

The Noise of SB 1070: or Do I Sound Illegal to You?

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Blog post published August 19, 2010 in *Sounding Out!*

<https://doi.org/10.59350/9w731-ye773>

Abstract

There have been many heated debates over Arizona's newly-implemented legislation SB 1070, a law which targets one of the U.S.'s most vulnerable communities, undocumented workers, and makes them subject to deportation, police harassment, and criminalization.

Keywords

Music (Subfield), Article, Chican@/Latin@ Studies, Diasporic Sound, Law, Listening



Recommended citation

Stoever, J. (2010, August 19). The Noise of SB 1070: or Do I Sound Illegal to You?. *Sounding Out!*. <https://doi.org/10.59350/9w731-ye773>

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There have been many heated debates over Arizona's newly-implemented legislation [SB 1070](#), a law which targets one of the U.S.'s most vulnerable communities, undocumented workers, and makes them subject to deportation, police harassment, and criminalization. However, in the midst of all the shouting, there has been surprisingly little said about what the role of sound will be in the enforcement of this law. Conversations about racial profiling have been predominately limited to visual aspects: skin color, haircuts, and most infamously, [footwear selection](#). However, in order to fully understand the devastating impact of SB 1070, we need to render sonic examples of discrimination as visible as their visual counterparts. In other words, what does "illegality" *sound* like? And, conversely, how is U.S. citizenship produced through sound? Even though we rarely talk about either of these auditory social constructions, sonic representations of both abound in American culture, and—regardless of constitutionality—Arizona residents will use both to ferret out whom they feel belongs and whom they believe does not.

In other venues, I have termed dominant listening practices in America [the listening ear](#) [For those with access to an online *Social Text* subscription, click [here](#) to download the full text of my article, "[Splicing the Sonic Color-Line: Tony Schwartz Remixes Postwar Nueva York](#)"]. The listening ear is a phrase that describes mainstream perception. It represents the ways in which Americans have been disciplined to consider some sounds as natural, normal, and desirable, while deeming alternate ways of listening and sounding as aberrant, dangerous, and yes, even illegal. Basically, the listening ear is what Judith Butler calls "a constitutive constraint" in [Bodies that Matter](#): a socially-constructed filter that produces but also regulates specific cultural ideas about sound. In regards to SB 1070, the listening ear lines up a little too comfortably with the hazy language of "reasonable suspicion" that has been the focus of so much [outcry against the law](#).

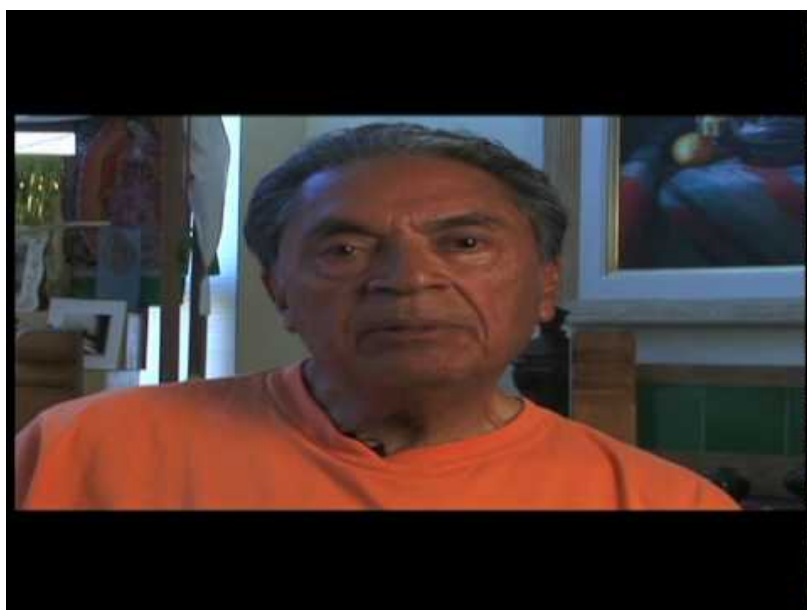
Basically, before Judge Susan Bolton [declared a temporary injunction against the law](#) on July 28th, 2010, it allowed police to check the immigration status of any one they made a "lawful contact" with, provided that "reasonable suspicion exists that the person is an alien." Because unspoken, racialized norms about sound exist and circulate through American culture via the listening ear, members of dominant groups may use sound with impunity to forge "reasonable suspicion" about the citizenship status of anyone who sounds different from them (and who creates, consumes, and appreciates sounds *differently* from them). Certainly the sound of Spanish is at the top of this list; even though the United States does not have an official language, Arizona has enacted multiple strident "[English Only](#)" laws, the most recent of which resulted in the [removal of a U.S. Census 2010 banner in Prescott, AZ](#) because it included a sentence in Spanish. Beyond the sound of Spanish itself, there is the sound of accented English, and, as Stanford sociologist [John Baugh's](#)

