a peace with the Compromise, it did not resolve the tension between pro- and anti-slave forces. After the

\textsuperscript{34} Supra note 25, at 1435.
\textsuperscript{35} Id. at 1436.
\textsuperscript{37} Supra note 25, at 1436.
\textsuperscript{38} Id.
\textsuperscript{39} Id.
\textsuperscript{40} Id.
election of Abraham Lincoln to the presidency in 1860, the abolitionists and slavery sympathizers sucked the nation into a civil war. The newly elected president promised to stop the spread of slavery, but he claimed to have no designs on eradicating it where it already existed. \(^{41}\) The Southern states, apparently unconvinced by the promises of the Free Soil candidate, seceded one by one to form a new nation, the Confederate States of America. \(^{42}\)

Some slave states remained loyal to the Union. To keep them from leaving, Lincoln exercised diplomacy, using code words like “state rights” and “union” instead of “slavery” and “abolition.” \(^{43}\) Even when forced to take a stand, Lincoln deferred to the sentiments of loyal slave states. The Emancipation Proclamation, for example, which took effect January 1, 1863, only freed those slaves in the states in rebellion. \(^{44}\)

When slavery was finally abolished in all the states, with the passage of the Thirteenth Amendment in 1865, none had done more to free the slaves than the slaves themselves. \(^{45}\) During the war they forced the issue of emancipation by presenting themselves to Union soldiers. Lincoln’s administration then had to choose between alienating loyal slave states if they acknowledged the runaways as free and returning the

\(^{41}\) See Abraham Lincoln, *Lincoln’s First Inaugural Address* (March 4, 1861). http://www.yale.edu/lawweb/avalon/presiden/inaug/lincoln1.htm. Last accessed 11/29/07. (“I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.”)


\(^{43}\) An example of Lincoln’s circumlocutions is in his special address to Congress on July 4, 1861: “On the side of the Union it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start and a fair chance in the race of life.” http://www.fordham.edu/halsall/mod/1861lincoln-special.html. Last accessed 11/30/07

\(^{44}\) The text of the Proclamation can be found at the website of the National Archives & Records Administration: http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/transcript.html. Last accessed 11/29/07.
“contraband” to the enemy. This proved an untenable situation. Lincoln’s administration, after great hesitation, decided to “confiscate” the slaves as property. The best estimates are that 190,000 blacks were freed as a result and supplemented the manpower of the North.

Before runaway slaves seized the opportunity to force the issue of emancipation, fugitives were members of the abolitionist societies that proliferated in the North during the early 1800s. In cooperation with these societies, and as individuals, runaways were some of the most vocal proponents of emancipation. Former slaves lectured and wrote about their experiences with a unique moral authority.

The 1789 publication of The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African, Written by Himself is widely credited as the first autobiography of a former African slave to appear in English. After its publication, thousands of such stories, some only a few hundred words long, appeared in Britain, the Caribbean, and the U.S. As Kimberly Rae Connor explains, the narratives had a double purpose:

Based on what they reported about the actual conditions of enslaved people they could create consensus in the nation that slavery as an institution was immoral

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46 Id.
47 Id.
48 Id.
50 Kwame Anthony Appiah, Introduction, in NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS, AN AMERICAN SLAVE AND INCIDENTS IN THE LIFE OF A SLAVE GIRL xi (Frederick Douglass and Harriet Jacobs, 2000).
and should be abolished. And by the act of writing and demonstrating their “higher” skills and thought they could convince white people that they (and, by extension, all black people) were indeed human and worthy of freedom.\textsuperscript{51}

The narratives attempted to convince white readers of the humanity of blacks by emphasizing “commonly admired human traits and values.”\textsuperscript{52} Today, they are appreciated for their literary value and the documentation of slave and free black culture.\textsuperscript{53}

\section*{IV. IMMIGRATION AND MIGRANT NARRATIVES}

The racial component of the slavery laws in the U.S. was fairly straightforward. While there was some leeway in the definition of “black” and “white,” it was clear that blacks were eligible for slavery while whites were spared.

The ethnic dynamics of the immigration debate today are more complex. Immigration policy by necessity involves people of nationalities from all over the world. However, the term “illegal” or “undocumented worker” generally brings to mind a Spanish-speaking migrant.\textsuperscript{54} “Today the conflation of the racial identity ‘Mexican’ with the term ‘illegal alien’ is indisputable,” writes Leti Volpp in her article “Impossible Subjects: Illegal Aliens and Subject Citizens.”\textsuperscript{55} “The two terms completely subsume one another in a way that aligns with our everyday understanding of immigration control-

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\textsuperscript{51} To Disembark: The Slave Narrative Tradition, 30 AFRICAN AMERICAN REV., 37 (1996).
\textsuperscript{52} Id. at 36.
\textsuperscript{54} It should be noted that these migrants are not to be confused with the citizens of Mexico who were in what is now the American Southwest prior to the Treaty of Guadalupe.
\textsuperscript{55} 103 MICH. L. REV. 1595 (2005).
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-even while this does not track empirical fact."56 I submit that for most Americans, any Spanish-speaking immigrant is subsumed in this same stereotype, whether or not he is from Mexico.

The history of Spanish-speaking immigrants to the United States can be traced to the early 1900s. The Mexican Revolution in 1910 sent that country into turmoil, and many fled the chaos.57 Heading north was often the most practical choice for those seeking stability and a normal life. At the same time, World War I created a shortage of manpower in the United States.58 Mexicans worked on farms in the Southwest and Midwest and in factories, replacing workers who were drafted for military service.59

The U.S. government first enacted immigration quotas in the early 1920s.60 Since then, immigration policy aimed at Mexicans has vacillated.61 Historically, the country has welcomed Mexican immigrants in times of plenty and rejected them in times of want. For example, Mexicans were repatriated during the Great Depression when jobs were hard to come by.62 But they were welcomed in 1942 with the Bracero Program, which permitted Mexicans to enter as guest workers, serving the nation’s need for cheap labor.63

56 Id.
57 See Michael Gonzales, The Mexican Revolution, 1910-1940 6 (2002). ("The revolution also was responsible for the first big wave of immigration to the United States. From 1911 to 1917, there was constant warfare, which decimated the economy and created a very dangerous environment for people to live in. People were desperate to flee that type of situation and find a safe, more stable environment for their families. This also coincided with a demand for labor in the United States during World War I, when many American young men went off to fight")
59 Id.
63 Id.
This was followed in 1953 by Operation Wetback, which clamped down on illegal immigration.\textsuperscript{64} The public reception of Mexicans, as well, has been characterized by its transient nature.

Another wave of Spanish speakers, these from Central America, poured into the States in the 1980s. In 1980 the US Congress passed the Refugee Act, which expanded eligibility for political asylum in the United State.\textsuperscript{65} In the years that followed, hundreds of thousands of people fled war, political repression, and economic instability in Guatemala, Salvador, and Nicaragua.\textsuperscript{66} Though the situation in Guatemala, Salvador, and Nicaragua has improved in the last twenty years, Central Americans from those three nations, as well as many others, continue to make the journey northward past Mexico into the States, driven mostly out of economic desperation.

