

Documenting the President's Verbal Animus against Immigrants to defend DACA grantees:

Final Report of UCLA DACA Defense Group

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Abstract

We systematically gather and analyze the 45th president's speeches and tweets to formally describe his message about unauthorized immigrants when he articulates his "Make America Great Again" narrative. On the basis of a large database and social science methods, we definitely demonstrate that he publicly articulates racist statements about immigrants and Latinos in general. Beyond a formal statement, we offer a partial explanation based on cognitive science and history why the President's public discourse resonates so well with a sizeable portion of the US electorate. We developed this report to resist his administration's efforts to rescind DACA, because we believe his executive action is a violation of the Equal Protection Clause of the US Constitution, even though we believe that the US Supreme Court is likely to willfully ignore the public discourse of the nation's highest elected official, which separates his public discourse as president from his actions as president.

Introduction

From his first campaign speech to the present, the President¹ railed against Mexican immigrants with lies. When he announced his candidacy, he stated:

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Our enemies are getting stronger and stronger, by the way, and we as a country are getting weaker...The U.S. has become a dumping ground for everybody else's problems. Thank you. It's true, and these (pointing at audience) are the best and the finest (pointing at audience)...When Mexico sends its people, they're not sending their best. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people.²

Such sentiment is not new to the nation. He has described unauthorized immigration as the nation's single greatest domestic threat in spite of the facts: in the last decade the numbers of unauthorized immigrants living in the US have fallen, the proportion of immigrants from Mexico has declined,³ and people who now are attempting to enter the US without authorization, as gauged by Border Patrol apprehensions, has decreased to twenty percent of 2000 numbers.⁴ Nevertheless, his tremendous personal capacity to control mass media, now amplified in his role as Chief of State, make for an exceptionally difficult time for Latinos. With the unwavering support of his core constituency he has enacted reprehensible policies. He has set policy to deport otherwise faultless long-term immigrants who are undocumented; he seeks to deport estimable young people to countries they do not know; he has slammed the door on genuine asylum-seekers in violation of US and international law; and most cruelly, he enacted measures to separate children from their parents, in a vain effort to deter the most desperate.

In this report we systematically gather, analyze and describe the President's speeches and tweets in order to formally characterize his message about unauthorized immigrants when he articulates his "Make America Great Again" narrative. The report demonstrates what most casual observers have long since concluded, that he publicly articulates racist statements about immigrants and Latinos as a group. This paper also offer a partial explanation, based in history and cognition, as to why the President's public discourse resonates so well with a sizeable portion of the US electorate.

DACA

Since 2012 the US immigration program entitled "Deferred Action for Childhood Arrivals" (DACA) has granted a renewable two-year deportation reprieve and the right to hold a job to some individuals who as children were brought into the country without authorization.⁵ In early September 2017,⁶ the President chose to rescind the DACA program, disrupting the lives of

approximately 822,000 young grantees.⁷ Sixteen state Attorneys General immediately took the President to court, claiming he could not rescind DACA, in part because he acted with “racial animus” and “discriminatory intent,” a violation of the Equal Protection Clause (EPC) of the 14th Amendment to the US Constitution. This amendment prohibits the state from denying “any person within its jurisdiction the equal protection of the laws,” and this includes unauthorized residents. As evidence of discriminatory intent, the plaintiffs’ attorneys point to the President’s public discourse as a candidate and as president.

We were asked to produce a report on the President’s public discourse toward Latinos and immigrants in defense of the DACA grantees.⁸ Our report findings were initially referenced as a footnote in an amicus brief entered into the New York district court DACA case,⁹ and are now formal declarations in two parallel cases being heard by the 2nd and 9th circuit US Appellate Courts.¹⁰

Unfortunately, saving DACA is not merely a matter of producing a verifiable compilation of the President’s racist public discourse, irrespective of the U.S. Supreme Court Building inscription: “Equal Justice Under Law.” It is unlikely that the Roberts Court will consider an Equal Protection Clause claim. Weeks after taking office the President signed another “facially discriminatory” executive action to ban the travel of people from seven countries, which he repeatedly stated fulfilled his presidential campaign “call for a total and complete shutdown of Muslims entering the United States.”¹¹ In the June 2018 ruling on *Trump v. Hawaii*, a majority of the Supreme Court upheld his executive action, hence downgrading the Establishment Clause, the fundamental Constitutional principle of religious neutrality. Regarding this ruling one dissenting Justice wrote that his travel ban order “inflicts upon countless families and individuals, many of whom are United States citizens...by ignoring the facts, misconstruing our legal precedent, and turning a blind eye to the pain and suffering.”¹² Hence, we write this report fully aware that the Supreme Court has recently chosen to detach legal considerations of the nation’s highest elected official’s discriminatory public pronouncements from his executive actions.

Equal Protection Clause

The Declaration of Independence states in part: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable

Rights... That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.” However, the government instituted on the basis of this declaration originally did not grant franchise to “all men,” only to White male land-owners. All women, African Americans, and native peoples faced codified discrimination by, respectively, being accorded a child’s legal status, enduring race-based slavery, or suffering genocide.

Nearly ninety years later, a civil war was fought to eliminate slavery.¹³ The defeated Confederate states quickly enacted so-called Black Code laws that downgraded the rights of recently emancipated Americans of African descent. As Fredrick Douglass noted: “There are 72 crimes in the State of Virginia, which, if committed by a black man...subject him to the punishment of death; while only two of the same crimes will subject a white man to the like punishment.”¹⁴ In response, the 14th Amendment and its EPC was established to attempt to make all residents of this country equal under the law, to protect formerly enslaved Americans against states which might seek to infringe upon their rights. However, all Americans did not embrace the EPC. In fact, the Amendment was enacted under duress. Former Confederate states only ratified it as a precondition to reentry into the Union. Moreover, the Amendment expressly gave the courts unprecedented law enforcement responsibilities that the Supreme Court tended to shirk, because of the social leveling consequences, and because, in principle, laws should be enforced by the executive branch of government.

Subsequently, the Supreme Court has only haphazardly fulfilled the promise of the EPC. It did not use the EPC to grant women suffrage, which was only achieved through a constitutional amendment in 1920. Laws banning mixed race marriages were not outlawed until 1967. When Homer Plessy cited the EPC to contest a Louisiana law that required racial segregation, namely separate railway cars for Black and White passengers, the Court ignored bald-faced inequity and upheld the law on the “separate but equal” principle in the 1896 *Plessy v. Ferguson* case. This notorious phrase allowed the rise of Jim Crow laws that sustained codified discrimination for sixty years, until the 1954 *Brown v. the Board of Education* decision. Moreover, the Supreme Court Justices did not wake up one day enlightened; the watershed *Brown* decision was the result of twenty years of concerted efforts by the NAACP’s Charles Hamilton Houston and Thurgood Marshall to develop a set of legal precedents to battle against the nation’s entrenched status quo racism. Nor are such ‘rights’ permanent. Even though the

Court cited the EPC when it extended certain freedoms to citizens in *Roe v. Wade* (reproductive rights), and *Obergefell v. Hodges* (same-sex marriage), these civil liberties can be rescinded in a future Court.

The Supreme Court's inconstant doctrine regarding what counts as discrimination can be noted in the current case. Forty years ago, the courts regularly found that EPC considerations played a significant role when judging a legislature's discriminatory intent in passing laws. At that time the Supreme Court stated: "contemporary statements by members of the decision-making body" constitute "highly relevant" circumstantial evidence of intent.¹⁵ However, in the last 30 years lower courts have found discriminatory intent increasingly difficult to establish.¹⁶ Now some commentators believe the Supreme Court "no longer considers discrimination to be a vital part of American social and political life."¹⁷

Previous Scholarship

Cultural studies and literature scholar Louis Mendoza notes that debates on national immigration policy "are also debates about national identity and national culture."¹⁸ More generally, America's history, according to the historian Andrew Hartman: "is largely a history of the debates about the idea of America."¹⁹ Hence while our consideration of the President's discourse about DACA grantees and other immigrants centers on a legal question, it also offers a window into the pitched battle over two irreconcilable moral visions of the normative national identity. The studies on the President's discourse have just begun to appear. Five studies with different theoretical provenances all concur on the rebellious ideological position he stakes out.

Gonzalez employed a computer-aided content analysis of the top ten keywords of all 74 speeches that the President made when he was campaigning for the nation's highest office. Six of the ten keywords explicitly related to Latinos and immigration. By way of his analysis, Gonzalez concluded that in 2016 the President "refurbished existing anti-Latinos discourses" from the 1940s and 1950s and "aggrandized existing [false] discourses of violence, criminality, and illegality of US Latinos to enhance" his appeal among his electoral base.²⁰

Mohammadi & Javadi employed a version of CDA of the Fairclough school to analyze the President's acceptance speech at the Republican National Convention.²¹ They found that his two top issues were "Americanism" and immigration. They noted that as a candidate he "created

ideologically significant meaning relations” about immigration by using deleterious words such as “refugees, terrorism, violence, crimes, gangs, killing, savage, murdered, homicide, and brutal.”²² The Candidate contrasted his proposed immigration policy “that works for the American people,” with the “radical and dangerous policy of Hillary Clinton...of uncontrolled immigration...mass amnesty, mass immigration and mass lawlessness;” an anaphora-enhanced criticism. Mohammadi & Javadi specified the grammatical structures with which he “project the responsibility for all deplorable conditions onto his rival,” about which: “Americans are suffering.”²³

Vivien Schmidt offered a “discursive institutional analysis” (her umbrella term for discourse-based studies of institutional creation and framing) of the then-candidate’s campaign discourse. On the basis of a few examples, she concluded:

‘Make American Great Again’...could mean so many different things to so many people. In addition to the clear statement that America was no longer great and required economic rebuilding, the slogan contained a tacit message to whites that this meant opposing multiculturalism along with immigration because the USA was a white Christian country.²⁴

From the field of critical communication studies, Amy Heuman & Alberto González describe the President’s discourse as “a new essentialism”²⁵ articulated in “racialized border rhetoric” that functions to “cast Mexican immigrants, refugees, US DREAMers, and undocumented persons—specifically those coming from south of the US border—as social burdens who threaten the sovereignty of the nation-state.” On the basis of three key speeches and 176 tweets Heuman & González determined that his discourse “casts brown bodies as dangerous, deviant pollutants as a means of controlling their movements and re-centering Whiteness.”²⁶

Lindsay Pérez Huber also offers a pointed political analysis of the President’s discourse before he took office.²⁷ To read the ideological import of his speech to announce his run for the presidency, Pérez Huber used the principles of LatCrit²⁸ and articulation theory.²⁹ Like Schmidt, she found him saying:

‘America’ is no longer a ‘great’ nation because of the ‘millions of people flowing across our southern border’...America was once great at an earlier time, when there were less Latinas and Latinos in the U.S. (and assumedly other People of Color). That is, ‘America’ was great when the U.S. was predominately white.

However, Pérez Huber, like Heuman & González, goes further to characterize his discourse as creating a public “space to comfortably perform white supremacy.”³⁰ She characterizes this discourse as a form of “racist nativism” because it assigns “values...to Latinas and Latinos generally—and Latina and Latino immigrants in particular—that justify the superiority of the native, who is perceived as White, over the non-native...and thereby the rights of Whites to dominance.”³¹ Since she wrote at the start of his presidency, Pérez Huber in effect predicted that the President would undertake actions to “ensure that white privilege status and power be maintained” by neutralizing all the threats to white privilege that shifting demographics has brought to bear on the nation’s democracy.³² While the President has not moved to “deport the 11 million undocumented people living in the US,”³³ his signature actions affirm her prediction.³⁴ Although these seven scholars employ theories that have different foundations than our own, we can say that our empiricism will confirm their conclusions.

Thus the President articulates, with other prominent US politicians,³⁵ the belief that Latinos, particularly immigrant Mexicans and Central Americans, constitute a threat to the racial hegemony of the USA, about which Leo Chávez has written extensively.³⁶ The foregoing findings were never in doubt since the President expresses a plain-spoken message. However, the legal question is whether discriminatory intent can be demonstrated definitively, and for this we assemble a sizable data set and subject it to a rigorous analysis based on a well-established theoretical premise about the nature of human discourse to which we now turn.