work on [linguistic profiling](#) bears out, accents can have extreme impact on one's economic chances in the U.S. as well as one's sense of belonging. Now, accents may decide whether or not one gets hassled for their papers and detained and—if not a citizen or a legal resident—deported. Undoubtedly, the accent of the [Fresno, CA-born American citizen who was asked](#) to show his birth certificate to police at a truck weigh-in station in Arizona in April 2010 had much to do with his subsequent detainment.



<https://youtu.be/yQtnv2ydEfU>

In one of few examples to address the sonics of citizenship via language and accent, the ACLU's recently released video "[Would You Ask This Man for His Papers?](#)" utilizes the sound of Spanish to illustrate the potential for auditory markers to determine citizenship status, especially in concert with visual cues like skin color and classed and raced job duties, like landscaping in the Southwest.



<https://youtu.be/-zUAO6Ig8Uk>

The video's message—that sonic markers of citizenship are just as unreliable as visual ones—hinges on the fact that the man in the video, [Roberto Reveles](#), is not only bilingual, but a prominent, natural born citizen; he has been president of the Arizona Board of Directors of the ACLU since 2006. However, the stark contrast in representation here risks reifying the division between the sound of Spanish as “foreign” and the sound of English as “normal” or “American,” just as it suggests that speakers of Spanish are much more agreeable to the American listening ear when their citizenship status is no longer in question.

The sounds of Spanish, however, are only the most obvious of a whole host of sonic markers of citizenship. The sounds of music are another. The American listening ear lumps musical genres like mariachi, Tejano, salsa, norteña and reggaetón together—regardless of the diverse national origins of the music or its consumers—and the sounds of instruments like the accordion, timbales, and brass horns become metonyms for the presence of Latino/a “Others.” For many monolingual English-speaking U.S. citizens, the increasing numbers of radio stations that broadcast pan-Latin musical genres—there are over 23 in the state of Arizona—sonically symbolize the perceived invasion and encroachment of the undocumented Latino/a “Others” on (white, English) American territory. The film “The Job” (2008), a short by Screaming Frog that satirizes the imagery of immigration in light of America's most recent economic crash, represents one facet of the ready associations that the dominant American listening ear draws between music, sound, race, and social status.

<https://vimeo.com/32488410>

The parodic twist in “The Job” turns on the association of particular types of music with undocumented workers. Note the sonic contrast between the “serious” sounds of the white corporate atmosphere and the festive stylings of the Latin music—not unimportantly, a “stock” song called “mariachi” that the producers obtained from Royalty Free Music—as well as the expedient way in which the horns function to herald the brown body of the Latino day laborer before viewers see him.

Given these preexisting aural connections, noise laws are a ready site at which SB 1070's all-important “reasonable suspicion” can be obtained in a manner that circumvents traditional “colorblind” ideas about racial profiling. After all, it isn't merely the content of a sound that determines whether or not listeners will hear it as “noise,” but also its context—its appearance in time and space. Whereas numerous forms of representation have disciplined the dominant American listening ear to hear mariachi music at El Torito's Sunday brunch as a pleasant aural form of “local color,” the reaction to hearing a version of said music emanating from the backyard of one's neighbor late on a Saturday night might be qualitatively and quantitatively different, particularly if the listener is already primed to perceive immigrants and/or people of color as threatening trespassers, no matter what their legal status may be. Historian [Peter Bailey](#) describes noise as “[sound out of place](#),” and I cannot think of a more apt description for the aural stakes of illegality in America's borderlands. In other words, it isn't just the sound of an accent or the blare of a trumpet that marks someone as a noncitizen—or worse yet, a non-person, as the progenitors of the dehumanizing term “illegal alien” would have it—but where and when the sound appears and what boundaries it is perceived to cross by citizens empowered to lodge noise complaints.

