

ALA/ALCTS/CaMMS Subject Analysis Committee
Report from the SAC Working Group on the LCSH “Illegal aliens”

Submitted by Tina Gross, Chair
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Summary of Recommendation

This report concurs with the Library of Congress decision to change the subject heading *Aliens* to *Noncitizens*, but recommends that *Illegal aliens* be replaced with *Undocumented immigrants* where appropriate. In cases where the subject heading *Illegal aliens* has been assigned to works about nonimmigrants, more specific terms should be assigned.

Introduction

At the ALA 2016 Midwinter meeting, the CaMMS Subject Analysis Committee voted to create a working group to review the Library of Congress Subject Heading “Illegal aliens” and report to SAC with a recommendation to change the heading, keep the heading, or establish a relationship with another heading.

Also at Midwinter 2016, the ALA Council adopted a resolution calling on LC to replace the subject heading “Illegal aliens” with “Undocumented immigrants.”¹

The Library of Congress made an announcement on March 22, 2016 that the subject heading “Illegal aliens” would be discontinued.²

*In response to constituent requests, the Policy and Standards Division of the Library of Congress, which maintains Library of Congress Subject Headings, has investigated the possibility of cancelling or revising the heading **Illegal aliens**. PSD also explored the possibility of revising the broader term **Aliens**. It concluded that the meaning of **Aliens** is often misunderstood and should be revised to **Noncitizens**, and that the phrase illegal aliens has become pejorative. The heading **Illegal aliens** will therefore be cancelled and replaced by two headings, **Noncitizens** and **Unauthorized immigration**, which may be assigned together to describe resources about people who illegally reside in a country.*

While the Subject Analysis Committee working group's recommendation on the subject heading *Illegal aliens* differs from the approach outlined above, we viewed the announcement as tremendously positive, and thank the Library of Congress for responding to constituent concerns. We strongly concur with the view expressed by the American Library Association as a whole that the Library of Congress subject heading determination process should not be subject to intervention by Congress.³

Concerns addressed by March 22, 2016 Library of Congress announcement

The working group found that several issues raised in discussions about the subject heading “Illegal aliens” at SAC meetings and elsewhere were addressed by aspects of LC’s announcement and its Tentative List 1606a.⁴

1. “Illegal aliens” has become pejorative. This report does not attempt to demonstrate that this term had undergone pejoration, since LC has already concurred that it has. Instead, it will assume there is agreement on the need to identify different terms for covering this topic.

2. The U.S. Code should not be treated as a definitive source for LCSH terminology, nor should *Black’s Law Dictionary*. The proposal to replace *Aliens* with *Noncitizens* indicates that there is no absolute requirement to use legal terms, and that this preference can be outweighed by other considerations (attempts by members of the House of Representatives to mandate the use of “Illegal aliens” notwithstanding).

3. LC does not see a critical need for a single broad subject heading that encompasses all types of “aliens” (immigrants and nonimmigrants) and denotes a lack of authorization to be present in a foreign country. A concern raised in SAC about the possibility of changing *Illegal aliens* to *Undocumented immigrants* was that if the change occurred, there would be no collective term that included nonimmigrants for people present in a foreign country without authorization. Under LC’s proposal, this would also be the case—like *Aliens*, *Noncitizens* would include nonimmigrants, but the status of unauthorized nonimmigrants would not be covered by the addition of *Unauthorized immigration*.

4. Approaches to replacing *Illegal aliens* that require individual review of bibliographic records may be considered. Instances of *Illegal aliens* could be flipped to *Noncitizens* without risk of creating inaccuracies, but the accurate assignment of *Unauthorized immigration* is not a straightforward task. In LCSH, “immigrants” are defined as “foreign-born persons who enter a country intending to become permanent residents or citizens.” Adherence to logical consistency would demand that the same definition be applied to the cognate term “immigration.” As such, LC’s proposed replacement of *Illegal aliens* with the combination of *Noncitizens* and *Unauthorized immigration* would require review of individual bibliographic records, since not all works with the former subject heading *Illegal aliens* (which includes all undocumented people, not only those who intend to become permanent residents or citizens) should be automatically assigned *Unauthorized immigration*. It is true that the proposed scope note for *Unauthorized immigration* refers more generally to “the concept of unauthorized residence within a country,” but this definition would seem to underscore rather than clarify the inconsistency in usage between these two related words.