Estimates of how many people enter the country illegally each year vary widely. In 2000, the Census Bureau estimated a net increase of about 500,000 illegal residents annually.\textsuperscript{67} The total estimated population of undocumented residents has reached at least 11.6 million people.\textsuperscript{68} According to the Pew Research Center, “more than three quarters (78%) migrated here from Mexico or some other Latin American country.”\textsuperscript{69}

While there are little if any first-hand accounts of the stories of these migrants, there are many stories about and including them in popular literature. This paper will examine the treatment of Hispanic migrants in three popular pieces of American

\textsuperscript{64} Id.
\textsuperscript{65} Id.
literature, *The Bean Trees* by Barbara Kingsolver\textsuperscript{70}, *Rain of Gold* by Victor Villasenor\textsuperscript{71}, and *Enrique’s Journey* by Sonia Nazario\textsuperscript{72} and compare them to three influential slave narratives, Olaudah Equiano’s *The Interesting Narrative of the Life of Olaudah Equiano Written by Himself*\textsuperscript{73}, *Narrative of the Life of Frederick Douglass* by Frederick Douglass, and Harriet Jacobs’ *Incidents in the Life of a Slave Girl*\textsuperscript{74}. Though the current accounts are not autobiographies, they share the same purpose as the slave narratives – to convince their readers of the terrible plight from which the fugitives have escaped, to demonstrate the full humanity of the refugees by emphasizing shared human traits, and to frame the debate as a human rights issue.

V. AN ANALYSIS OF THREE POPULAR SLAVE NARRATIVES

Three of the most popular accounts of former slaves illustrate the themes and purposes of the slave narratives and provide comparison to the current American accounts of Spanish speaking migrants.

As mentioned above, Olaudah Equiano’s *The Interesting Narrative of the Life of Oluadah Equiano Written by Himself* was the first slave narrative published in English and the beginning of a genre.\textsuperscript{75} Of the slave narratives published in the nineteenth century, Frederick Douglass’s *Narrative of the Life of Frederick Douglass, an American Slave* (1845) and Harriet Jacobs’ *Incidents in the Life of a Slave Girl Written by Herself* (1901) are well-known. These narratives have been influential in shaping our understanding of the experiences of enslaved people and their struggles for freedom.

\textsuperscript{70} (1988).
\textsuperscript{71} (1991).
\textsuperscript{72} (2006).
\textsuperscript{73} All slave narratives are now in the common domain. This article refers to the second edition published by Bedford St. Martin’s in 2007.
\textsuperscript{74} Both can be found in FREDERICK DOUGLASS AND HARRIET JACOBS, NARRATIVE OF THE LIFE OF FREDERICK DOUGLASS, AN AMERICAN SLAVE AND INCIDENTS IN THE LIFE OF A SLAVE GIRL (2000).
\textsuperscript{75} Supra note 73.
(1861) are perhaps the best known today. The narratives were an integral part of the anti-slavery polemic. They often appeared with supporting documents to attest to their veracity and/or introductions by reputable abolitionists. The supporting evidence was meant to counter slavery sympathizers who claimed the narratives exaggerated the evils of slavery and the suffering of slaves.

The main goal of these stories was to make the slaves more human. In his autobiography, for example, Equiano recounts a travel adventure that covers his capture at age 11 and international travels before being freed at 21. Equiano served captains and worked as a free sailor, and his tale includes shipwrecks, earthquakes, volcanic eruptions, and wars, as well as philosophical discussions with Quakers, priests, and imams. However, as Robert J. Allison points out in his introduction to a reprinting of the narrative, the book’s power comes from Equiano’s insistence that he is an ordinary person. The narrative emphasizes Equiano’s conversion to Christianity and desire to be an equal participant in the capitalist economy, entitled to the benefits of his labor. After first being published in London, there were nine English editions of the book within five years, as well as French, Dutch, and Russian translations.

Frederick Douglass, writing about 50 years later, informs the reader of his early life on a plantation in Maryland, his childhood in Baltimore, and the events leading up to his escape as a young man. His story emphasizes his Christianity and moral discipline and explores the meaning of manhood for an American slave.

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76 Supra note 50.
77 Appiah, supra note 50, at xi.
78 Id.
The book was an immediate bestseller after its publication in 1845. Within three years, it was reprinted nine times with 11,000 copies in circulation in the United States; it was also translated into French, Dutch, and Russian. Sales of his book surpassed those of *Walden* and *Moby-Dick* combined. Although Douglass published two more versions of his autobiography, the first remains the most popular.

Harriet Jacobs’ *Incidents in the Life of a Slave Girl* is perhaps the best known autobiography of a female slave. The novel, written in a Victorian style, describes Jacobs’ childhood on a South Carolina plantation, the sexual exploitation she endured as she came into womanhood, the sacrifices she made to bring her children to freedom, and her life in the North as a fugitive slave. She told the story with special attention to her Christian values and the damage to families -- both white and black -- that slavery caused. The book was self-published in Boston after a publisher who promised to print the first edition went out of business. The book was never a best-seller like Equiano’s and Douglass’ books; however, it is well-read today and notable for its frank discussion of the sexual exploitation of female slaves.

Both Douglass and Jacobs had the unusual good fortune to have been taught to read at a young age by a sympathetic mistress, and in addition to their other qualities made a point of demonstrating their literacy. Douglass’ account in particular is marked by its rhetorical brilliance. This countered one of the main allegations of slavery sympathizers: that blacks were mentally inferior.

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81 Allison *supra* note 79, at 7.
82 *Id.*
84 *Supra* note 50, at xiv.
Perhaps most importantly, the narratives allow the reader to “witness the life of an oppressed person who is characterized not as the sum of her or his oppression but as a human being of dignity and character.” According to Professor Kwame Anthony Appiah, “However much white abolitionists and black people who had never been enslaved condemned the horrors of slavery, they could not speak of it with the power of those who had suffered those horrors.”

The cultural importance of the slave narratives has been the subject of much recent scholarship. In an article on the flowering of African-American literature, Henry Louis Gates, Jr. and Nellie Y. McKay sum up the impact of the slave stories:

[A] genre of literature that, at once, testified against their captors and bore witness to the urge to be free and literate, to embrace the European Enlightenment’s dream of reason and the American Enlightenment’s dream of civil liberty, wedded together gloriously in a great republic of letters.

The narratives were more than literature; they were an act of resistance that tended to share common forms and themes. This created a cumulative effect in which the stories can be interpreted as a communal story, a collective biography.

VI. THREE CONTEMPORARY ACCOUNTS OF SPANISH-SPEAKING MIGRANT STORIES

One wonders whether Equiano, Douglass, or Jacobs ever considered his – or her - - life story might be read and analyzed by students in the 21st century. It is difficult to

86 Connor supra note 51, at 38.
87 Supra note 50, at xiv.
predict which literature will have a lasting impact and which stories will fade into oblivion. I do not claim that the contemporary accounts discussed in this section will be the subject of tomorrow’s PhD dissertations or appear on future syllabi and lists of master works. They are chosen because of their potential influence measured by some common means of judging the scope of audience.