Human Cognition

In counterpoint to the vagaries of Supreme Court doctrine, as the science of critical discourse analysis deepens, social scientists have become steadily more confident at addressing the nature and effect of publicly stated intent, although the theoretical and empirical underpinnings vary. In this article we will make our formal assessment with a version of critical discourse analysis, which is a wide-ranging set of methods that share Frankfurt School precepts for a normative social science. CDA’s focus is political power in language. Following Michel Foucault, human discourse practices define and reinforce social practices that naturalize ideological assumptions about groups of men and women. Public discourse, whether benign or insidious, is used to create and sustain material and social relationships. Various CDA practitioners across the world employ distinctive theories to undergird their study of different

discourse units as they subject their hypotheses to empirical scrutiny. van Dijk identified the argumentative structures parliamentarians employ to emphasize some notions and to deemphasize others to establish the superiority of their own group vis-à-vis other people. Wodak and her collaborators, and Charteris-Black trace the persuasiveness and legitimation of anti-Semitic and other discriminatory political discourses to classical rhetorical theory.³⁷ In this article we will elaborate a study undergirded by the cognitive science of conceptual metaphor.

The following few sections before our analysis will present the foundational theory of our analysis, the data we reviewed, and the method by which we analyzed the President's discourse.

Metaphor Theory

The theoretical basis of our empirical study is Conceptual Metaphor Theory (CMT), which argues that metaphor is a principal cognitive structure that humans use to make sense of behavior, objects, and people.³⁸ CMT addresses the fundamental query about the nature of the relations between cognition, language, communication, and social structure.³⁹ CMT scholarship over the last 30 years has generated an array of empirical work in experimental psychology, computational modeling, and linguistic studies.⁴⁰ This theory holds that humans depend on the language they themselves create to make sense of their world. Historically, CMT is an outgrowth of scholarship to empirically develop the philosophical view first chronicled in Giambattista Vico's writings⁴¹ that humankind does not perceive reality directly; instead, we create our reality. This constructivism replaced an earlier materialist epistemology, namely that natural and social entities can be located in our reality without reference to language. Cognitive theory scholarship has developed the view that humans build their understandings about all things with conceptual metaphors, using these metaphors to create frameworks that guide their reasoning.

Lay people tend to think of metaphor as poetic turns of phrase. Cognitive theorists beginning with Lakoff and Johnson (1980) have theorized that metaphor, above other structures of language, establishes a major basis for people's everyday comprehension of social life, noting that metaphor appears in everyday speech as well as poetry. CMT findings demonstrate the pervasiveness of metaphorical expressions in all semiotics, which contributes structure to bio-physical, societal, cultural and ideological spheres.⁴² CMT has generated many studies that now demonstrate that people reason using conceptual metaphors. The histories of philosophy, of the

natural sciences, and of the theories of the mind in psychology are all based on a sequence of conceptual metaphors.⁴³ All the sciences, even mathematics, rely on conceptual metaphors.⁴⁴

Likewise, conceptual metaphors also undergird how we construct institutions, such as the U.S. legal system, and explain how they change. Freedom of speech, which is enshrined in the First Amendment of the U.S. Constitution, has been conceptualized in terms of two different metaphors. In the 18th century the notion of truth was conceptualized in terms of the “free flow of ideas,” a RIVER metaphor that emphasized progress toward a single essential truth.⁴⁵ This conceptual metaphor guided jurisprudence. At the time, taxes on newspapers were deemed an unconstitutional infringement of the free flow of ideas. This changed in the 20th century when Oliver Wendell Holmes promulgated the “MARKETPLACE of ideas” metaphor of free speech, which led to a significantly different jurisprudence, such as permitting taxes on newspapers.⁴⁶

CMT thus offers an independent theory to justify the unit of analysis, namely text expressions of the conceptual metaphors. The next step is to characterize how the CDA team systematically sampled the database it was given in order to analyze text expressions that the President used to talk about immigrants and immigration.

Data

The research team sought to sources that were relatively comprehensive and likely to remain available in the long term so that future scholars can return to them to compare our analyses to their own. We chose to build our corpus from those of either reputable media repositories or research universities, cognizant that scholarly compendiums improve with time. To avoid selection bias, after an extended exploration we drew the 2015 campaign speeches from one source;⁴⁷ the 2016 campaign speeches we drew from a second,⁴⁸ and; we drew the presidential speeches from a third source.⁴⁹ Each was the best of its class at the time of our work. As for the President’s tweets, we chose a repository that had clearly spelled out methods for retrieval.⁵⁰

We undertook our analysis in two stages. We first undertook a labor-intensive qualitative analysis of a carefully selected set of 13 of the President’s speeches on immigration topics.⁵¹ This subset of our corpus included his June 16, 2015 speech in which he announced his candidacy for the presidency, other campaign speeches, and speeches given during his presidency up until September 5, 2017, when he made his intent known to end DACA by

executive action. The conceptual metaphors we located in qualitative study were subsequently tested with a computer-aided quantitative analysis of the whole 27-month, 828,663-word corpus comprising 347 speeches and 6963 tweets.

Coding Procedure

CDA is a transdisciplinary enterprise with practitioners across the world employing different theoretical bases and methods that follow their related theoretical principles. Our objective was to offer jurists a systematic, replicable analysis of the public discourse of the President when speaking or tweeting about immigration. (See also Principal author, in revised draft). We undertook an inductive study of the President's discourse, which is to say we began with no hypothesis about his discursive practice. We presumed that text metaphors could be located and described in his discourse. When discussing a particular topic, speakers use text metaphor in patterned ways. These patterns can reveal an internally self-consistent constellation of concepts that make up the conceptual perspective that the speakers employed when they discuss the topic. The President spoke using conceptual metaphors with the rhetorical purpose to persuade his constituents to his point of view.

Our empirical discourse analysis is based on locating and interpreting the conceptual metaphors that appear in a text. The key challenges of any CDA study are data selection and interpretation. To forestall these two potential sources of bias, our team followed a strict protocol to analyze meaning-laden discourse. We forestalled corpus selection bias by choosing reputable and readily available data sources, as described above. To preclude one source of interpretive bias, 'cherry-picking' (which occurs when an analysis is built around an eye-catching metaphor that is not representative of the corpus), our team comprehensively reviewed and systematically coded all the many hundreds of text instances, or 'tokens', of the conceptual metaphors occurring in the President's discourse.⁵² We accounted for every text metaphor relevant to the topic in the database search output, i.e., involving immigration, the State, regarding all pertinent actors, actions and processes, and institutions related to DACA.

To avoid another kind of interpretation bias, no single team member described (interpreted) the tokens. Instead, our team's explicit goal was to locate what we called the common denominator interpretation of each token by following a careful protocol. The team was divided into two-person 'crews'. Two crews independently reviewed and described the same

portion of text. Upon completing this first step separately, the two crews later met to reach a four-way consensus interpretation of the source and target semantic domains of each text metaphor they located, along with sufficient context to justify the interpretation. This two-step procedure was repeated until all the data were coded. Next, the whole team worked to develop an accounting of the semantic relationships that were expressed among the hundreds of tokens. Our goal was to locate the small set of conceptual metaphors which both described the greatest number of text tokens and also coherently captured the common-denominator reading of the President's discourse. Our complete protocol lends itself to replication by other researchers, and is consistent, in principle, with the methods of other corpus metaphor analysts.

Conceptual metaphors guide our understanding of the world. For a given political topic these metaphors are organized into constellations that express allegories or narratives which carry great symbolic and persuasive force. The following section begins our qualitative analysis of the President's metaphors regarding immigrants, and ends with our rendition of his political narrative. His discourse is not novel; we will demonstrate that it mirrors racist discourses of the 19th century. After we present our analysis, we discuss why such the discourse is persuasive today. We summarized our findings and conclude with a reflection on the Equal Protection Clause.

Qualitative Analysis of the President's Discourse

Undertaking this analysis of the conceptual metaphors in the President's discourse when speaking to everyday Americans, beginning with his principal metaphor for the NATION, will permit us to discern the relationship he claims that immigrants and Latinos have with the nation.⁵³ His guiding metaphor sets out all the features that he uses in his narrative: an calculating enemy who dispatches inhuman forces; colluding agents who have betrayed their country; vulnerable citizens who are preyed upon by the invaders; and the one stalwart leader who can defeat the invaders by deploying the nation's human and material resources. We will discuss most of these narrative elements in this extended section.

The President constantly employs negative conceptual metaphors for unauthorized immigrants, Mexico, and his political opponents to falsely characterize them as the dangerous criminal invaders⁵⁴ or their abettors. He claims foreign enemies have overrun major cities and towns in the nation by pouring through the "open border" and killing "countless innocent

Americans.” On the other hand, to discuss the US military, police, and border patrol, the President uses the same positive metaphors that he uses depict himself as the country’s brave defender. In this section we will review the conceptual metaphors that make up his political narrative, and along the way indicate the historical provenance of the discriminatory ones.

US AS BESIEGED FORTRESS

Both laypeople and specialists generally use one of two higher-order metaphors to conceptualize the NATION, which is an abstract political concept and institutional network that exercises governing authority over a population. Thomas Hobbes employed a biblical reference to NATION AS BODY for his political treatise: *Leviathan*.⁵⁵ Paul Chilton demonstrated that during the Cold War the NATION AS HOUSE metaphor guided the interactions of both the capitalist allies of the US and their counterparts of the communist bloc.⁵⁶ Similarly, US citizens use their everyday understanding of the family-sized dwelling to make sense of the political and governing organization the nation’s 327 million citizens, employing concepts of a three-dimensional habitation that had an architect and builder, that is made of materials such as bricks, and that has structures such as walls.

The President’s guiding metaphor about the United States vis-à-vis immigrants is the NATION AS FORTRESS metaphor. It organizes his political discourse about immigrants because he speaks of IMMIGRATION AS WAR. FORTRESS is a ready extension of the HOUSE metaphor, to which defensive fortification semantic elements and entailments are added.⁵⁷

When the President announced his run for the nation’s highest office he characterized Mexico as the enemy of the United States. To develop the claim that our peaceful neighbor is conducting a war that threatens US “sovereignty,” he states that Mexico is second only to Syria in terms of “deadliest country in the world,” and that its leaders are “killing the United States.” Consider the following tweets and speech excerpts:

Tweets:

1. Mexico was just ranked the second deadliest country in the world after only Syria. Drug trade is largely the cause. We will BUILD THE WALL!⁵⁸
2. With Mexico being one of the highest crime Nations in the world we must have THE WALL. Mexico will pay for it through reimbursement.⁵⁹

A pair of excerpts from his speeches:

3. Never again will America surrender the security of our people, the safety of our communities or the sovereignty of our nation.⁶⁰
4. Look, the Mexican border is a sieve. People are pouring into our country. We don't know who they are, where they are, they come from all over the world, not just Mexicans. I employ thousands of Mexicans. I've employed over the years many thousands of Mexicans. I love the Mexican people. They're fantastic. Everybody knows that. In terms of the border, It's a disgrace. Either we have a border or we don't have a country. You can't have a country without borders. People are coming in and some of those people — I read it even yesterday there was a huge article about the tremendous crime that's taking place. It's like a crime wave. One of the most dangerous places on earth.⁶¹

The President tells us that Mexican leaders “push” their “worst” people onto the United States; “murders, drug dealers, and gang members.”