Tellingly, the language of many noise ordinances is just as vague as SB1070, echoing the normative language of “reasonable suspicion” and the hidden classed, raced, gendered, and nationalized standards of the dominant American listening ear. For example, although [the noise laws of Phoenix, Arizona](#) can be quite specific—referencing barking dogs, whistling on the streets, and loudspeakers for advertising—they include a general “morals and conduct” clause that allows that “anything which is obnoxious to health, or is indecent, or is offensive to the senses, or is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by *any considerable number of persons*, or unlawfully obstructs any public street, alley, sidewalk or highway is hereby declared a nuisance and may be abated by order of the City Court” (emphasis mine). Clearly, terms like “comfortable” and “offensive” are a socially determined grey area dependent upon which “considerable number of persons” comprise the power base for any given area. It is not a stretch of the imagination to consider how already “Othered” sounds like Spanish accents and Latin music or the sounds of daily life in Latino households that fall outside of the purview of the dominant American listening ear—alternate religious practices, holidays, and customs about children’s play and front/back yard use, for example—can lead to some SB 1070 dime-dropping by one of said “considerable number of persons.” Just ask the predominately Latino gardeners of Los Angeles, CA, who found themselves sonically profiled by wealthy whites who [rallied against the sound of the gas-powered leaf blower in 1998](#), in part to decrease their presence in exclusive neighborhoods. Despite a prominent hunger strike on the steps of city hall by a coalition of Latino gardeners, [leaf blowers were deemed illegal](#) in L.A. that same year.

Not surprisingly, there has been an uptick in the battle against noise in the state of Arizona at the same time as the struggle over SB 1070 has heated up. Citizens of cities like [Scottsdale](#) and [Prescott](#) have been clamoring for tighter noise legislation and increased noise code enforcement in 2010; in language quite similar to SB 1070, one citizen of Scottsdale told the *Arizona Republic* that police officers should be empowered to [“distinguish and make judgment calls as to who is loud and who’s not.”](#) Note the telling slippage between noise and the people who (allegedly) make it.



Interestingly, in spite of the utility of noise laws for implementing SB 1070, the overt demographic target of much Arizona noise

legislation has been motorcycle owners, who are among the whitest, wealthiest, malest, and most middleaged populations in the U.S. according to statistics compiled by the [2008 Motorcycle Industry Council Owner Survey](#), and therefore traditionally a group resistant to visual racial profiling—at least in the arena of law enforcement. Perhaps, given Gary L. Kieffner’s claim in [“Police and Harley Riders: Discrimination and Empowerment”](#) in the [Spring 2009](#) issue of the [International Journal of Motorcycle Studies](#) that the struggle of Harley-Davidson riders had “similarities with the civil rights movement of the 1960s, women’s liberation in the 1970s, and advances by other oppressed minorities,” aggrieved motorcyclists will join hands with the undocumented workers finding themselves on the wrong side of America’s sonic color- line.

Instead of holding my breath, I am going to put at least some of my faith in [Sound Strike](#), a group of artists including [Ozomatli](#), [M.I.A.](#), [Rage Against the Machine](#), [Nine Inch Nails](#), [DJ Spooky](#), [Los Tigres del Norte](#), [Kanye West](#), and [Yeezus](#) among [many others](#) devoted to fighting the noise of SB 1070 with the silence of Arizona’s empty concert halls.

The Sound Strike on [Facebook](#)

Sound Strike [Petition](#) to Stop SB 1070

And it’s not like [Public Enemy](#) hasn’t been warning us for years. I’d like to close with their “noisy” rejoinder to Arizona’s refusal to acknowledge Martin Luther King Jr. as a national holiday back in 1986, [“By the Time I Get to Arizona”](#). DJ Spooky has created a [free downloadable remix](#) of the song in the wake of SB 1070 for your listening displeasure. Let the sound strike begin.



https://youtu.be/zrFOb_f7ubw

P.S. I also want to mention that many artists are choosing to fight SB 1070 through their performances in AZ rather than boycotting the state, most notably Lady Gaga.

<https://youtu.be/p1-1Nt5qgqk>



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