One of the most popular novels in recent history to deal with the topic of illegal immigrants to the United States is Barbara Kingsolver’s *The Bean Trees*. The debut novel of the now well-known writer focuses on Taylor Greer, a young woman who flees Kentucky and ends up in Tucson working at a tire repair shop and raising a young Cherokee child that she acquired on her journey westward. The owner of “Jesus is Lord Used Tires,” where Taylor works, is part of the sanctuary movement, an underground railroad that sprung up in the 1970s and 1980s to aid Central Americans who were fleeing political persecution but whose claims for asylum were not recognized by the Immigration and Naturalization Service.

Taylor becomes involved with a Guatemalan couple on the run, Estevan and Esparanza, teachers whose daughter was kidnapped by government forces and who were persecuted because of their political beliefs. Eventually Taylor learns of their harrowing tale of physical and emotional torture, including the loss of their daughter. It is clear that they can never return home.

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89 Connor, *supra* note 51, at 37.
90 *Supra* note 70.
91 See 8 U.S.C. Sections 1101(a)(42), 1157, 1158 defining eligibility for entry as a refugee. The movement is largely credited to have begun in Tucson when in March of 1982 a Presbyterian church in a working class part of the city publicly announced that its doors were open to refugees. Churches around the country followed suit. In mid-1980 27 Salvadorans making the dangerous trek across the Arizona desert were found suffering from dehydration. 13 of them died.
92 *Supra* note 70, at 122-123, 180-185.
93 *Id.* at 180-185.
Both the husband and wife struggle with jobs beneath their education level and suffer from instability as they pass from safe house to safe house in the States in an attempt to escape the authorities. In the end, Taylor decides she must help the couple and drives them to a church sanctuary in Oklahoma explaining, “I can’t see why I shouldn’t do this. If I saw somebody was going to get hit by a truck I’d push them out of the way.”

Kingsolver has explained the importance of novels in raising consciousness. “The power of fiction is that it creates empathy,” she said in a 1993 interview. “If I write a novel, I’m not just informing you, I’m inviting you into someone’s life…and when you close the book you go back to your own life, but that set of feelings is embedded in you somewhere.” She lamented two years later that empathy is “a quality that seems to be on the wane” and believes reading can help one “to actually believe that another person’s life can be as important as one’s own.” In regards to illegal immigrants, Kingsolver believes the “immigration laws are embedded in hypocrisy. A Chinese tennis player could come, but a Guatemalan or a Chilean or a Salvadoran who came here because their village was burned in a U.S.-financed war couldn’t get asylum.”

The book is almost twenty years old now. But Kingsolver still receives letters from readers discovering the book, which has been adopted by classrooms around the

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94 Id. at 143, 158, 213-214, 252.
95 Id. at 252.
96 Matthew Gilbert, The Moral Passion of Barbara Kingsolver: In her life, as in her fiction, she’s moved by something deeper than a drive to succeed, THE BOSTON GLOBE, (June 23, 1993), at 25.
97 Id.
98 Carol McCabe, Politics Energizes Kingsolver’s Novels, PROVIDENCE JOURNAL BULLETIN, Oct. 15, 1995, at 1E.
country.\textsuperscript{100} There are now several million copies in print and the book has been translated into many different languages.\textsuperscript{101}

In 1991, Victor Villasenor’s account of three generations of his family’s struggles as they migrated from revolutionary Mexico to California in the early 1900s appeared in print. \textit{Rain of Gold}, a book the author has referred to as a Chicano \textit{Roots}, took Villasenor ten years to research and write.\textsuperscript{102} It is a book that blends family stories and oral histories into a narrative which contextualizes a family history within a broad historical scope.

The main characters are the author’s parents, Lupe Gomez, who grew up in the mining village of Lluvia de Oro in southern Chihuahua, and Juan Salvador, who nearly starved to death in his family’s struggle to cross the border.\textsuperscript{103} Both Juan and Lupe endured low wages, poor housing and racial discrimination in the States but managed to adapt from rural Mexican folkways to the expanding urban, ethnic Mexican culture of Southern California.

Readers of \textit{Rain of Gold} came to understand the century’s early illegal immigrants as products of their circumstances. As one review has explained

\textit{Rain of Gold} resists stereotypic classification by insisting on its mestizaje, both in its content, which examines people and culture neither fully indigenous nor European, and in its form, which is both linear and cyclical, and validates both data about, and the subjective experience of, events. The Revolution in Mexico, and economic depression, labor conflicts, and Prohibition in the United States, serve

\textsuperscript{101} Id.
as a context that shapes and interprets experiences rather than as the focal point of the narrative. These data are simply part of the milieu of family and community relations, folk culture, religious faith, and socioeconomic status through which experience is understood as well.\textsuperscript{104}

The narrative structure, which follows the family’s movement through time but which constantly refers to the past, and the blurring of the lines between history and myth, draw the reader into a world where the border between Mexico and the United States is a fluid concept. It is merely an obstacle in time. It is not a geographic boundary nor a political ideal.

The book also emphasizes the continuity of family. The family is the cornerstone of identity and survival, the source of everything that is good. The two “gran mujeres,” Dona Guadalupe and Dona Margarita, embody integrity and determination as they guide their family’s next generation.

The hardback version of the book appeared on the San Francisco Chronicle’s best-seller list\textsuperscript{105}, and the paperback is touted by Dell as a critically acclaimed best-seller.\textsuperscript{106} After reading this 550 page book, any reader is likely to have a more sympathetic view of Hispanic immigrants to the States and a very different view of the border.

\textsuperscript{103} Supra note 71, at 33-49 (Lupe’s origins) and 118-131 (Juan’s story).
A more recent book about a Hispanic immigrant’s travails getting to the United States is *Enrique’s Journey* by Sonia Nazario. The book is based on a series of articles that appeared in the *Los Angeles Times* and recounts the odyssey of a boy named Enrique who embarks on an incredible journey from his home in Honduras to the United States where he hopes to find his mother. With little money and nothing more than his mother’s phone number he makes his way through Mexico and into the United States. After its publication in 2006, the book was chosen by schools, libraries, and book clubs around the country for their reading projects.

Enrique’s Journey has been compared to the work of Jacob Riis, the late 19th century journalist turned author who illuminated the lives of New York’s poor with his book *How the Other Half Lives*. Like Riis, Nazario attempts to put a human face on an immense problem by following the story of individuals. Instead of meeting the drinking day laborer Enrique in the United States, the reader is introduced to him as a Honduran boy left behind by his mother, tossed around family members’ homes, brave and determined as he makes his perilous journey to find the mother he has idolized. With its emphasis on family and personally bravery, the story of Enrique invites the reader to see immigrants as people rather than a political problem.