1. Our politicians are stupid. And the Mexican government is much smarter, much sharper, much more cunning. And they send the bad ones over because they don't want to pay for them. They don't want to take care of them. Why should they when the stupid leaders in the United States will for it for them? And that's what is happening whether you like it or not.⁶²
2. As Secretary of State, Hillary Clinton allowed thousands of the most dangerous and violent criminal aliens to go free because their home countries were intelligent; they wouldn't take them back. We bring them to their countries—murderers, drug dealers, gang members, we'd bring them to their countries and their countries would say: get them out, we're not taking them back.⁶³
3. The Mexican leaders don't want a wall because that will stop them from continuing to rip us off and sending the wrong people and sending the drugs and sending whatever.⁶⁴
4. And then you had magnificent Kate [Steinle] from San Francisco killed by an illegal immigrant who was forced across the border, back to us- in my opinion, forced by the Mexican government - back to us and that was taken place five times back into our country.⁶⁵

To justify his plans to build a border wall, the President continually argues previous immigration policy damaged American communities because it allows criminals and murderers to “flood” into the nation:

5. Politicians sent troops to protect the borders of foreign nations, but left America's borders wide open for all to violate. We've spent billions and billions of dollars on one global project after another, and yet, as gangs flooded into our country, we couldn't even provide safety for our own people.⁶⁶
6. New GOP platform now includes language that supports the border wall. We will build the wall and MAKE AMERICA SAFE AGAIN!⁶⁷

7. We've defended the borders of other nations, while leaving our own borders wide open for anyone to cross and for drugs to pour in at a now unprecedented rate.⁶⁸
8. For many years, they exploited America's weak borders and lax immigration enforcement to bring drugs and violence to cities and towns all across America. They're there right now because of weak political leadership, weak leadership, weak policing, and in many cases because the police weren't allowed to do their job.⁶⁹

With the claim that Mexico is dangerous, the President alleges that building a "wall" would protect the United States from the risks that Mexico poses. The President repeatedly asserts that because the United States is under siege from an invading force, it needs a defensive wall—as if the nation were a 12th century castle. A wall is easy to understand, but as a means to "save" our 21st century nation, it is a strikingly over-simplified notion. He wants to erect a two thousand mile insurmountable wall that crosses mountains, deserts, as well as metropolitan centers and follows a river for a thousand miles. He claims that US citizens can and must somehow be entirely shielded from the rest of the world. For him, anything less than a hermetic seal is useless, so he claimed that his political opponents propose the polar opposite policy: an "open border." In almost every speech he made about immigration, he restates a variation of his catchphrase: "No border; no nation." The President uses the terms "wall" and "border" as matched counterparts, metonymies of his notion NATION AS FORTRESS.

The President uses two metaphors about IMMIGRATION. First, he repeatedly speaks about immigrants "pouring" or "flooding" the nation. Here he amplifies the commonly-used FLOWING WATER metaphor for the demographic process of people moving from one place, by using a fear inducing IMMIGRATION AS DANGEROUS WATERS metaphor.⁷⁰ Second, he creates his NATION AS FORTRESS notion by using terms that invoke IMMIGRATION AS WAR. We will return to discuss these two metaphors after we discuss the victims and hero that the President speaks about when he speaks about immigrants.

US CITIZENS AS VICTIMS

The President reiterates that "countless Americans" are the victims of weak immigration law enforcement. To make his claims more vivid, he repeatedly names thirteen individuals who were actually killed by immigrants, which he uses to stand in for every American:

9. Countless innocent Americans have been killed by illegal immigrants. Last year, as an example, 17-year-old Starlett Pitts, her boyfriend and her mother were stabbed to death

in their Lee High Acres home by an illegal immigrant. The killer had been convicted of assaulting a police officer and was wanted for double murder and robbery. And the people that knew him were begging that he be incarcerated. They were begging. He was released from custody pending his court appearance, enabling him to commit murder.⁷¹

10. Also among the victims of the Obama -- Clinton open border policies was Grant Ronnebeck, a 21 year old convenience store clerk from Mesa, Arizona. He was murdered by an illegal immigrant gang member, previously convicted of burglary who had also been released from federal custody.⁷²
11. All across our nation, innocent Americans have been killed by illegal immigrant criminals who should never have been in our country. Kate Steinle was gunned down in her father's arms in broad daylight on a San Francisco pier. Her killer had been deported 5 times before. Ninety-year-old Earl Olander was brutally beaten to death in his home by illegal immigrants with criminal records and left on the floor of his home to die. Laura Wilkerson's teenage son, Josh, was tortured and beaten to do by an illegal immigrant he offered to give a ride home. His body was viciously burned. The examples go on and on and on.⁷³

In fact, "countless Americans" have not been killed, and the examples do not "go on and on." At every immigration speech, he repeats the same names.⁷⁴ Although he speaks as if each was killed in a premeditated murder, his list includes mostly involuntary killings, such as by drunk drivers. Each time he invoked an individual's name he suggested that every other US citizen was in mortal danger because of the presence of immigrants on US soil. Hence, he speaks as if every unauthorized immigrant is a criminal who constitutes a physical threat to each citizen. In a nation of 328 million with upwards of 12 million unauthorized immigrants, the fact is that violent immigrant mayhem is minimal.⁷⁵

THE PRESIDENT AS HERO

In the President's fictive war of occupation, Mexican leaders send "the worst of the worst" criminals to terrorize citizens and destroy the country. In the nation's defense he presents himself as the great liberator who will "restore Democracy;" an ironic statement at best. He vows to "find, arrest, jail, and deport" every "criminal alien," and to bring justice to "every mom who has lost her child to illegal immigration," by building a wall in between the U.S. and Mexico border. His catchphrase: "Take back our country." Consider these tweets:

12. We will no longer be silent. We can take our country back! Let's Make America Great Again!⁷⁶

13. We must stop the crime and killing machine that is illegal immigration. Rampant problems will only get worse. Take back our country!⁷⁷

Consider these excerpts from his speeches:

14. As we speak tonight, we are removing gang members, drug dealers, and criminals that threaten our communities and prey on our very innocent citizens.⁷⁸
15. Attorney General Sessions is putting our priorities into action. He's going after the drug dealers who are peddling their poison all over our streets and destroying our youth. He's going after the gang members who threaten our children. And he's fully enforcing our immigration laws in all 50 states. And you know what? It's about time.⁷⁹
16. So, to every American who has been waiting for real change, your wait is over – your moment of liberation is at hand. A vote for Trump is a vote to restore Democracy, to heal our economy, and to bring millions of jobs back into every forgotten stretch of this country.⁸⁰
17. The first task for our new Administration will be to liberate our citizens from the crime and terrorism and lawlessness that threatens their communities.⁸¹
18. It will be my priority to work with communities, local police, state police and federal law enforcement to dismantle the gangs and to liberate our citizens from violence and poverty and fear.⁸²
19. There are more than 2 million criminal aliens with convictions in the country right now, and many more criminal illegal immigrants who have committed severe offenses but escaped the law entirely – when I am President, we are getting them out, and we are getting them out quickly. At the same time, our country is being infiltrated by terrorists. Hundreds of immigrants from high-risk regions have been implicated in terrorism inside the United States since 9/11.⁸³

He proclaims himself to be the one strong defender of the nation who will remove “foreign criminal gangs” that have “stolen” American jobs and who will build a “beautiful wall” to bring back the American Dream. His claims are so overwrought that he cannot help but remark on his own exaggerations.

20. Never again will America surrender the security of our people, the safety of our communities or the sovereignty of our nation. We are cracking down hard on the foreign criminal gangs that have brought illegal drugs, violence, horrible bloodshed to peaceful neighborhoods all across our country. ... We are actually liberating towns and cities. We are liberating — people are screaming from their windows. Thank you, thank you to the border patrol and to General Kelly's great people that come in and grab the thugs and throw them the hell out. We are liberating our towns and we are liberating our cities.⁸⁴
21. One by one, we're liberating our American towns. Can you believe that I'm saying that? I'm talking about liberating our towns. This is like I'd see in a movie: They're liberating the town, like in the old Wild West, right? We're liberating our towns. I never thought I'd be standing up here talking about liberating the towns on Long Island where I grew up, but that's what you're doing.⁸⁵

IMMIGRATION AS DANGEROUS WATERS

Like metaphors of NATION, both specialists and laypeople use the IMMIGRATION AS FLOWING WATER metaphor. To invoke a threat, opponents of immigration such as the President speak about a “flood” of undesired immigrants, or as flows of impure water. The President also uses the same source semantic domain, DANGEROUS WATERS, not only in reference to immigrants (as exemplified above) but to a flow of DRUGS that poisons US communities.

22. We’ve defended the borders of other nations while leaving our own borders wide open for anyone to cross and for drugs to pour in at a now unprecedented rate. And we’ve spent trillions and trillions of dollars overseas, while our infrastructure at home has so badly crumbled.⁸⁶
23. So, we will build the wall, and we will stop a lot of things, including the drug —the drugs are pouring in at levels like nobody has ever seen. We’ll be able to stop them once the wall is up.⁸⁷
24. Our border is wide open, and drugs and criminal cartels are pouring into our country on an hourly basis.⁸⁸
25. We will stop the drugs from pouring into our country and poisoning our youth, and we will expand treatment for those who have become so badly addicted.⁸⁹

IMMIGRATION AS DANGEROUS WATERS metaphors are well-attested in the discourse of earlier US xenophobes. An extended quote by early 20th century anti-immigrant advocate will illustrate the similarity to the President’s expressions. In the 1920s journalist Elizabeth Frazer described immigration as a “stream of impurity” that needed to be thoroughly filtered; it was a “tide of pollution” that had to be “purified.”⁹⁰ She went on to describe immigration as a “ceaseless ebb and flow, a vast tidal river of labor, of homeless peasantry, surging in, surging out, backing up a bit in winters and slack seasons, and boiling out again like a massive sheet of water over a dam at the onset of prosperity in the spring,”⁹¹ and a “turgid stream of undesirable and unassimilable human ‘offscourings.’”⁹² Conceptually and historically this metaphor aligns with a racial hierarchy metaphor, the RACE AS BLOODLINE (described below) with which socially undesirable immigrants are referred to as subhuman, defects and disease.

IMMIGRATION AS WAR

The second metaphor that President uses to describe immigrants is as INVADERS. He characterizes the immigrants as an army of “criminal aliens” and “criminal gangs,” that show no

remorse toward American citizens. His storyline is that the US is under attack: “American homes, cities, and towns” are “overrun” and “ravaged” by a murderous criminal force.

Expressions comparable to the President’s IMMIGRATION AS WAR metaphor are readily found in the public discourse of the past two centuries. When Americans have felt their economic or social position threatened by immigrants who did not speak English or who did not share their phenotypes, they referred to an immigrant invasion and conquest. It did not matter that their own forbearers were once despised foreigners, or that nearly all of today’s immigrants are unarmed civilians seeking work, they depict immigrants as invaders bent on conquering the nation. Cornelia Cannon, a regular contributor to the *Atlantic* and *North American Review*, wrote in 1923: “like the hordes of old they are destined to conquer us in the end, unless by some miracle of human contriving we conquer them first.” In 1913 Frank Julius Warne published a book forewarning that immigrants were a foreign invasion “equal to one hundred and fifty full regiments of one thousand each.” Cannon continued ominously: these foreigners were “double the entire fighting strength of the United States Army...Is it necessary that the invader should come in warships...before the migration can be called an invasion?”⁹³

Evidence of this chauvinistic attitude abounds in recent US history.⁹⁴ In the early 1990s, during a state-wide economic downturn created by the collapse of the US defense industry when the Soviet Union dissolved, columnists called for relief from the ostensive villain, “Californians who despair that we’ve lost control of the border, who regard illegal immigrants as job-taking, tax-wasting invaders, can be proud of the latest Border Patrol innovation;”⁹⁵ stating that immigrants are “foot soldiers [of] criminal organizations.”⁹⁶ At this time, California Governor Pete Wilson lamented that a federal judge blocked the infamous anti-immigrant state referendum, Proposition 187, stating: “the massive and unlawful migration of foreign nationals ...constitutes an invasion of the state of California.”⁹⁷

The President did not often use the root term *invader* during the 26 month period of our major data collection. However, many commentators observed that he began to use the term to sway the outcome of the November 6, 2018 midterm elections, when news outlets reported that three thousand Central American were walking in mass to the US border. On October 22 he began referring to these people, who were so poor they could not book bus passage to the US border, with unsubstantiated allusions of great danger.