Comments on LC’s proposed changes

Replacing *Aliens* with *Noncitizens*

While *Noncitizens* has several shortcomings as a replacement for *Aliens*, the working group did not identify a better option. We heard from librarians who expressed concern about *Noncitizens*

because it defines a group of people in the negative, because it is not a common term that users are likely to search for, and because when not subdivided geographically (as in the case of a work of international scope) it might appear to characterize people as not being citizens of any country, when encountered without the definition provided in its proposed scope note.

However, no alternatives appear to present fewer problems. In terms of usage and currency, none of the other “See from” variants of *Aliens* would be appropriate. Bill H.R.3785, the Correcting Hurtful and Alienating Names in Government Expression (CHANGE) Act,⁵ proposes replacing references to “alien” with “foreign national” in U.S. law. “Foreign nationals” would have the benefit of being a more familiar term than “noncitizens,” but as a replacement for the subject heading *Aliens* it would introduce another potential set of inaccuracies because it excludes stateless people who are not nationals of any country.

Replacing *Illegal aliens* with *Noncitizens* and *Unauthorized immigration*

While the working group concurs with the decision to change the broader heading *Aliens* to *Noncitizens*, its review of the evidence found that there is a stronger case for establishing the subject heading *Undocumented immigrants* than for replacing *Illegal aliens* with the combination of *Noncitizens* and *Unauthorized immigration*.

As LC points out in its March announcement, “while *undocumented immigrants* is often used as a synonym for *illegal aliens*, the phrases are not synonymous.” Indeed, “illegal aliens” is broader, because it includes “aliens” who are not immigrants, as strictly defined, in that they may not have the intention of becoming permanent residents or citizens. Because of this, replacing the subject heading *Illegal aliens* with *Undocumented immigrants* could not be completed through global updates based on changes to the affected subject authority records alone. Bibliographic records would need to be reviewed so that cases in which *Undocumented immigrants* did not fit the subject matter could be assigned appropriate terms. In some cases this would be *Noncitizens*, whereas in many others it would be more specific headings, such as *Foreign workers—Legal status, laws, etc.*

As pointed out in the previous section of this report, LC’s own proposal would require precisely such a review, because works with the former subject heading *Illegal aliens* cannot automatically be assigned *Unauthorized immigration*. If such a review of bibliographic records is to be undertaken, doing it to implement *Undocumented immigrants* would serve library users better than splitting *Illegal aliens* into two headings.

Many commentators in the cataloging community have argued that providing access to the topic by splitting the heading *Illegal aliens* into two terms would make searching for the topic confusing and cumbersome. Users would not likely realize or understand that they need to use the two subject headings *Noncitizens* and *Unauthorized immigration* in combination when searching for resources on undocumented immigrants. Furthermore, neither are common terms that library users are likely to employ as search terms.

As will be discussed later in this report, the working group found that *Undocumented immigrants* is more warranted not only in terms of usage (in other controlled vocabularies, popular usage, and in legal materials), but also that most works to which *Illegal aliens* has been

assigned are actually about undocumented immigrants and not the broader category of “illegal aliens.”

Creating and applying *Undocumented immigrants* would require review of individual bibliographic records to ensure that it is not applied to works that are about "illegal aliens" who are not immigrants. However, it would not require any more review than would be necessitated by replacing *Illegal aliens* with the combination of *Noncitizens* and *Unauthorized immigration*, and the outcome would better facilitate access rather than hampering it.

Other concerns about “Undocumented immigrants” as a replacement for “Illegal aliens”

“Undocumented immigrants” is narrower than “Illegal aliens”

Although *Undocumented immigrants* is not synonymous with and cannot replace all instances of *Illegal aliens* with no review of bibliographic records, in terms of specificity and coextensivity, it would be a more accurate and precise subject heading for most of the works currently assigned *Illegal aliens*.