VII. THE RHETORICAL STRATEGIES OF SLAVE NARRATIVES

The slave narratives and the contemporary stories of Hispanic migrants employ similar narrative strategies. They emphasize the unjustness of a legal structure that

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107 *Supra* note 72.
108 For example, the book was chosen by One Book -- One San Diego, a San Diego Public Library project; a Google search of the book’s title and “syllabus” yields results with syllabi at the high school, college, and graduate level; the book has already been purchased by HBO for development as a mini-series.
109 Sarah Wildman, *Coming to America*, THE NEW YORK TIMES BOOK REVIEW (May 7, 2006) accessed online at
destroys families and relegates some human beings to a life of misery based on birth status at the same time demonstrating the “worthiness” of their subjects. In the slave narratives, slave laws determine one’s fate at birth based on skin color and parental social status. In the accounts of modern migrants, we see how the border arbitrarily relegates some to a life of economic deprivation. The authors also put forth powerful evidence to convince readers that the slaves and Hispanic migrants are hard-working, moral people who share common values with the reader.

Oluadah Equiano’s story begins with his capture at a young age. Equiano offers up a detailed description of his homeland, nominally under the sovereignty of the King of Benin, and lovingly describes the customs he remembers from childhood. He paints a portrait of a community that is not savage or backward, but rather “a nation of dancers, musicians, and poets.” He also recounts the system of slavery in Africa, quite different from that practiced in the U.S.

Equiano is kidnapped from his village with his sister. As the children make a forced march to the coast, the brother’s main concern is for his sibling’s health and safety. When they are separated early in the journey Equiano laments “she was torn from me, and immediately carried away, while I was left in a state of distraction not to be described. I cried and grieved continually; and for several days I did not eat any thing but what they forced into my mouth.” The emphasis on the decimation of families tugs at


110 Supra note 73, at 42-57.
111 Id. at 45.
112 Id. at 47.
113 Id. at 47.
114 Id. at 58.
114 Id.
readers’ heart strings and demonstrates the full humanity of Africans, while also highlighting the horror that slavery brought to them.

We learn from Equiano in the first chapter of his narrative that he was the son of an Embrenche. The term refers to men of high distinction in the community who decide disputes and punish crimes. Equiano recalls a particularly difficult case his father was asked to judge and notes that his older brothers had already been marked to take their place among the tribe’s leaders. His name, Equiano explains, “signifies vicissitude or fortune also, one favoured, and having a loud voice and well spoken.”

After he is arbitrarily torn from this community of poets and dancers, this son of an Embeche, groomed from birth to be well-spoken and favored, enters a world of violence and cruelty. As an example, Equiano recounts a beating he received while on shore leave in Georgia. A cruel master coming home drunk to find Equiano visiting the slaves in his yard ordered the “strange negro” to be beaten. “They beat me and mangled me in a shameful manner, leaving me near dead. I lost so much blood from wounds I received that I lay quite motionless, and was so denumbed that I could not feel anything for many hours. Early in the morning they took me to a jail.” All this was legal because of the color of his skin.

As Elizabeth Jane Wall Hinds has demonstrated, Equiano also makes an economic argument in his memoir, as well. Hinds points to one revealing episode in the narrative to demonstrate Equiano’s capitalist sensibilities. It occurs when Equiano’s

\footnotesize
115 Id. at 44.
116 Id.
117 Id.
118 Id. at 52.
119 Id. at 127
120 Id. at 127.
121 Supra note 78, at 635-647.
owner and the ship’s captain, Pascal, sells him to another captain after hearing (false) rumors of Equiano’s planned escape. Equiano protests: “I have served him [Pascal] … and he has taken all my wages and prize money.” He adds, “I have been baptized; and by the law of the land no man has a right to sell me.” Emphasizing the unjustness of the sale, Equiano writes of his master’s rejection of the law, “it was very extraordinary that other people did not know the law as well as [him].” Here, Equiano makes his case on economic and legal grounds, emphasizing his worthiness as a market participant and the injustice of being denied the fruits of his labor.

While Frederick Douglass does not emphasize his role as a free market participant, his powerful story does, like Equiano’s, demonstrate the destruction that slavery wreaks on families, both black and white.

Douglass was the product of a black slave mother and white father. It is widely assumed, and Douglass himself believed, that he was the child of his master. This, Douglass explains, was a common situation in the South: “[T]he slaveholder, in cases not a few, sustains to his slaves the double relation of master and father.”

Douglass explains that the children of these unholy unions “invariably suffer great hardship” for they are “a constant offence to their mistress” and can seldom do anything to please her. “She is never better pleased than when she sees them under the lash,” he writes. The master is frequently forced to sell them away “out of deference to the

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122 Supra note 73, at 97.
123 Id. at 97.
124 Id.
125 James Matlack, The Autobiographies of Frederick Douglass, 40 PHYLON 21 (1960).
126 Supra note 74, at 19.
127 Id.
128 Id.
feelings of his white wife." If he does not, he must have them whipped. This he cannot do himself, but “must stand by and see one white son tie up his brother, of but few shades darker complexion than himself, and ply the gory lash to his naked back.”

Unfortunately, laments Douglass, “every year brings with it multitudes of this class of slaves.”

Douglass also describes his upbringing. It would surely have shocked the middle class conscience so devoted to the idea of childhood and family bonds. Douglass, like most slave children, was separated from his mother as an infant. To part children from their mother before twelve months was common in Maryland. The mother was sent away to some distant farm and the child was placed in the care of a woman too old for field labor. The inevitable result, Douglass explains, is “to hinder the development of the child’s affection toward its mother, and to blunt and destroy the natural affection of the mother for the child.”

He writes of his own situation, “I never saw my mother, to know her as such, more than four or five times in my life; and each of those times was very short in duration, and at night.” She was hired to work about twelve miles from Douglass’ home and the only time his mother could see him was by making the journey to and from in one night. “She would lie down with me, and get me to sleep, but long before I waked she was gone.”

129 Id.
130 Id.
131 Id.
132 Id. at 18.
133 Id.
134 Id.
135 Id.
136 Id. at 18-19.
137 Id.
having enjoyed, to any considerable extent, her soothing presence, her tender and
watchful care, I received the tidings of her death with much the same emotions I should
have probably felt at the death of a stranger.”

Thus Douglass opens his narrative by showing that through the sexual
exploitation of slave women, both white and black families were thus destroyed. White
fathers denied their paternity and undermined the loyalty and trust on which their
marriages were to rest. Mothers of slave children were denied the opportunity to parent
them. Slave children were left virtually orphaned. At the same time, Douglass
emphasizes his humanity by referring with tender words to the mother-child bond he
surely wished he had had.

To further emphasize the common values he shares with his readers, Douglass
goes to great lengths to explain his Christian beliefs and those of his fellow slaves. One
tale serves as a particularly good example.

Late is his career as a slave, Douglass found himself working for Mr. Freeland
with two other slaves who expressed a desire to learn to read. Two other hands on the
farm were also interested. Douglass agreed to open up a Sabbath school for the group.
Soon some slaves from neighboring farms joined the classes until there were 40 in all.
They met at the home of a free black man. Local whites, Douglass said, preferred the
blacks spend their Sabbath “wrestling, boxing, and drinking whisky” and eventually
broke up the classes.