26. Sadly, it looks like Mexico's Police and Military are unable to stop the Caravan heading to the Southern Border of the United States. Criminals and unknown Middle Easterners are mixed in. I have alerted Border Patrol and Military that this is a National Emergency. Must change laws!⁹⁸

On October 25 he tweeted:

27. Brandon Judd of the National Border Patrol Council is right when he says on @foxandfriends that the Democrat inspired laws make it tough for us to stop people at the Border. MUST BE CHANDED, but I am bringing out the military for this National Emergency. They will be stopped!⁹⁹

Four days later the President tweeted about these individuals and families with children with the metaphor:

28. This is an invasion of our Country and our Military is waiting for you!¹⁰⁰

Many commentators noted the rapid spread of WAR metaphors across the public sphere:

“President Trump has described the caravan as an ‘invasion of our country’ and Fox News referred to it as an invasion more than 60 times in October 2018, along with 75 times on Fox Business Network.”¹⁰¹

On October 29 the President announced that he deployed the US military. In addition to the regular contingent of Border Patrol agents, 5,200 active-duty personnel outfitted with Black Hawk helicopters and other equipment, 1,000 extra Border Patrol agents with riot suppression training, and 2,000 previously deployed National Guard troops were deployed to the San Ysidro border crossing that links San Diego, California and Tijuana, Mexico.¹⁰²

The following Sunday the President released an official Republican Party political commercial, first on the nation's top-rated television program and then on all major networks and media. It showed courtroom video of a smirking cop-killing Mexican immigrant with the following voice-over:

29. America cannot allow this invasion. The migrant caravan must be stopped. President Trump and his allies will protect our border and keep our families safe.¹⁰³

National commentators immediately denounced this “Willy Horton-style attack ad,” namely one that was designed to stoke racial fear through false stereotypes. CNN refused to run the “racist” commercial.¹⁰⁴ In a matter of days NBC, Fox News, Twitter, and after 300,000 views Facebook

all stopped running the ad, but not before the President had inscribed the IMMIGRATION AS WAR metaphor in the electorate's mind days before the midterm elections.

These events are skirmishes in the ongoing battle over the nation's normative identity. However, the legal question at hand remains whether the President's discourse about immigrants reflected discriminatory animus. Did these people in fact constitute a national security threat? Similarly, was the President's intent to eliminate DACA by executive action based on national security concerns? After the midterm elections, the factors that prompted his actions apparently subsided, because the President no longer mentioned the caravan and the military personnel were withdrawn, even though the migrants remained in Tijuana.¹⁰⁵

IMMIGRANT AS ENEMY, AS ANIMAL

During the June 2015–September 2017 period of our data collection, the President characterizes Mexican and Central American immigrants as an army of “criminal immigrants” and “criminal gangs,” who show no remorse toward US citizens. Consider these tweets:

30. Druggies drug dealers rapists and killers are coming across the southern border. When will the U.S. get smart and stop this travesty?¹⁰⁶
31. El Chapo and the Mexican drug cartels use the border unimpeded like it was a vacuum cleaner sucking drugs and death right into the U.S... likewise billions of dollars gets brought into Mexico through the border. We get the killers drugs crime they get the money!¹⁰⁷
32. I have a simple message for the cartels, the gang members, the drug dealers, preying on our citizens, destroying our youth. Your days are numbered. Your reign of crime will very soon come crashing to a very ugly end. You're getting the hell out of this country.¹⁰⁸

The underlying storyline is that US is under attack: “American homes, cities, and towns” are “overrun” and “ravaged” by a murderous criminal force.

33. We are cracking down hard on the foreign criminal gangs that have brought illegal drugs, violence, horrible bloodshed to peaceful neighborhoods all across our country.¹⁰⁹
34. One by one we are finding the illegal gang members, drug dealers, thieves, robbers, criminals and killers. And we are sending them the hell back home where they came from. And once they are gone, we will never let them back in. Believe me. The predators and criminal aliens who poison our communities with drugs and prey on innocent young people, these beautiful, beautiful, innocent young people will, will find no safe haven anywhere in our country.¹¹⁰

35. People are flowing into this country. People in many cases, who are very bad. They are sending their criminals and they are not going to help us. I'm sure there's going to be some wonderful people, but for the most part those people are not going to be helping. We are getting criminals, gang members, the worst of the worst, and we're just letting them flow right in. And now they're going to be voting.¹¹¹

Moreover, by saying that immigrants will be voting, either the President pretends to be ignorant that the franchise to vote is limited to citizens, or he considers the US-born Latinos to be the children of the “worst of the worst.”

To cross the international border without authorization is a “civil infraction,” namely a violation of law less serious than a misdemeanor. In contrast, the term *criminal* typically is associated with serious crime. By using the criminal immigrant rhetorical expression the President conflates the few percent of immigrants who actually commit felonious acts, with the ninety-plus percent of unauthorized but otherwise law-abiding immigrants. Each time the President uses the term, his listeners will tend to associate the semantic domain FELON with the unauthorized immigrant.

36. We will swiftly remove and deport all criminal aliens from this country, and dismantle the gangs and cartels preying on our citizens. Either we win this election, or we lose the country.¹¹²

In spite of the President's rhetoric, while immigrant populations have grown since the 1980s, crime in those populations during the same period has declined.¹¹³ The most rigorous studies indicate that unauthorized immigration does not increase violence.¹¹⁴

According to the President, immigrants are not really human. He states that they “breed” too much,¹¹⁵ “stirring supporters at rallies by reading the parable of ‘The Snake’ about a tenderhearted woman who takes in an ailing snake but is later killed when the creature bites her. It should be heard as a metaphor for immigration, he says.”¹¹⁶ The President further speaks as if violent gang members are among the most numerous immigrants: they “don't like shooting people because it's too quick.” He often refers to the “catch and release” policy, a hunted animal metaphor. He reiterates vivid and gruesome examples of several cases in which one of these “animals” murdered a US citizen. Without a border wall, he argues that they will continue to “prey” on innocent White Americans:

37. Think of it. They butcher those little girls. They kidnap, they extort, they rape and they rob. They prey on children. They shouldn't be here. They stomp on their victims. They beat them with clubs. They slash them with machetes, and they stab them with knives. They have transformed peaceful parks and beautiful, quiet neighborhoods into bloodstained killing fields. They're animals.¹¹⁷
38. We are protecting the freedoms of law-abiding Americans, and we are going after the criminal gangs and cartels that prey on our innocent citizens. And we are really going after them.¹¹⁸
39. And you've seen the stories about some of these animals. They don't want to use guns, because it's too fast and it's not painful enough. So they'll take a young, beautiful girl, 16, 15, and others and they slice them and dice them with a knife because they want them to go through excruciating pain before they die.¹¹⁹

Whenever journalists question his exaggerations, the President habitually repeats his claims with more intensity. His spokespeople assert that he refers only to the notorious MS-13 gang, but the President does not qualify his statements:

40. "I called them animals the other day, and I was met with rebuke... They're not people. These are animals, and we have to be very, very tough."¹²⁰

He insists on painting immigrants to be less than human, to reinforce his world-view about his nation's relationship to immigrants.¹²¹

41. And these are the animals that we've been protecting for so long. Well, they're not being protected any longer, folks. And that is why my administration is launching a nationwide crackdown on sanctuary cities. American cities should be sanctuaries for law-abiding Americans, for people that look up to the law, for people that respect the law, not for criminals and gang members that we want the hell out of our country.¹²²

It turns out that 66% of MS-13 are not immigrants at all.¹²³ When he uses the term, he refers to all Latino gangs; indeed potentially all unauthorized immigrants. When the President's audience imagines the horrific acts of MS-13 at any mention of immigrants, then he has succeeded at attributing the incredibly violent behavior of less than one-tenth of one percent (0.08%) of immigrants to all of them.

BLOOD PURITY

The President's discourse about Mexican immigrants and Latinos seems to be based on eugenics, the so-called "scientific racism" of the 19th century. Its adherents justified the subjugation of all non-Whites on the false belief that science had located a racial hierarchy. Eugenics "viewed all human differences in terms of a hereditary and a rank-ordered racial

hierarchy with White Anglo-Saxon Protestants at the top and other groups arranged below them in terms of decreasing Whiteness.”¹²⁴ By this logic only those people who were deemed White have pure blood, and everyone else has “impure” bloodlines. Moreover, contact with impure people contaminates the putative White nation; hence non-White immigrants pose a threat to the US.

From this viewpoint, Mexicans are an impure race. As soon as White Americans began to covet the rich lands of the Mexicans (that they had previously seized from indigenous peoples) during the United States’ westward expansion in the mid-nineteenth century, they used scientific race terminology to disparage their Spanish-speaking rivals. American citizens were polarized over slavery in the mid-19th century, but nearly every person of the time believed that the US was nation composed of and for the descendants of ‘White’ Europeans. When the 11th president, James Polk, provoked the Mexican War against its weaker neighbor to acquire California and other rich territories, a very influential senator, John C. Calhoun, expressed the anxiety of many US citizens when he called for “dispassionate consideration” before conquering Mexico: “We have never dreamt of incorporating into our Union any but the Caucasian race – the free White race... To incorporate Mexico, would be the first departure of the kind; for more than half of its population are pure Indians, and by far the larger portion of the residue mixed blood. I protest against the incorporation of such a people. Ours is the Government of the white man.”¹²⁵

Historian Reginald Horsman wrote: “By the time of the Mexican War, America had placed the Mexicans firmly within the rapidly emerging hierarchy of superior and inferior races. While the Anglo-Saxons were depicted as the finest class of men, the Mexicans who stood in the way of southwestern expansion were depicted as a mongrel race adulterated by extensive intermarriage with an inferior Indian race. Travelers delighted in depicting the Mexicans as an unimprovable breed and were particularly scathing about the inhabitants of Mexico’s northern provinces.”¹²⁶ Historian Arnaldo de Leon writes that between 1836 and 1860 White settlers were having the first confrontations with Mexicans and “Americans who immigrated to Texas confronted the native Mexicans with certain preconceptions about their character. Whites believed that the inhabitants of the province had descended from a tradition of paganism, depravity, and primitivism.”¹²⁷ Horsman adds that in 1840 T.J. Farnham described California Latinos as “an imbecile, pusillanimous, race of men, and unfit to control the destinies of that beautiful country.”¹²⁸ de Leon continued: “To Francis S. Latham, traveling in Texas in 1842,

Mexicanos were nothing else than ‘the mongrel and illicit descendants of an Indian, Mexican and Spanish’.”¹²⁹ Thus 19th century White Americans considered Mexicans to be an inferior race, a diseased race,¹³⁰ that posed a significant racial threat to their White nation.

This repudiated discourse is not much different than the President’s own. But he is not alone since many highly educated Whites held similar evaluations well into the 20th century. In 1925 the Chancellor of Stanford University said: “the Mexican peon, who for the most part can never be fit for citizenship...is giving our stock a far worse dilution than ever came from Europe.”¹³¹

US-born Latinos

Today Mexicans and other Latinos in general are rarely differentiated in public discourse, particularly by people who hold denigrating views toward them. These commonplace public references, which are governed by conceptual metaphors, continued.¹³² The President has not carefully distinguished Latinos who are US citizens¹³³ from unauthorized immigrants, principally those brought to the US as children such as the DACA grantees. He at times conflates them, which suggests his concern is not their legal status, but rather their supposed mixed race. The historian of US citizenship, Mae Ngai, comments: “The outsider status accorded to immigrants and second generation non-immigrants has been an ongoing feature of US approaches to immigration since the early twentieth century.” Ngai asserts that, “‘Foreignness’ was ‘a racialized concept that adhered to all Mexicans, including those born in the United States, and carried the opprobrium of illegitimacy and inferiority.’”¹³⁴ Indeed, the President repeatedly expresses hostility toward these US citizens:

Tweets:

42. How crazy - 7.5% of all births in U.S. are to illegal immigrants over 300000 babies per year. This must stop. Unaffordable and not right!¹³⁵

Speech excerpts:

43. So, we have 300,000 babies a year that you will have to take care of, we all have to take care of. In the case of other countries, including Mexico, they do not do that. It does not work that way. You do not walk up the border one day and all the sudden we have another American citizen. Mexico does not do not do it. Very few places do it. We are the only place just about that is stupid enough to do it.¹³⁶

The President frequently employs the derogatory term, ANCHOR BABIES, to underscore his disdain for Mexican-Americans, Salvadoran-Americans, and other US-born Latinos.¹³⁷ He rarely uses this term for other children of immigrants. Thus he disparages these US citizens, apparently because of their racial character. He also slams the constitutional provision that grants citizenship to them and every other child born on US soil.¹³⁸

Speeches:

44. But the whole thing with anchor babies I was right. A person has a baby, lives in Mexico, lives in Asia or -- has a baby, walks across the border, has the baby here. Now we're responsible for that person for the next 85 years. I don't think so. And by the way, I was right, they were wrong. The 14th Amendment does not give them clearance on that.¹³⁹

We conclude our review of the President's expressed animus against Mexicans and other Latinos, whether DACA grantees, other immigrants, or US citizens, by reviewing his considered views about a Mexican-American judge. United States District Judge Gonzalo P. Curiel was assigned a lawsuit brought against the President when he was still running for office. The episode received significant national media commentary:

The President... repeatedly cited the Indiana-born Curiel's identity as a 'Mexican' as evidence that Curiel could not be impartial in the California class-action lawsuit against Trump University. For a particularly unhinged stretch in May and June, he refused to stop. 'I'm building a wall. It's an inherent conflict of interest,' he said.¹⁴⁰

In a televised interview journalist Jake Tapper sought clarification about the President's controversial statement. To the journalist's queries, the President insisted that the judge was inherently, i.e. genetically unable to be impartial due to his Mexican descent:

45. DT: I've had ruling after ruling after ruling that's been bad rulings, OK? I've been treated very unfairly. Before him, we had another judge. If that judge was still there, this case would have been over two years ago... Let me just tell you, I've had horrible rulings, I've been treated very unfairly by this judge. Now, this judge is of Mexican heritage. I'm building a wall, OK? I'm building a wall.

Tapper: I don't care if you criticize him, that's fine. You can criticize every decision. What I'm saying if you invoke his race as a reason why he can't do his job—

DT: I think that's why he's doing it. I think that's why he's doing it.

Tapper: But you're saying you can't do his job because of that.

DT: Look, he's proud of his heritage, OK? I'm building a wall. We are building a wall. He's a Mexican. We're building a wall between here and Mexico. The answer is, he

is giving us very unfair rulings, rulings that people can't even believe. This case should have ended years ago in summary judgement.¹⁴¹

When the President speaks about Mexicans and other Latinos, whether newcomers or US-born, the 45th president repeatedly employed the repudiated reasoning of scientific racism. Such language, which was current at the time of the 11th president, justified inequitable treatment of groups of people on the basis of their purported racial characteristics. As a candidate, and then as president of the United States, he legitimizes this discriminatory discourse, which empowers citizens who retain racist values but until recently were shamed into avoiding such disparaging language. By employing such language, the President authorizes expressions and behavior consistent with those values.

Coded or overt racism

Before the 1964 Civil Rights Act and the 1965 Voting Rights Act, politicians freely expressed racist sentiments in public. With these landmark acts and the end of Jim Crow laws, White politicians who wanted to win office began to use coded expressions, “rhetorical winks,” which allowed them to reject accusations that they were making racist claims, but allowed them to tacitly express solidarity with voters who retained racist sentiments. In 1968 presidential candidate Hubert Humphrey accused his opponents of using the phrase “law and order” as a code word for police repression of blacks in response to the summer urban insurrections of the 1960s.¹⁴² Ronald Reagan was known for telling stories about Cadillac-driving “welfare queens” without ever mentioning race.¹⁴³ In contrast the 45th president does not depend on code-words; he openly expresses his antipathy toward immigrants and Latinos.¹⁴⁴

Our research team has found in the public discourse of the President that he repeatedly uses several related conceptual metaphors to describe immigrants, Mexicans, and US Latinos. He uses only a well-documented constellation of 19th-century metaphors, namely IMMIGRANT AS ENEMY, AS CRIMINAL and AS ANIMAL, which deprecates immigrants as a group by assigning them non-human or lowest-order-of-human standing. The President's discourse thus strengthens false presuppositions that denigrate human beings. Such discourse practices uphold discriminatory social practices because these metaphors articulate naturalized ideological assumptions about groups of men and women. These findings affirm the research of Teun van Dijk in which he

demonstrated racist discourse in other countries to be replete with the same metaphors.¹⁴⁵ Our extensive review of the President’s public discourse reveals that he articulates this very same constellation of metaphors, apparently for the same purpose that has been identified previously, thus confirming worldwide research on racist public discourse.¹⁴⁶

By way of the metaphor constellation, he replaces the individuality and peaceable humanity of 98 percent of unauthorized immigrants with a frightening stereotype of an inhuman invading army. He speaks as if the US citizens suffer atrocities at the hands of immigrants to the extent that civilians experienced during the Iraq war.¹⁴⁷ The President’s narrative capitalizes on the loss of socio-cultural preeminence that his core constituency feels at the expense of Mexican immigrants and Latinos generally, possibly because US Latinos are evidently reshaping the US hegemonic order.¹⁴⁸

The President’s public discourse can be said to be racist on the basis of standard definitions of racism. Political economist Robert Miles offers a classic definition of racism as actions that postulate supposed ‘natural’ divisions among people which are not natural. This false assignment of individuals to groups, on the basis of such so-called natural traits, categorizes people into a false hierarchy.¹⁴⁹ “Racist discourse...justifies, sustains and legitimates those practices which maintain...power and dominance.”¹⁵⁰ As Pérez Huber noted, Audre Lorde wrote that racism is a claim to the “inherent superiority” of one race over another that not only justifies its power, but also its “right to dominance.”¹⁵¹

<<extra line>>

Finally, given the President’s spiteful personality, it is not surprising that he swiftly rejects any public statement that he is a racist, and retaliates against the person who impugns him:

46. Mitt Romney had his chance to beat a failed president but he choked like a dog. Now he calls me racist—but I am least racist person there is.¹⁵²

The persuasiveness of his narrative

We now return to CMT scholarship that demonstrates that humans conceptualize political concepts in terms of metaphors.¹⁵³ Since these metaphors activate neural networks that reinforce semantic domains, that is to say, they spark emotions of good/bad, right/wrong, the political potency of conceptual metaphors has been carefully explored. Cognitive theorist Raymond Gibbs

demonstrated that metaphors used in political circumstances become narratives or allegories, which elaborate the metaphor's source domain, e.g., IMMIGRATION AS WAR, offering a simple and persuasive way to comprehend the events.¹⁵⁴ To illustrate this point, while we feel emotions when we hear the words *criminal* and *hero*, we experience even more feeling when we hear these terms used to frame a political narrative. With this in mind, our team proposes that the President articulates the following narrative to present his vision of the world:

The President's Narrative:

America is a fortress under siege by a foreign force. Its walls are broken; its cities and towns are overrun with ruthless foreign invaders. Criminal aliens are the invading force destroying the country. The government of Mexico has been sending the worst of its people: violent criminals, drug cartels, MS-13, drug pushers, and human traffickers. Meanwhile White America has been governed by weak, stupid, and complicit politicians. The continued presence of illegals and criminal immigrants is a national existential crisis. I will save the country by forcefully ridding the United States of this invading force, and to build a Great Wall to keep non-Whites out. Only I can 'make America great again'!

Social psychology and political science have offered views on why the President's narrative persuades his base. Cognitive metaphor theory can provide a complementary contribution. He uses 19th century conceptual metaphors about race to recreate a familiar narrative about immigrants. The President's narrative can be persuasive, even though it is built on questionable premises and leads to problematic conclusions. The narrative's basis in metaphor contributes to its persuasive power, as will be elaborated.

Technically, a metaphor is cognitive mapping from a source semantic domain onto another target semantic domain.¹⁵⁵ This is one way people create meanings for everyday life, as well as for scientific advancement and institution building. With a constellation of conceptual metaphors we create narratives, imaginative stories about the world. We employ narratives of this sort all the time to make sense of our world. However, the mapping is the product of analogous reasoning from source domain elements onto the target domain; it is not logical reasoning of real-world elements. The difference between analogy and logic has major ramifications.¹⁵⁶

The President bundles a cluster of metaphors to state that our nation has been invaded by a ruthless foreign force of immigrants. Listeners new to the discussion will assess the logic of his narrative in terms of empirical facts. However, if the listeners accept the presuppositions of the

narrative, then it becomes nearly self-evident to them, because they focus on the analogous inferences. They may believe they are making logical inferences in terms of objective facts, but they are only making analogous inferences.

See Table One, which follows Andrea Musolf’s schema of the logical and analogical reasoning processes of political narratives.¹⁵⁷ The target concepts are elements of the real world; in metaphors the source domains are not tangible features of the world, but ways to imagine the real-world elements of target domains.

Table One: Logical and Analogical Reasoning of the President’s immigration narrative

<i>Semantic domain (reasoning processes)</i>	<i>UNDERLYING CAUSE</i>		<i>PRESENT CIRCUMSTANCES</i>		<i>ACTION NEEDED</i>
<i>Fictive SOURCES (may have logical relationships) SOURCE ➡ SOURCE</i>	VIOLENT INHUMAN CRIMINAL INVADERS enter through the open walls	➡	A besieged FORTRESS may fall to the invaders already inside, with more entering its broken southern wall.	➡	The HERO violently drives the invaders out of the fortress; aggressively deters others from breaching the opening; and builds an unsurmountable wall to end invasion.
<i>Real-world TARGETS (linked by analogy) SOURCE → TARGET</i>	↓ IMMIGRANTS enter because weak leaders have enacted weak policies.		↓ The NATION is vulnerable as attested by the loss of traditional jobs and the erosion of social values and the cultural hegemony. The nation’s racial sovereignty is threatened.		↓ The PRESIDENT will build a wall on the border; replace current policies with immigration deterrence policies, including dispatching the military.

Note: Logical relationships (indicated by thick arrows: ➡) can be made only across the source domains, not between source and target domains. Weaker analogous reasoning relationships can be made between the target domains and the source domains (thin arrows: →).

Two further factors can contribute to the persuasive force of the President’s narrative. Some listeners may have experienced significant weakening of their personal circumstances (or that of others) that have made them feel vulnerable or ill at ease, then a straightforward solution might be very welcome. Further, they may tacitly hold that a natural hierarchy of humankind exists, then the analogy reaffirms their self-image vis-à-vis others. If these factors are present, the listeners may be more likely accept the analogical reasoning of his narrative. Such listeners will be less disposed to critically question whether the source of the perceived weakening has

been correctly ascertained, or to investigate how immigrants actually constitute a threat to the nation's sovereignty. These listeners will tend to discount any facts that contradict the narrative, and readily accept claims of evidence that supports the narrative.

Quantitative Analysis of the President's Discourse

Now we turn to the tabular quantitative summary of the 13 speeches. To repeat, we undertook the analysis in two stages, with two corpuses. We first undertook a labor-intensive qualitative analysis of a carefully selected set of 13 of the President's speeches on immigration topics. This first corpus included his June 16, 2015 speech in which announced his candidacy for the presidency, other campaign speeches, and speeches given during his presidency up until September 5, 2017, when he announced his intent to end DACA by executive action. See Table Two.