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138 Id.
139 Id. at 79-81.
140 Id. at 80.
141 Id.
142 Id.
Douglass remembers the Sundays as “great days to my soul.”\textsuperscript{143} It was the “sweetest engagement with which I was ever blessed.”\textsuperscript{144} Recalling the makeshift school, he condemns slavery as a sin, saying:

When I think that those precious souls are to-day shut up in the prison-house of slavery, my feelings overcome me, and I am almost ready to ask, “Does a righteous God govern the universe? And for what does he hold the thunders in his right hand, if not to smite the oppressor, and deliver the spoiled out of the hand of the spoiler?”\textsuperscript{145}

This appeal to the Christian God and demonstration of the sincere desire of slaves to better their minds and souls is meant to tread on the common ground blacks and whites of antebellum America shared.

Similarly, Harriet Jacobs emphasizes the damage done to families by the peculiar institution. With great difficulty she recounts her fifteenth and sixteenth years when she first caught the attention of her master, Mr. Flint.\textsuperscript{146} His lewd advances offended and scared her.\textsuperscript{147} She hoped that perhaps Mrs. Flint would protect her, but the mistress only blamed Jacobs for the problem.\textsuperscript{148}

Jacobs’s situation was not unusual. The author closes her chapter entitled “The Jealous Mistress” by warning “Reader, I draw no imaginary pictures of southern homes. I

\begin{itemize}
\item \textsuperscript{143} \textit{Id}. at 81.
\item \textsuperscript{144} \textit{Id}.
\item \textsuperscript{145} \textit{Id}.
\item \textsuperscript{146} \textit{Id}. at 150-161.
\item \textsuperscript{147} \textit{Id}. at 150. (“I turned from him with disgust and hatred.”)
\item \textsuperscript{148} \textit{Id}. at 157. (“She felt that her marriage vows were desecrated, her dignity insulted; but she had no compassion for the poor victim of her husband’s perfidy.”)
\end{itemize}
am telling you the plain truth.” She cautions northerners against allowing their daughters to marry slaveholders:

The poor girls have romantic notions of a sunny clime, and of the flowering vines that all the year round shade a happy home. To what disappointments they are destined! The young wife soon learns that the husband in whose hands she has placed her happiness pays not regard to his marriage vows. Children of every shade of complexion play with her own fair babies, and too well she knows that they are born unto him of his own house-hold. Jealousy and hatred enter the flowery home, and it is ravaged of its loveliness.150

While much happens in her life and is described in her narrative, once she bears children, they are the center of Jacobs’s world. The strain that slavery places on her as a mother is a unique characteristic of her autobiography and is emphasized in an appeal to the sentiments of northern white women.

In an effort to shield herself from her master’s rapacious advances, Jacobs formed a sexual liaison with a neighboring white slave-owner.151 Their sexual relationship resulted in two births: first a boy, then a girl.152 After the birth of the boy, Jacobs was allowed to stay home with the baby for some time as she was sick and because she had had a fight with her master.153 Still he visited Jacobs and threatened to sell her child if she would not consent to his advances.154

149 Id. at 159.
150 Id. at 159-160.
151 Id. at 180-182.
152 Id. at 188, 207.
153 Id. at 183, 185-88
154 Id. at 214-215
After the birth of her daughter, Jacobs was forced to return to work on the plantation. At a young age – we are not told how young exactly – the daughter had to be left alone to play in the yard and kitchen while Jacobs worked in the house. Jacobs was not allowed to tend to the girl while working, so she toiled away in the house as the child cried herself to sleep. Jacobs writes that the girl broke down under the trials of her new life. Separated from me, with no one to look after her, she wandered about, and in a few days cried herself sick. One day, she sat under the window where I was at work, crying that weary cry which makes a mother’s heart bleed. I was obliged to steel myself to bear it.

The next day, the baby girl was shipped off to her grandmother’s. The story would make any mother’s heart break.

Jacobs also emphasizes her Christian nature, and those of other slaves, as well, while also questioning the Christian values of the slaveholders. Jacobs comes from a Christian household. When her babies are born, Jacobs’ grandmother mother insists on a baptism. Jacobs comments on the hypocrisy of masters who call themselves Christians but behave cruelly. Of one man who shot a returned runaway slave through the head she writes, “He also boasted the name and standing of a Christian, though Satan never had a truer follower.”

155 Id. at 215-217
156 Id. at217
157 Id.
158 Id. at 218.
159 Id.
160 Id. at 208.
161 Id. at 175.
In a chapter entitled “The Church and Slavery” Jacobs describes the comfort slaves took in the Christian church. One mother unburdened her soul at a Methodist class meeting by proclaiming “My load is more than I can bear. God has hid himself from me, and I am left in darkness and misery…They’ve got all my children. Last week they took the last one.”\textsuperscript{162} The congregation sang a hymn “as though they were as free as the birds.”\textsuperscript{163} “Precious are such moments to the poor slaves,” writes Jacobs.\textsuperscript{164}

VIII. RHETORICAL STRATEGY OF THE IMMIGRANT NARRATIVES

Slave narratives employed the strategy of emphasizing the readers’ and the subjects’ shared values, particularly an emphasis on family, Christianity, and justice. In this way, the subject is developed as a sympathetic human being and not just a “runaway slave.” While the stories of illegal migrants today may not emphasize the shared Christian values, they do maintain the focus on common human traits, including the importance of family and a sense of human justice.

\textit{The Bean Trees} demonstrates this emphasis on common human traits through its treatment of Estevan and Esperanza. When Taylor, the book’s protagonist, meets Esperanza for the first time, she notes the woman’s sad air.\textsuperscript{165} As we come to know Esperanza, who speaks little or no English, it is clear that something haunts her.\textsuperscript{166} Eventually we learn that the woman’s sadness stems from the loss of her daughter who was taken in a government raid that also claimed the lives of her brother and two of their friends.\textsuperscript{167}

\begin{flushleft}
\begin{enumerate}
\item \textit{Id.} at 200.
\item \textit{Id.}
\item \textit{Id.}
\item \textit{Supra} note 70, at 124-127.
\item \textit{Id.} at 126, 176.
\item \textit{Id.} at 183.
\end{enumerate}
\end{flushleft}
Meanwhile, Taylor falls in love with Estevan, the only positive male influence in the book. He is kind and wise, devoted to his withdrawn wife. Though he speaks three languages -- Spanish, English, and his native Mayan dialect -- he works as a dishwasher at a Chinese restaurant. He suffers this all seemingly without complaint.

Taylor’s adopted daughter, Turtle, reminds Esperanza of her lost child and the sad woman seems to slip deeper into depression. Esperanza tries to kill herself. When Estevan comes to tell Taylor about the suicide attempt, we hear for the first time of the violent political events in Guatemala that led to the couple’s escape to the United States. Following this conversation, Taylor begins to see Esperanza and Estevan in a new light, saying "All of Esperanza's hurts flamed up in my mind, a huge pile of burning things that the world just kept throwing more onto.”

This sad story reveals the basic goodness of the couple, the unjust political system they were forced to escape, and reveals them to the reader in the context of a family. Taylor’s reactions provide a model for the American reader. “I thought I’d had a pretty hard life,” she says, “But I keep finding out that life can be hard in ways I never knew about.”