Table Two: Selection of President’s metaphors drawn from 13 speeches on immigration¹⁵⁸

<i>Story elements</i>	TARGET	SOURCE	(#, percentage) <i>text examples</i>	
<i>Setting</i>	NATION	FORTRESS	(58, 100%) <i>open border, wall; essential, protection; weak, dangerous, deadly</i>	
<i>Victims</i>	CITIZEN	VICTIM*	(175, 100%) <i>unemployed, impoverished, struggling, forgotten, devastated, dying, suffering, destroyed; assaulted, murdered, raped</i>	
<i>Protagonists</i>	DT	SAVIOR ¹⁵⁹	(330, 69%) <i>savior, hero, protector, patriotic, law enforcement ally, fighter, law enforcer, winner, NRA ally, veteran ally, unifier, liberator, leader, ICE ally</i>	
		GREAT	(142, 30%) <i>great, honest, compassionate, successful, just, presidential, rich, smart, brave, tough, competitive, respectful, not racist, politically correct, greatest job president God every created, charitable, honest, big hearted, job creator, negotiator, Christian</i>	
		DEFAMED	(8, 1%) <i>falsely accused, fake news, bad person, victim</i>	
	DT’S USA	GREAT	(121, 100%) <i>prosperous, patriotic, savior, deregulated, united, just, lawful, free, proud, great, successful, tough, unstoppable, strong, wealthy, peaceful</i>	
	ARMED FORCES†	HERO	(34, 74%) <i>hero, great, protector, tough, smart, hard workers</i>	
		DT SUPPORTER	(7, 35%) <i>endorse, support, friends</i>	
		VICTIMS	(5, 5%) <i>neglected, victim, underfunded, understaffed, forgotten</i>	
	FOX NEWS	LOYAL	(1, 100%) <i>committed</i>	
	<i>Antagonists</i>	MEXICO	ENEMY	(12, 60%) <i>enemy, winner, invader</i>
			THIEF	(7, 35%) <i>job thief</i>
DANGER			(1, 5%) <i>one of the most dangerous places on earth</i>	
IMMIGRANT		CRIMINAL	(251, 80%) <i>criminal, threat, murderer, drug dealer, gang member, thief, rapist, invader, human trafficker</i>	
		TERRORIST	(20, 6%) <i>terrorists, Taliban supporter, ISIS, bombers, infiltrators, extremists</i>	
		BURDEN	(21, 6%) <i>burden, unskilled, non-English speaker, financially unstable</i>	
		ANIMAL	(15, 5%) <i>predator, animal, poisonous</i>	
		ALIEN	(7, 2%) <i>unamerican, alien, unpatriotic</i>	
DACA GRANTEE		CRIMINAL	(2, 100%) <i>illegal, gang members</i>	
MEDIA		DISHONEST	(25, 100%) <i>dishonest, fake, biased, corrupt, terrible</i>	
OBAMA		FAILURE	(21, 66%) <i>failure, incompetent, liar, inessential, destructive, clueless, stupid, problematic, corrupt, unfocused, weak, indifferent,</i>	
		TRAITOR	(11, 34%) <i>transgressor, murderer, enemy, bad negotiator, anti-Second Amendment, liar, corrupt</i>	
OBAMA’S USA		WEAK	(22, 61%) <i>weak, incompetent, disaster, impoverished, crumbling, laughable, unsuccessful, indebted, dangerous, bad, indifferent</i>	
		UNSAFE	(14, 39%) <i>unsafe, dangerous, lawless, unjust, reckless, corrupt, job-killing</i>	
CLINTON		CORRUPT	(137, 88%) <i>corrupt, incompetent, dangerous, criminal, liar, crooked, job killer, cheater, weak</i>	
		TRAITOR	(19, 12%) <i>immigrant ally, radical, sanctuary cities protector</i>	

Note: * DT enhances the named victims’ characteristics: (*incredible, unlimited potential, unbelievable*) and then contrasts these personal characteristics with their death: *assaulted, murdered, raped*.

† ARMED FORCES combines I.C.E., BORDER PATROL, and SOLDIERS.

The conceptual metaphors we located in the first corpus were subsequently tested with a separate, computer-aided quantitative analysis of a far larger, 828,663-word second corpus comprising 347 speeches and 6963 tweets that we set up in a computerized database. Although presenting succinct tabular summaries pose challenges, our computer-aided analyses fully confirm our qualitative findings.

To offer just one example of the computer-aided quantitative analysis, we tested the analysis of one published study. Mohammadi & Javadi (discussed above) demonstrated the ideological character of the President's speech when he accepted the Republican Party's nomination. They tracked the words in this speech that collocated with the word "immigration," and found that the President used a handful of negative words to express "ideologically significant meaning." With a computer-aided corpus analysis, our team member Yuina Hirose confirmed the direction of Mohammadi & Javadi's analysis, but found that their analysis did not reflect the true malevolence of the President's discourse. Hirose analyzed collocates of the word "immigrant" in the full corpus of 347 speeches and found the 50 most frequent words¹⁶⁰ were exceedingly negative (n=703; average MI 8.12), where an MI of 3.0 is relevant and meaningful.¹⁶¹

Conclusion

The 45th President's public discourse patterns are consistent. Our team has systematically documented his discriminatory discourse toward immigrants and US Latinos generally. From the day he announced his run for the presidency to the day his Attorney General stated his intent to eliminate DACA, and up to the date of this writing,¹⁶² he has steadfastly stated, against all facts to the contrary, that by their very presence they and other unauthorized immigrants constitute an existential threat to the United States. He chooses not cloak his antipathy in subtle codewords, but explicitly employs discredited racist concepts. His discourse is designed to elicit emotional responses of fear and hatred towards non-citizen and citizen Latinos alike. His regular failure to distinguish U.S.-born and immigrant Latinos precludes the view that US-born Latinos are vested by birth with the same rights as other US citizens, and his articulated belief that immigrants are inherently unassimilable threats to the nation indicate that he follows the pattern of other demagogues who set up a false enemy to pander to and sustain the allegiance of his core constituency.

In sum, on the basis of a critical discourse analysis of the President's public discourse, we cannot say that he held animus in his heart. However, we offer verifiable evidence that the President publicly expressed discriminatory intent, as critical discourse analysts and other social scientists define it, when he acted to rescind the DACA program.

Reflection

In *Trump v. Hawaii*¹⁶³ a 5-to-4 Supreme Court majority upheld the President's travel ban executive action, which must be considered a significant setback for the plaintiffs of the upcoming DACA cases.¹⁶⁴ Two appellate judges had previously ruled against the President in part because his revised travel ban on people from six majority-Muslim nations represented unconstitutional religious discrimination, as evidenced by the President's public pronouncements. However, the Court majority concluded in *Trump v. Hawaii* that the President has a constitutionally-established prerogative to set national-security policy, and his entitlement overrode any concerns that he violated the First Amendment's Establishment Clause, which guaranteed that the nation's laws remain neutral regarding religion.

The President's diatribe against Mexicans and other immigrants follows a narrative arc similar to his vitriol against Islam and its adherents. The DACA plaintiffs similarly claim that the President's actions are principally based on animus, not national-security issues. Thus the defense of DACA, which in part is based on EPC principles, will face a parallel challenge in the Supreme Court. In this light, the powerful dissent of Justice Sonia Sotomayor in *Trump v. Hawaii* merits consideration. Her 20-minute oral rebuttal of the Court majority began:

Based on the evidence in the record, a reasonable observer would conclude that the Proclamation was motivated by anti-Muslim animus. That alone suffices to show that plaintiffs are likely to succeed on the merits of their Establishment Clause claim. The majority holds otherwise by ignoring the facts, misconstruing our legal precedent, and turning a blind eye to the pain and suffering the [executive order] inflicts upon countless families and individuals, many of whom are United States citizens.¹⁶⁵

Her dissent also offers a vision of how the Court would and can rule, in our view, if justice rather than political expediency was preeminent.

Justice Sotomayor said it was not enough to "denounce" the President's public statements, as the Court majority chose to limit themselves. Sotomayor stated that the Court

should have directly assessed whether the executive order was motivated in the first place by animus, or by national-security concerns. Chief Justice Roberts wrote for the majority:

Because there is persuasive evidence that the entry suspension has a legitimate grounding in national security concerns, quite apart from any religious hostility, we must accept that independent justification... The text says nothing about religion.¹⁶⁶

Sotomayor disagreed with the majority's decision to simply defer to the President and consequently willfully ignore his public discourse in the light of Establishment clause jurisprudence.¹⁶⁷ Justice Sotomayor took the majority to task, saying "deference" was not the same as "unquestioning acceptance."¹⁶⁸ In short, since *Trump v. Hawaii* involved the evident possibility of discriminatory intent against Muslims, the Court should have directly addressed it.

Moreover, Justice Sotomayor noted that the Court majority chose to consider the evidence of the case using the lowest standard of scrutiny, "rational-basis," rather than the strict scrutiny appropriate for an Establishment Clause case, which would place a heavier burden of proof on the President to justify his executive action. Sotomayor stated that nonetheless the rational-basis standard was sufficient to demonstrate the appearance of animus.¹⁶⁹ Upon review of the Candidate's statements, as well as his statements and actions as president, the Justice concluded that these clearly appeared to express animus toward Islam and its adherents. With his "unrelenting attack on the Muslim religion and its followers,"¹⁷⁰ the President's discourse demonstrated that his executive action was not a national-security issue, but rather is the outgrowth of a discriminatory campaign pledge. Justice Sotomayor went so far to say that even if his campaign discourse were stricken from the record, that his presidential discourse left no doubt even in its third iteration (which was "facially neutral"¹⁷¹ because it omitted any reference to Muslims), the President's executive action appeared to be "contaminated by impermissible animus" that could not be "cleansed."

The Supreme Court majority may yet again choose to willfully ignore the "contemporary statements" of "impermissible animus" of the President in the present case. While DACA grantees and other vulnerable people in the US will likely continue to face indifference in the Roberts Court, they should take heart that they have fierce advocates on the Court, such as Justice Sotomayor, and throughout the judicial system for whom "Equal Justice Under law" matters. Historian Howard Zinn further counsels those committed to the struggle for justice:

"It would be naive to depend on the Supreme Court to defend the rights of poor people, women, people of color, dissenters of all kinds. Those rights only come alive when

citizens organize, protest, demonstrate, strike, boycott, rebel, and violate the law in order to uphold justice ... The experience of the past suggests such fundamental change depends on the actions of an aroused citizenry, demanding that the promise of the Declaration of Independence—an equal right to life, liberty, and the pursuit of happiness—be fulfilled.”¹⁷²

We would add that the struggle must include the “trench warfare”¹⁷³ of electoral democracy, which brought the President to power in the first place.

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Thirteen Speeches of the President

- June 16, 2015. (speech) Presidential candidacy announcement, Trump Tower in New York, NY.
- July 5, 2015. (extended interview) ‘I can’t apologize for the truth about Mexico’, Fox News “Media Buzz.”
- August 23, 2016. (speech) Rally at Luedecke Arena in Austin, TX.
- September 17, 2016. (speech) ‘Victims of Illegal Immigration Crime’ the Remembrance Project Luncheon, Omi Houston Hotel, Houston, TX.
- October 5, 2016. (speech) Rally at Henderson Pavilion in Henderson, NV.
- October 15, 2016. (speech) Rally at Toyota Portsmouth in Portsmouth, NH.
- November 2, 2016. (speech) Rally at Central Florida Fairgrounds in Orlando, FL.
- November 3, 2016. (speech) Rally at Bayfront Park Amphitheatre in Miami, FL.
- February 28, 2017. (State of the Union speech) Joint Session of Congress.
- April 28, 2017. (speech) Keynote at National Rifle Association Leadership Forum, Georgia World Congress Center in Atlanta.
- July 28, 2017. (speech) Keynote at Law Enforcement conference on MS-13, Long Island, NY.
- August 2, 2017. (speech and remarks) ‘The New Immigration Act’, White House.
- September 5, 2017. (formal statement and remarks) On rescinding DACA, released by the White House.

Case Law and Statutes

585 U.S. *Trump v. Hawaii* (2018).

Trump v. Hawaii, 138 S. Ct. 2392, 2441 n.6 (2018) (Sotomayor, J., dissenting opinion).

429 U.S. *Village of Arlington Heights v. Metropolitan Housing Development Corporation* (1977).

Endnotes

¹ We do not refer to the forty-fifth president by name. His name oversaturates the public sphere, so its absence may allow readers to focus on his rhetorical excesses without the distraction of his celebrity.

² 6/16/2015 Presidential bid announcement.

³ <http://www.pewhispanic.org/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>, retrieved December 5 2018.

⁴ <https://www.cbp.gov/sites/default/files/assets/documents/2017-Dec/BP%20Southwest%20Border%20Sector%20Apps%20FY1960%20-%20FY2017.pdf>, retrieved December 5, 2018.

⁵ President Barack Obama instituted a U.S. immigration policy entitled “Deferred Action for Childhood Arrivals,” abbreviated DACA. This grants a renewable two-year deportation reprieve and the right to hold a job for some—not all—individuals who as children entered the country without authorization. In effect, the DACA program acknowledges that children entering into the US in the arms of their parents cannot be held legally responsible for the actions of their parents, as stated in Ezekiel 18:20 “The son shall not bear the iniquity of the father.” However, there are some stipulations to obtain DACA status: the grantee must have lived continuously in the US; be no older than have 31 years of age in 2007; have a high school diploma or GED or an honorable military discharge; and have no criminal record. DACA grantees obtain limited “consideration of deferred action” for two years. This is not “lawful” status, only a reprieve from being deported.

⁶ Attorney General Jeff Sessions said in a televised speech that the President was rescinding the DACA program. <https://www.politifact.com/truth-o-meter/article/2018/jan/22/timeline-daca-trump-administration-and-government-/>, retrieved 29 Aug 2018.

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https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performance_data_fy2018_qtr3_plus_july.pdf, retrieved 20 September 2018

⁸ We want to thank Professor Robert Chang of the Korematsu Center for Law and Equality for his constant support.

⁹ Brief of 40 Historians and the Fred T. Korematsu Center For Law And Equality, as Amici Curiae in Support of Plaintiffs’ Motion For Preliminary Injunction, at 5, 7, *Batalla Vidal v. Nielsen*, 291 F.Supp.3d 260 (E.D.N.Y. 2017) (No. 16-cv-04756), https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1095&context=korematsu_center.

¹⁰ Brief of 42 Historians and the Fred T. Korematsu Center For Law And Equality as Amici Curiae in Support of Plaintiffs-Appellees-Cross-Appellants, *Regents of the University of California, Et Al., v. U.S. Department of Homeland Security, Et Al.*, Exhibit 2, 279 F.Supp.3d 101 (9th Cir. 2018) (No. 18-15068) https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?filename=1&article=1089&context=korematsu_center&type=additional; Brief of 42 Historians and the Fred T. Korematsu Center For Law And Equality as Amici Curiae in Support of Plaintiffs-Appellees, Exhibit 2, *Vidal v. Nielsen*, No. 18-485 (2d Cir. 2018).

¹¹ As posted on his presidential campaign website, quoted in page 1 of 585 U. S. Trump v. Hawaii (2018) 1 SOTOMAYOR, J., dissenting.

¹² 585 U. S. Trump v. Hawaii (2018) 1 Sotomayor, J., dissenting. Also, see Delgado’s legal analysis of the overly timid procedural approach used to address the President’s racist discourse: “In treating the problem of the President who does these things as though it were mainly a case of misaligned evidentiary categories and burdens of proof, these scholars shrink from the horrific reality of what [DT] and others in his administration are doing...and rendering it neat, sanitary, and familiar—a question of procedure, not substance, when their analysis should be more frontal, more interdisciplinary” (2018, 142).

¹³ See Principal author, 2018 revised draft.

¹⁴ In 1853 Douglass referred to laws pertaining to enslaved African Americans. After slavery was abolished, these statutes became the basis of Black Code laws.

¹⁵ *Village of Arlington Heights v. Metro. Housing Dev. Corp.*, 1977.

¹⁶ Pillai, 2001; Blee, 2005; Frymer, 2005; Kobick, 2010.

¹⁷ Selmi, 1997, 284. When “addressing the issues of discrimination, the Supreme Court [has treated] the issue of race as a subject for compromise and [suppressed the] concerns of racial equality to other purported interests” (Selmi, 1997, 286).

¹⁸ Mendoza, 2018, pg. 175.

¹⁹ Hartman 2019, pg. 2.

²⁰ These words were *borders, foreign, immigration, citizen, immigrant, Mexico and wall*. See Gonzalez, 2018.

²¹ Mohammadi & Javadi, 2017.

²² Mohammadi & Javadi, 2017, pg. 6.

²³ Mohammadi & Javadi, 2017, pg. 7. Also see Holling (2011, pg. 109) on White militia groups on the US/Mexican who see their efforts as “protecting white supremacy and lessening ‘white pain’.”

²⁴ Schmidt, 2017, pg. 259.

²⁵ Essentialism is the everyday belief that there are natural social categories that define groups of people with discrete, fixed, natural, uniform, and defining characteristics that are shared by all members, and are informative about them. It has been used to legitimize unjust social hierarchies, racial inequity and prejudice.

²⁶ Heuman & González, 2018.

²⁷ Pérez Huber, 2016.

²⁸ Hernandez-Truyol, 1997.

²⁹ Laclau & Mouffe, 1985.

³⁰ Pérez Huber, 2016, pg. 231.

³¹ Pérez Huber, 2016, pg. 221.

³² Pérez Huber, 2016, pg. 226.

³³ Pérez Huber, 2016, pg. 228.

³⁴ Consider his efforts or calls to modify the 2020 U.S. census with a citizenship question; to end birthright citizenship of the 14th Amendment; exaggeration of the prevalence of voter fraud and expanded franchise suppression; voiced ambivalence about culpability of the Charlottesville

tragedy; and efforts to legally erase LGBTQ people; among others—all these apart from his increasingly restrictive immigration, amnesty and refugee policies.

³⁵ See Principal author, under review.

³⁶ Chávez, 2001; 2008.

³⁷ van Dijk 1993, 1998; Wodak & Reisigl, 2003; Reisigl & Wodak, 2005; van Leeuwen, 2009; Krzyzanowski & Wodak, 2011, Charteris-Black (2006).

³⁸ Lakoff & Johnson, 1980; Steen, 2014. See also Principal author, in revised draft.

³⁹ Gibbs, 2013.

⁴⁰ Landau et al., 2013.

⁴¹ “Rational metaphysics teaches that *homo intelligendo fit omnia* ‘man becomes everything through understanding’, [while] imaginative metaphysics states *homo non intelligendo fit omnia* ‘failing to understand, man becomes [the model of] everything’. There is perhaps more truth in the latter statement than the former. For man unfolds his mind by understanding things, but by failing to understand, he fashions these things [on the model] of himself... He has made an entire world [in his own image].” (Adapted from a translation by Pompa 1990, pg. 223.)

⁴² Landau et al., 2013.

⁴³ Searle, 1992.

⁴⁴ Lakoff & Núñez, 2000.

⁴⁵ Following CMT conventions, semantic domains and conceptual metaphors are identified using SMALL CAPS, as in the metaphor, IMMIGRANT AS CRIMINAL. In contrast, particular word are *italicized*, while quotes are placed in “quotation marks” without italics.

⁴⁶ Winter 1988; 1989; 1990.

⁴⁷ [https://www.c-](https://www.c-span.org/search/?sdate=01%2F01%2F2015&edate=12%2F31%2F2015&searchtype=Videos&sort=Most+Recent+Airing&text=0&tagid%5B%5D=275&personid%5B%5D=20967)

[span.org/search/?sdate=01%2F01%2F2015&edate=12%2F31%2F2015&searchtype=Videos&sort=Most+Recent+Airing&text=0&tagid%5B%5D=275&personid%5B%5D=20967](https://www.c-span.org/search/?sdate=01%2F01%2F2015&edate=12%2F31%2F2015&searchtype=Videos&sort=Most+Recent+Airing&text=0&tagid%5B%5D=275&personid%5B%5D=20967)

⁴⁸

http://www.presidency.ucsb.edu/2016_election_speeches.php?candidate=45&campaign=2016TRUMP&doctype=5000

⁴⁹ <https://votesmart.org/candidate/public-statements/15723/donald-trump#.WhSNv7T83OQ>.

⁵⁰ www.trumptwitterarchive.com.

⁵¹ We want to acknowledge the original DACA defense team, which in addition to the co-authors, included: Carolina Armenta, Julia Isais, Susan Figueroa, Andy Aguiar, Jennifer Bartelheim, Luís Ceja, Janet Chamu, Nicole Contreras, Fernanda Corral, Diana Adame, Ismael De Anda, Jazmín De La Torre, Victor Dealba, Moises Del Real Viramontes, Evelyn Escobar, Odalys Esquivel, Jackelyne García, Lissette García, Cristal Hernández, Lupita Hernández, Veronica Hernández, Jocelyne Herrera, Adan Martínez Ordáz, Stephanie Ochoa, Ruth Pérez, Ivone Santana, Jocelyn Teah, and Eloy Torres.

⁵² The principal author teaches undergraduate courses on the basics of CMT, CDA, corpus linguistic techniques, and database tools. Learning to locate conceptual metaphors is akin to learning a new way of reading, simultaneously reading for content and form. To avert any interpretative bias toward the President, the students were trained to identify and interpret text metaphors using sports and business sections of newspapers, not the President’s discourse material. The principal author telephoned in when they had a problem, but optimally the crews worked with minimal direct supervision. The token, context, source and target were kept in our

metaphor data table that grew to hundreds of rows long as the team worked through the President's correspondence, speeches and interviews. No data was discarded; tokens that received a consensus interpretation as well as tokens that resist a consensus interpretation were tabulated. This CDA protocol was designed to obtain a consensus-based, replicable interpretation.

⁵³ Principal author, 2000, Chapter 7.

⁵⁴ When we refer to someone using the expression *criminal immigrant*, the target is a real flesh-and-blood person. The source domain is CRIMINAL, a complex network of abstract notions. However, we instantly transfer all associations of criminality to the said person when we hear the phrase whether it is true or not. The issue whether the person in question actually engages in criminal activity is an entirely separate, empirical matter.

⁵⁵ Hitler based his public appeal to the German people that demonized his Jewish compatriots on the NATION AS BODY metaphor. See Musolf, 2007.

⁵⁶ Chilton 1996. Also see Lakoff & Johnson 1980, pp. 96–105.

⁵⁷ The term “Fortress North America” was used during the WWII to indicate a US and Canada defense strategy.

⁵⁸ 6/22/2017, 22:15:39.

⁵⁹ 8/27/2017, 13:44:11.

⁶⁰ 7/26/2017.

⁶¹ 7/6/2015.

⁶² 8/6/2015, First Republican presidential candidate debate.

⁶³ 11/2/2016.

⁶⁴ 4/1/2016, Interview with Johnson Balz. *The Washington Post*.

⁶⁵ 7/21/2015, Rally speech at Sun City, SC.

⁶⁶ 4/29/2017.

⁶⁷ 6/13/2016, 14:54, at GOP convention.

⁶⁸ 2/28/2017.

⁶⁹ 7/28/2017.

⁷⁰ Principal author, 2002; Mujagić, 2018.

⁷¹ 11/3/2016.

⁷² 10/5/2016.

⁷³ 10/23/2016.

⁷⁴ The frequently named victims are Earl Oldander, Casey Chadwick, Marilyn Pharis, Kate Steinle, Grant Ronneback, the son of Jamiel Shaw, Brandon Mendoza, the daughter of Sabine Durden, Sarah Root, Starlette Pitts, the son of Laura Wilkerson, Kris Eggle and Nick Erfle. The highly publicized arrest in the August 2018 death of a presumed fourteenth victim, Mollie Tibbetts, was immediately challenged by the defendant's attorney who disputed government officials' statements that he is an “illegal immigrant.”

⁷⁵ Bernat, April 2017.

⁷⁶ 7/17/2015, 17:32

⁷⁷ 8/11/2015, 0:58.

⁷⁸ 2/28/2017.

⁷⁹ 4/28/2017.

⁸⁰ 9/6/2016.

⁸¹ 7/21/2016.

⁸² 8/30/2016.

⁸³ 5/10/2016.

⁸⁴ 7/26/2017.

⁸⁵ 7/28/2017.

⁸⁶ 2/28/2017.

⁸⁷ 8/28/2017.

⁸⁸ 10/5/2016.

⁸⁹ 2/28/2017.

⁹⁰ O'Brien, 2003, pg. 37.

⁹¹ Elizabeth Frazer 1923c, pg. 14, quoted in O'Brien, 2003, pg. 41.

⁹² O'Brien, 2003, pg. 37.

⁹³ O'Brien, 2003, pg. 42.

⁹⁴ Fox news pundit. Malkin, Michelle (2002) *Invasion: How America Still Welcomes Terrorists, Criminals, and Other Foreign Menaces to Our Shores*. t reached #14 on the New York Times best-seller list.

⁹⁵ 7/5/92, A-3, *Los Angeles Times* (Principal author, 2002).

⁹⁶ 6/13/93, 12, *Los Angeles Times* (Principal author, 2002).

⁹⁷ Principal author, 2002.

⁹⁸ <https://www.reuters.com/article/us-usa-trump-tweet/trump-on-twitter-caravan-immigration-laws-fake-news-idUSKCN1MX01L>, retrieved same day.

⁹⁹ 25/10/2018, 4:05.