In one of their earliest conversations, Estevan explains to Taylor that Americans “believe that if something terrible happens to someone, they must have deserved it.” Taylor acquiesces to his assessment. But the full implications of that worldview begin to

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168 Id. at 126, 219, 246, 278-279.
169 Id. at 126, 277.
170 Id. at 143, 258-259.
171 Id. at 126.
172 Id. at 176.
173 Id. at 180-184.
174 Id. at 189.
175 Id. at 181.
176 Id. at 157.
dawn on her only after she learns of the couple's past. “There was no way I could explain how I felt,” Taylor says after Estevan provided details of his life in Guatemala. 177

"I felt…that my whole life had been running along on dumb luck and [she] hadn't even noticed."178 “I didn’t want to believe the world could be so unjust. But of course it was right there in front of my nose.”179 After this revelation, the reader, like Taylor, may see life in a new way. Taylor then decides to help the couple make it to the next safe house on their route.180

A few years after the publication of The Bean Trees, Victor Villasenor’s Rain of Gold made its debut. The story begins in a small village in northern Mexico shortly after the revolution of 1910. Like Equiano, Villasenor introduces us to his characters in their home turf. By lovingly describing the villages from which these characters migrated, we meet them as insiders rather than outsiders. Their values and customs make sense, and we sympathize with the terrible circumstances that forced them to the States.

The novel opens with the story of Lupe, the author’s mother. Her idyllic village near the Rio Urique is home to a gold mine, La Lluvia de Oro. Lupe’s mother, Dona Guadalupe, three sisters and brother feed miners to earn money while the father searches for work elsewhere. The once happy villagers are now harassed by soldiers.181

Things go from bad to worse for Lupe’s family. The village’s petty mayor stops paying the village teacher and closes the school.182 Americans leave the mine.183

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177 Id. at 184.
178 Id.
179 Id. at 214.
180 Id. at 251-252.
181 Supra note 71, at 34.
182 Id. at 97.
183 Id. at 101.
Without miners to feed, the family has no income.\footnote{Id. at 104, 105.} Soldiers attempt to kill first Lupe’s brother and then her mother.\footnote{Id. at 184.} The father returns and announces that they must leave for the United States.\footnote{Id. at 119.} There is no hope in Mexico.

We are then introduced to the author’s father as a boy in Mexico. Villasenor begins the story of Juan Salvador after the eleven-year-old’s family has made the decision to head for El Paso, Texas.\footnote{Id. at 125.} The family’s village has been destroyed, and, like many other families, Juan’s is headed for the railroads.\footnote{Id.}

The scene as they head for the train station is grim. People flee their burning villages.\footnote{Id. at 126-127.} Carcasses line the streets.\footnote{Id. at 129.} The beleaguered family arrives to find the line to board the train is thousands deep.\footnote{Id. at 135.} When the family is finally able to board a train (in cattle cars), Juan misses the departure and follows the tracks on foot for an entire day.\footnote{Id. at 141.} He catches up with his family when the passengers are let off so the train can be redeployed for the war effort.\footnote{Id. at 142.}

Still without food, the family now makes the journey on foot.\footnote{Id. at 148-149.} What the family sees on their arrival is disappointing. El Paso is full of poverty, there is little sustenance, and they are told there is a fee to cross the Rio Grande which amounts to a small fortune for them.\footnote{Id. at 148-149.} The mother, Dona Margarita, educated in Mexico City, daughter of a
wealthy and powerful man, begs in the streets of Juarez for food for the family. Juan digs up firewood in for sale.

In the United States, the families of the young people we have grown to love and admire endure social and economic discrimination with dignity.

In Arizona Juan is arrested and jailed for stealing copper ore but manages to escape. He is caught and sent back to jail at the tender age of thirteen. A rich friend of his mother’s offers to pay $500 if Juan will confess to a murder that her son committed. Juan agrees. But again, he escapes.

Without a father and an education, Juan continues to do the best he can. He becomes a professional gambler in Montana but returns California when his mother falls ill. There he finds her living in the barrio of Los Angeles in what had once been a goat shed. It is here he meets the most overt racism.

Soon after arriving in California, for example, he attempts to eat at a Greek restaurant. As he finishes his meal, the owner asks him to leave. “Look,” the immigrant Greek owner tells him, “I live just around back with my family and, to my home, you’re welcome any time. But here, you know how it is; I have to stay in business, so I’m still going to have to ask you to leave.” While he seems to have lived
happily in Montana, Juan had forgotten that along the border “Mexicans were nothing but dog shit.”

Always looking to improve his status, Juan turns to bootlegging for quick cash. He continues to tangle with the law as he meets and courts Lupe, the author’s mother.

Lupe’s family, which follows the crops in Arizona California, also faces hardships and discrimination. Lupe’s education is a priority for her parents, but she must sometimes work the fields. At one farm, Lupe and her sisters are refused some of their pay because they are women. “It would be an insult to the men,” insists the paymaster. Lupe’s sister Sophia tries to organize a strike that will get the women equal pay for equal work. This costs the girls their jobs.

Lupe is a warm and happy girl who seems to make the best of any situation in which she finds herself. Juan is not a morally admirable figure, but he is a sympathetic one, and a survivor. Readers who invest the many hours it takes to read Juan and Lupe’s story will develop a respect and liking for them both that can transfer to real life attitudes towards immigrants.

The characters in *Rain of Gold* are not “line jumpers” or “wetbacks” who come to the States with nothing to offer, expecting a handout (both common stereotypes of “illegals”); they are individuals forced to make difficult decisions. Like the rest of us, they are products of their circumstances.

\[207\] *Id.* at 24.
\[208\] *Id.* at 243.
\[209\] *Id.* at 249.
\[210\] *Id.* at 274-276.
\[211\] *Id.* at 397.
\[212\] *Id.*
\[213\] *Id.*
\[214\] *Id.*
By introducing the reader to likable immigrant characters, the book emphasizes the continuity of family among the migrants. Blood is the cornerstone of identity and survival, the source of everything that is good. Villasenor demonstrates for his audience that like parents everywhere, the mothers and fathers of these families are determined to see the best for their children. Mothers and children, brothers and sisters, stay connected through one incredible turmoil after another.

Sonia Nazario also introduces us to her subject in his native town. We meet Enrique as a child, the day his mother leaves him in their hometown of Tegucigalpa, Honduras to head for the United States.\textsuperscript{215} Lourdes cannot face her child but manages to remind him to go to church.\textsuperscript{216} She leaves her son with her sister on January 29, 1989 intending to return with money when she can.\textsuperscript{217}

As Enrique grows up waiting for a mother who never returns, he is passed around from relative to relative suffering from a feeling of abandonment. At first he lives with his father, who loves him.\textsuperscript{218} But Enrique is no longer welcome once his father decides to start a new family.\textsuperscript{219} He is sent to live with his grandmother.\textsuperscript{220} By fourteen, the boy has become unmanageable.\textsuperscript{221} His mother arranges for him to live with her brother.\textsuperscript{222} When Enrique’s uncle is killed, his aunt kicks him out.\textsuperscript{223} Now fifteen, Enrique goes to live with his other grandmother\textsuperscript{224} and join seven other people in a small stucco home.\textsuperscript{225}

\textsuperscript{215} Supra note 72, at 3-4.
\textsuperscript{216} Id. at 5.
\textsuperscript{217} Id.
\textsuperscript{218} Id. at 7.
\textsuperscript{219} Id. at 10-11.
\textsuperscript{220} Id.
\textsuperscript{221} Id. at 24.
\textsuperscript{222} Id. at 25.
\textsuperscript{223} Id. at 30.
\textsuperscript{224} Id. at 31.
\textsuperscript{225} Id.
After unruly behavior, he is banished to a stone building behind the main house.\textsuperscript{226} With each new rejection, the reader senses Enrique’s desperation grow.