¹⁰⁰ See CNN and New York Times coverage:

<https://www.cnn.com/2018/10/29/media/pittsburgh-suspect-invasion/index.html>;
(<https://www.nytimes.com/2018/11/05/us/politics/nbc-caravan-advertisement.html>; as well as Breitbart contrasting coverage <https://www.breitbart.com/the-media/2018/11/26/nolte-establishment-media-lied-migrant-caravan/>, all three retrieved November 26, 2018)

¹⁰¹ <https://www.nytimes.com/2018/10/31/opinion/caravan-pittsburgh-shooting-midterms.html>, retrieved October 31, 2018.

¹⁰² <https://www.nytimes.com/2018/10/29/us/politics/border-security-troops-trump.html>, retrieved same day.

¹⁰³ <https://people.com/politics/nbc-pulls-racist-trump-ad-migrant-caravan-civilian-militia/>, retrieved Nov 26, 2018.

¹⁰⁴ A CNN spokesperson stated, "CNN has made it abundantly clear in its editorial coverage that this ad is racist. When presented with an opportunity to be paid to take a version of this ad, we declined. Those are the facts."

https://twitter.com/CNNPR/status/1058735152963182592?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1058735152963182592&ref_url=https%3A%2F%2Fwww.nbcnews.com%2Fnews%2Fall%2Fbbc-pulls-trump-immigration-ad-after-backlash-n931356

¹⁰⁵ https://www.washingtonpost.com/politics/from-dire-warnings-to-silence-trump-changes-his-tune-after-the-midterms/2018/11/18/098bdd9e-e91b-11e8-a939-9469f1166f9d_story.html?utm_term=.8b8c16edb10e

¹⁰⁶ 6/20/2015, 2:22.

¹⁰⁷ 7/13/2015, 10:47.

¹⁰⁸ 10/5/2016.

¹⁰⁹ 7/26/2017.

¹¹⁰ 8/23/2016.

¹¹¹ 3/20/2015.

¹¹² 10/21/2016.

¹¹³ Adelman et al., 2017.

¹¹⁴ Light & Miller, 2018.

¹¹⁵ Quoted in Delgado 2018, pg. 129.

¹¹⁶ Rucker, 20 June 2018.

¹¹⁷ 7/28/2017.

¹¹⁸ 4/28/2017.

¹¹⁹ 7/26/2017.

¹²⁰ Kim, 23 May 2018

¹²¹ The President's son expressed his sentiments in a Instagram post: "You know why you can enjoy a day at the zoo? Because walls work." This spiteful IMMIGRANT AS ANIMAL posting, which directly compares migrants to animals, came as his father presided over a partial shutdown of the federal government over his insistence that the US build a wall along the length of its border with Mexico. <https://www.independent.co.uk/news/world/americas/us-politics/trump-jr-mexico-border-wall-zoo-fence-animals-instagram-post-us-government-shutdown-a8720356.html>, retrieved 10 January 2019.

¹²² 8/23/2016.

¹²³ The US government estimates that MS-13 has 10,000 members, 33% of which are immigrants.

¹²⁴ Patterson 2001, pg. 55.

¹²⁵ "To incorporate Mexico, would be the first departure of the kind; for more than half of its population are pure Indians, and by far the larger portion of the residue mixed blood. I protest against the incorporation of such a people. Ours is the Government of the white man. The great misfortune of what was formerly Spanish America, is to be traced to the fatal error of placing the colored race on an equality with the white. That error destroyed the social arrangement which formed the basis of their society. This error we have wholly escaped... And yet...there are those among us who talk about erecting these Mexicans into territorial Governments, and placing them on an equality with the people of these States. I utterly protest against the project." —South Carolina Senator John C. Calhoun, January 4, 1848. Also, see Pitti, 2017, pg. 11, 17.

¹²⁶ Delgado & Stefancic, 2011, pg. 150.

¹²⁷ Delgado & Stefancic, 2011, pg. 159.

¹²⁸ Thomas Jefferson Farnham was an explorer who wrote about the American West during the first half of the 19th century. See Delgado & Stefancic, 2011, pg. 150.

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- ¹²⁹ De Leon, 1998, 162.
- ¹³⁰ Mendoza, 2018.
- ¹³¹ Pitti, 2017, pg. 12.
- ¹³² Principal author, 2002.
- ¹³³ Ngai 2007.
- ¹³⁴ Ngai, 2004, pg. 132, quoted in Heuman & González 2018.
- ¹³⁵ 12/8/2015.
- ¹³⁶ 8/21/2015.
- ¹³⁷ Ignatow & Williams (2011); Lugo-Lugo & Bloodsworth-Lugo (2014).
- ¹³⁸ US Constitution, Amendment XIV, 1868, §1. See Principal author, et al., 2017.
- ¹³⁹ 3/11/2015.
- ¹⁴⁰ Tolentino 2016.
- ¹⁴¹ 6/3/2016, CNN Interview with Jake Tapper.
- ¹⁴² Himelstein 1983, 156.
- ¹⁴³ The “so-called Southern Strategy... was articulated with brutal clarity by Lee Atwater, who helped guide Ronald Reagan’s campaign: ‘You start out in 1954 by saying, ‘N—, n—, n—.’ By 1968 you can’t say ‘N—’; that hurts you, backfires. So, you say stuff like, uh, ‘forced busing’, ‘states’ rights’, and all that stuff ... and a by-product of them is, blacks get hurt worse than whites.’ ... The power of the civil rights movement had not removed racism from the American way of doing business, it just required an even better disguise. This meant that to hide their racist intent, policymakers had to ensure that white citizens were obvious collateral damage.” (Anderson, 20 October 2018).
- ¹⁴⁴ Eddie Glaude Jr., chairman of the African American studies department at Princeton University, said Trump’s language was not a dog whistle because “it is not subtle.” “He does it over and over again,” Glaude said. “It’s important for us... to understand this as a central part of who he is.” https://www.washingtonpost.com/politics/trumps-insults-toward-black-reporters-candidates-echo-historic-playbooks-used-against-african-americans/2018/11/09/74653438-e440-11e8-b759-3d88a5ce9e19_story.html?utm_term=.3aefe25d090d, retrieved same day.
- ¹⁴⁵ van Dijk 1987, 1991.
- ¹⁴⁶ E.g. van Teeffelen 1994, pp. 384–386.
- ¹⁴⁷ “The Iraq War left behind five-million Iraqi orphans, took more than 100,000 Iraqi lives, forced four- to five-million Iraqis to flee their homes and communities.” <https://www.brookings.edu/opinions/the-human-cost-of-the-iraq-war-outweighs-all-others/>, retrieved 1 December 2018.
- ¹⁴⁸ For an anecdote, see https://www.washingtonpost.com/politics/were-closed-trump-directs-his-anger-over-immigration-at-homeland-security-secretary/2018/05/24/4bd686ec-5abc-11e8-8b92-45fdd7aaef3c_story.html?utm_term=.ed2b8031e480, retrieved 20 September 2018.
- ¹⁴⁹ Miles 1989 quoted in Wetherell & Potter 1992, pp. 15–16.
- ¹⁵⁰ Wetherell & Potter 1992, pg. 70.
- ¹⁵¹ Pérez Huber 2017, pg. 218.
- ¹⁵² 11/06/2016.

¹⁵³ Dirven 1994; Principal author, 2002, 2013; Goatly 2007; Musolff, 2004, 2010.

¹⁵⁴ Gibbs 2015.

¹⁵⁵ If we think of all of the meanings we can comprehend in terms of a three-dimensional area, then a particular semantic domain is a select portion of that area that shares a set of meanings, and the words used to talk about it. Consider the generic word of *tea*, and all the related words associated with that cultural item. The domain includes words such as And we use these words to talk about tea. Pairs and sets of words are related by meaning and use to one others, such as words frequently used together in a sentence, and relations such as synonyms/antonyms, general/specific, etc. Thus each semantic domain is a network of relations of words and meanings. When we learn a language we develop a mental dictionary which is organized into a giant network of lexical relations.

¹⁵⁶ When we refer to someone using the expression *criminal immigrant*, the target is a real flesh-and-blood person. The source domain is CRIMINAL, a complex network of abstract notions. However, we instantly transfer all associations of criminality to the said person when we hear the phrase whether it is true or not. The issue whether the person in question actually engages in criminal activity is an entirely separate, empirical matter.

¹⁵⁷ Musolff (2004, pp. 17–29) analyzed Hitler’s horrible narrative that led to the Holocaust. Also see Lakoff 1987, pg. 285.

¹⁵⁸ Table Two displays only a selected subset (n= 1466) of the total (n=2391) immigration narrative related metaphors drawn from the President’s eleven selected speeches. The other targets include LIST, LIST, LIST. The full set of metaphors can be located in an excel file that resides on www.presidentsintent.com.

¹⁵⁹ In their CDA, Mohammadi & Javadi (2017, pg. 10) also concluded that the President “presented himself as the only savior of the US people.”

¹⁶⁰ “perpetrators,” “exploited,” “illegal,” “burglary,” “rapist,” “uncontrolled,” “tortured,” “sodomized,” “bleed,” “prisons,” “raped,” “infiltrated,” “convicted,” “violate,” “victimized,” “waves,” “gang,” “surging,” “sanctuary,” “killed,” “viciously,” “violently,” “murdered,” “aliens,” “threaten,” “traffickers,” “criminal,” “beaten,” “radical,” “prison,” “gangs,” “brutally,” “dangerous,” “risk,” “death,” “victim,” “terrorist,” “catastrophic,” “drugs,” “devasted,” “violence,” “crime,” “criminals,” “terrorism,” “destroy,” “attacks,” “terrible,” “drug,” and “disastrous.”

¹⁶¹ Collocations are considered relevant and linguistically meaningful with have greater than 3.0 MI score relevant and meaningful (Church & Hanks 1991). In the collocation study, Hirose disregarded all grammatical function words (e.g. *the, an, of, for, with*) and content words that only occur once. MI means Mutual Information, $I(x,y)$, a comparison of the probability of observing word x and word y together with the probabilities of observing x and y independently. If there is a genuine association between x and y , then the joint probability $P(x,y)$ will be much larger than chance $P(x) P(y)$, consequently $I(x,y) \gg 0$. Word probabilities, $P(x)$ and $P(y)$, are estimated by counting the number of observations of x and y in a corpus, $f(x)$ and $f(y)$, and normalizing by N , the size of the corpus. Joint probabilities, $P(x,y)$, are estimated by counting the number of times that x is followed by y , $f(x,y)$, and normalizing by N .

¹⁶² December 2018.

¹⁶³ 585 U.S. Trump v. Hawaii (2018).

¹⁶⁴ Vidal v. Nielsen and Regents of the Univ. of California, Et Al., v. U.S. Dep't of Homeland Sec., Et Al.

¹⁶⁵ Trump v. Hawaii, 138 S. Ct. 2392, 2441 n.6 (2018) (Sotomayor J., dissenting)

¹⁶⁶ Trump v. Hawaii, 138 S. Ct. 2392, 2421 (2018).

¹⁶⁷ Trump v. Hawaii, 138 S. Ct. 2392 (2018).

¹⁶⁸ Trump v. Hawaii, 138 S. Ct. 2392, 2441 n.6 (2018) (Sotomayor J., dissenting)

¹⁶⁹ To undertake the rational basis standard “this Court has generally considered the text of the government policy, its operation, and any available evidence regarding ‘the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by’ the decisionmaker.” Trump v. Hawaii, 138 S. Ct. 2392, 2439 (2018) (internal citations omitted).

¹⁷⁰ Trump v. Hawaii, 138 S. Ct. 2392, 2439 (2018).

¹⁷¹ Trump v. Hawaii, 138 S. Ct. 2392, 2440-2441 (2018) (discussing Kleindienst v. Mandel, 408 U.S. 753, 92 S.Ct. 2576, 33 L.Ed.2d 683, (1972)). (in Sotomayor’s dissent, pg. 14)

¹⁷² Zinn, 2005.

¹⁷³ Catch phrase of Antonio González, the recently deceased leader of the Southwest Voter Registration Education Project:

http://content.time.com/time/specials/packages/article/0,28804,2008201_2008200_2008186,00.html, retrieved 26 November 2018.