Without stability or structure or a caring family, it is not surprising that Enrique begins experimenting with drugs.\textsuperscript{227} He steals from his family to support his habit.\textsuperscript{228} In addition to his other problems, he gets his girlfriend pregnant.\textsuperscript{229} Given the prospects he faced in Honduras, it is hard to blame him when he decides to make the perilous journey northward to find his mother.

Nazario informs us that Enrique is one of roughly 50,000 children who enter the U.S. from Central America and Mexico annually, illegally and without either parent.\textsuperscript{230} The Central Americans face a more dangerous journey than the Mexican immigrants. Mexico and the U.S. try to thwart them, but still they come. In an effort to evade these authorities, the children jump on and off of moving trains. They are often the victims of accidents that leave them lame or dead.\textsuperscript{231}

Nazario traces Enrique’s dangerous journey along the railroad, describing his time on the run with an attention to detail and a journalists’ love of corroborating evidence. For example, Nazario tracked down the man, Sirineo Gomez, who met a bleeding and half-naked Enrique in Oaxaca, Mexico after he fell off a train.\textsuperscript{232} She also interviewed the mayor and residents of that town (Las Anonas) learning that the community had already buried eight Central Americans, almost all of whom had been mutilated by the

\textsuperscript{226} Id. at 32.
\textsuperscript{227} Id. at 35.
\textsuperscript{228} Id. at 39.
\textsuperscript{229} Id. at 42.
\textsuperscript{230} Id. at 5.
\textsuperscript{231} Id. at 6.
\textsuperscript{232} Id. at 45.
She lists the names of the inhabitants of Veracruz who, though poor themselves, throw clothing, food, and water to the migrants as they ride by on the trains. And Nazario interviewed a resident of Lecheria, Olivia Rodriguez Morales, who lives one block south of the train station in a converted box car. We learn that the woman used to help the migrants, but now fears them. In the face of such overwhelming specificity from a reputable journalist, the reader cannot deny what she might otherwise wish to dismiss as exaggeration or hyperbole in Enrique’s story.

Like Juan Salvador, Enrique is flawed, but it is easy to feel sorry for him. At seventeen, he makes his eighth attempt to reach the United States. Nazario tells us that he is prepared for his journey through Chiapas, in the south of Mexico, where “bandits will be out to rob him, police will try to shake him down, and street gangs might kill him.” He survives that portion of the ride and continues northward, eluding authorities, dodging gangs, and begging for food. It is staggering to think of this teenager experiencing beatings so severe that his eye socket has a severe concussion and two of his teeth were broken. In stead of watching video games or doing homework, Enrique is riding the train, listening to horror stories of maimings, escaping arrest, figuring out life on the street, and enduring hunger and deprivation, as well as robbery -- all for the love of his mother.

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233 *Id.* at 46-47.
234 *Id.* at 104-105.
235 *Id.* at 126.
236 *Id.* at 126-127.
237 *Id.* at 61.
238 *Id.*
239 *Id.* at 53, 85.
240 *Id.* at 124.
241 *Id.* at 89, 120.
242 *Id.* at 138-139.
243 *Id.* at 80, 143.
When he reaches the states and finds his mother, Enrique is at first elated, but then disappointed. Lourdes cannot possibly live up to the idealized figure Enrique has built up in his mind. She has another child, a half-sister to Enrique, and a boyfriend. She works long hours. Enrique must work, too, and adjust to his new family and their cramped quarters. While Lourdes is proud to have her son with her, she feels guilty, too. Enrique resents her attempts to instill any discipline telling her “you didn’t raise me.” “I sent money. I supported you. That is raising you!” she shouts back.

Though it may not be obvious to Lourdes and Enrique, it is clear to an outsider this child is deeply if not irreparably damaged by his experiences. It is no surprise when Enrique turns to drinking. His relationship with his mother consists of berating her for leaving him. He frequents a discotheque and smokes marijuana when he has the money. Later he graduates to paint sniffing.

For four years, Enrique keeps up his relationship with his girlfriend in Honduras by phone. He has never seen his child, a girl. Maria Isabel and Jasmin are inseparable, but Maria Isabel convinces herself that it will be better in the long run if she goes to join Enrique. Enrique pays a smuggler to take Maria Isabel to the United States. She
cannot bring herself to say goodbye to her daughter or tell her where she is going.\textsuperscript{258} The story ends where it begins, with the destruction of a family.\textsuperscript{259}

By following the story of one boy, Nazario demonstrates the destructive impact of immigration patterns. Seen from the eyes of Enrique, his decision to migrate makes sense. There was nothing for him in Honduras. His only bond was with his mother. The border is not a political concept or a geographic designation; it is an obstacle that stands between him and survival. By taking us through Enrique’s perilous journey we gain sympathy, if not respect, for someone driven to such endure such hardships in order to paint homes in the United States.

\textbf{IX. Comparing Slave Narratives and the Contemporary Migrant Narratives}

No doubt there are dissimilarities between the slave narratives and the current depiction of migrants in American literature. For one thing, the novels discussed in this paper were written about illegal immigrants not by illegal immigrants. Part of the power of the slave narratives was the act of resistance they symbolized. Further, the slave narratives employed an emphasis on Christianity that is not employed in modern literature.

Still, despite their separation in time and some of the obvious rhetorical differences between these literary accounts, it is clear that the authors of these books all had the same purpose in mind: to convince (white) Americans that the subjects of their stories are fully developed human beings who deserve an equal shot at the American dream, that these people made incredibly dangerous journeys to get to “the North” motivated by sheer desperation, and that they would suffer terribly if returned South, in

\textsuperscript{258} \textit{Id.} at 240.
\textsuperscript{259} \textit{Id.} at 237.
other words, that the laws are unfair and should be changed. By framing the debate this way, the authors seek to change the law by showing that immigration is not just a political debate; it is a human rights issue.

X. THE POWER OF STORYTELLING?

In their article on the potential for literature to enlighten jurists, Richard Delgado and Jean Stefanic examine notorious judicial decisions such as *Dred Scott*,¹⁶⁰ *Plessy v. Ferguson*¹⁶¹ and *Korematsu*¹⁶² in the light of powerful literature that would have indicated contrary rulings.¹⁶³ Most serious judicial mistakes, argue Delgado and Stefanic, occur because judges are unable to empathize with the litigants or their circumstances.¹⁶⁴ The authors’ goal is to examine that assumption of members of the law and literature movement that “by reading and discussing the world’s great texts, lawyers and judges may gain empathy through vicarious experience and thereby avoid the pitfalls to which they might otherwise succumb.”¹⁶⁵

In discussing the Dred Scott case, which held that blacks could not become citizens, Delgado and Stefanic note that Frederick Douglass’ narrative had already been published and widely read.¹⁶⁶ “Would [Justice] Taney have been able to write his vindication of slavery if he had read even the first chapter of Douglass’ narrative?” they ask.¹⁶⁷ “Could Taney and the majority have remained unaffected after reading Douglass’ account of the suffering of an entire race for the sake of another race’s economic and

¹⁶⁰ 60 U.S. 393 (1856).
¹⁶¹ 163 U.S. 537 (1895).
¹⁶² 323 U.S. 214 (1944).
¹⁶⁴ Id.
¹⁶⁵ Id. at 1931.
¹⁶⁶ Id. at 1936.
¹⁶⁷ Id.
social comfort?" We assume that any white American reader would react with “horror and shame” to Douglass’ story. Yet Justice Taney was able to convince a majority of the court to subscribe to the idea that it was “an axiom of morality as well as politics” that blacks were “altogether unfit to associate with the white race.”

Similarly, Delgado and Stefanic write that Justice Brown’s opinion in *Plessy v. Ferguson*, notorious for its legitimization of separate but equal facilities for blacks, was “blithely patronizing” and “betrays little knowledge of the wrong perpetrated on blacks.” This while black novelists such as Paul Lawrence Dunbar were writing of their frustration with a system that only gave lip service to equality.

In considering cases that deal with Indians, Chinese exclusion, homosexuality, women’s rights, Japanese internment, and sterilization, the authors return to the same conclusion: the stories that could have altered the judges’ behavior rarely do. Though what they call “counter” or “saving” narratives could serve as antidotes to moral error, in reality they seem to have little or no affect.

The authors propose that this is because the narratives that could alter the judges’ behavior are rarely found in the classical canon. “Because of who we are,” say Delgado and Stefanic, “we will invariably select texts that provide glosses on, or, at best,
minor incremental adjustments in our current understanding of social reality.” In other words, people rarely chose to read things that challenge their assumptions.

This conclusion does not mean that narratives do not have an impact. But it does mean their influence is likely to come at the popular level rather than the judicial one. It is commonly accepted, for example, that Harriet Beecher Stowe’s *Uncle Tom’s Cabin* was highly influential in the slavery debate. It may not matter that Judge Taney was not moved by it; hundreds of thousands of other Americans were.

I argue, therefore, that when literature does change the law, it works by changing the opinions of average American first. When enough of the middle class makes a value shift, society changes mores. In other words, literature – at least popular literature – may result in sea change, but it rarely has a “trickle down” effect.

The slave narratives did not, as Delgado and Stefanic demonstrate, have an impact at the judicial level. They worked on the conscience and consciousness of the common man. Those who chose to listen were moved by the stories of the runaways. As the abolitionist movement grew, war – and with it the end of slavery – became inevitable. Considering the readership of the three contemporary pieces examined in this paper, it is possible they may have a collective effect at that level. It is doubtful that the nation will go to war, but the historical analysis does suggest that a change in immigration law will come, if at all, not through the courts but through the legislature.

XI. ASSESSING THE MIGRANT NARRATIVES’ POTENTIAL IMPACT

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282 *Id.* at 195

283 A typical comment is found in Darryl Lorenzo Wellington, *Uncle Tom’s Shadow*, THE NATION 15 (Dec. 12, 2006). (“Published in 1852, Stowe's antislavery novel galvanized public opinion on a question that would become the major irritant behind the Civil War, which erupted less than a decade later.”)
The slave narratives were part of a broader abolitionist social movement. Through public speaking, pamphlets, newspapers, and sometimes even through violence, a dedicated group of activists fought for the human rights of millions of enslaved human beings. It is perhaps the only time in history that one group of people has done so much for another group of people motivated purely by altruism. However, as has already been discussed, this could not have been accomplished without the action of the slaves themselves.

Consider what this means in analyzing the contemporary literature. Surely the authors intend to engender empathy in their readers. How can one read of the broken families and the hard work of the likes of Estevan, Juan Salvador, and Lourdes and want to return them to the desperate situations from which they came? To do so would seem immoral. Surely the novels engender sympathy in the hearts of most Americans for people who share common values. The stories bring “undocumented workers” out of the shadows and into the light as full-fledged human beings.

As I argue above, it is possible that enough people, if exposed to such stories, may change the collective consciousness of the nation. The legislature would no doubt be sensitive to such a shift in collective sentiment.

Still, the stories are told about immigrants and not by them. The power of the slave narratives was the moral force of the speaker. Unless and until immigrants tell their own stories, and some will only be able to do so at grave risk to themselves, the novels are unlikely to have the same impact as the slave narratives.

While middle class Americans may see the immigration issue as a human rights issue and not a political problem as a result of reading any of these books, until the
immigrants themselves force the issue, human nature being what it is, they are likely to remain at the mercy of those few with time, energy, and moral capital to spend on helping others.

XII. CONCLUSION

As I prepared the first draft of this essay a news items highlighted the intricate connection between immigration, family, and human rights in our times. A husband who had been in the U.S. illegally since 1994 was arrested in a raid in New Bedford in 2007.\textsuperscript{284} He was deported back to Guatemala.\textsuperscript{285} His mother mortgaged her home for $5,000 so that he could pay a coyote to smuggle him back into the States.\textsuperscript{286} After entering in Arizona he made his way back to his wife and epileptic child in Massachusetts several months later.\textsuperscript{287} Several days after his return, he died.\textsuperscript{288} He had not been feeling well after making the dangerous journey but was reluctant to go to the hospital for fear of being questioned about his status and because neither he nor his wife had a job to pay any bills.\textsuperscript{289} The widow was scared to accompany her husband’s body back to Guatemala as she doubted she could ever make it back across the border.\textsuperscript{290} And she was convinced that her son would not survive in Guatemala where she said he would not get medicine or special schooling for his condition.\textsuperscript{291} “New Bedford is our home...”

\textsuperscript{285} Id.
\textsuperscript{286} Id.
\textsuperscript{287} Id.
\textsuperscript{288} Id.
\textsuperscript{289} Id.
\textsuperscript{290} Id.
\textsuperscript{291} Id.
now,’ she said, as she prepared to see her husband’s off. Yet another example of how immigration law shapes the lives of American families.

It is possible that the contemporary literature about Hispanic immigrants will eventually convince enough Americans that immigration is a human rights and not a political issue. Though there is little hope these accounts will change the judiciary, there is always the possibility that they will move the masses and in turn the legislature.

Though the books discussed in this paper employ similar rhetorical strategies as the slave narratives, because they are not written by the immigrants themselves, they do not carry the same moral impact. Historians now agree that the key to the abolitionist movement in the United States was the participation of former slaves. Based on the research, I predict that unless and until Hispanic immigrants participate in telling their own stories, little will change in immigration law.

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292 Id.