The working group conducted a small study to get an idea of what proportion of works assigned the subject heading "illegal aliens" are about undocumented immigrants. Of the 11,514 bibliographic records in WorldCat (on 2016-05-30) with the phrase "illegal aliens" in a subject heading coded as LCSH, the working group looked at a random sample of 246 records, and put them in one of these four categories:

1) *Illegal aliens* in LCSH in this record refers to undocumented immigrants, not non-immigrant “illegal aliens.” *Illegal aliens* could be directly replaced with “Undocumented immigrants.”

2) *Illegal aliens* in LCSH in this record refers to “illegal aliens” as a broad, comprehensive category including all undocumented immigrants and undocumented nonimmigrants. Replacing *Illegal aliens* with *Undocumented immigrants* in this record would cause inaccuracies, but *Illegal aliens* could be directly replaced with *Noncitizens*.

3) *Illegal aliens* in LCSH in this record refers to “Illegal aliens” who are not immigrants, such as migrant workers who enter a country without authorization on a temporary basis for seasonal work, victims of human trafficking in a foreign country against their will, international students who have fallen out of status, etc. Replacing *Illegal aliens* with *Undocumented immigrants* in this record would cause inaccuracies. Review would be needed to determine what more specific subject headings are appropriate.

4) Undetermined – title, table of contents, summary and other subject headings do not provide enough information to make a reasonable determination. Review would be needed to determine appropriate subject headings.

Of the 246 records in the sample, 104 could not be categorized because sufficient information about the work could not be found (provided in the record, in other records for the same work, or on the web) to make a determination. Of the 142 records that were categorized, 74.6% were for

works about undocumented immigrants. Works about “illegal aliens” as a broad category including both immigrants and nonimmigrants represented 14.1%, and works about nonimmigrant “illegal aliens” represented 11.3%.

[attachment 1: Spreadsheet of study results]

[attachment 2: Study methodology]

Definitions of “undocumented”

“In some legal systems, a person may be an undocumented alien without being in a jurisdiction illegally”⁶

“Many [‘undocumented people’] do in fact have documents of some type”⁷

LC appears to maintain that “undocumented” means a person whose presence in a foreign country is unknown to authorities or not recorded by them, or who lacks all personal legal or identification documents. However, in current usage, it is most common for “undocumented” to refer to foreign-born persons residing in a country without the legal authorization required by that country. For example, the ERIC Thesaurus defines “Undocumented Immigrants,” which it uses as a preferred term, as “Persons residing in a foreign country without proper authorization, having entered that country by unlawful means or having violated the provisions of their visas.” The National Library of Medicine's Medical Subject Headings (MeSH), which also uses “Undocumented immigrants” as a preferred term, defines it as “Foreign nationals residing in a country without legal immigration status, or in violation of the immigration laws of that country.”

Undocumented immigrants can be issued driver’s licenses in some U.S. states. They are issued by state and not federal authorities, and are not intended to serve as legal identification, but they are certainly “documents of some type.” People who are seeking to regularize their status or are going through deportation proceedings are often referred to as “undocumented immigrants” even though the state clearly has documented their presence. Similar to the French term *sans-papiers*, “undocumented” does not typically indicate persons who have no papers of any sort or whose presence is unknown, but who lack documents needed to authorize their presence in a jurisdiction.

A common objection to the term "illegal aliens" is that "Use of the i-word denies due process."⁸ It inappropriately declares the outcome, "making a judgement when the subject had not actually been adjudicated in court."⁹ Some undocumented immigrants who enter a jurisdiction without the required authorization are able to regularize their status through a legal process. This consideration is why the scope note recommended in this report defines "Undocumented immigrants" as foreign-born persons residing in a country without the legal authorization required by that country, without declaring them to be in violation of immigration laws. This is a slight difference from how the ERIC Thesaurus and MeSH define the term.

Differences between the U.S. and other jurisdictions

“In some legal systems, a person may be an undocumented alien without being in a jurisdiction illegally; general works on undocumented legal aliens are covered by the heading **Aliens**.”¹⁰

This does not present a problem if *Undocumented Immigrants* is defined as foreign-born persons residing in a country without the legal authorization required by that country. As they were covered by *Aliens* before, general works on “undocumented legal aliens” (as described in the quote above) should be covered by *Noncitizens*, not by *Undocumented Immigrants*.

Definitions of “immigrants” and “inherently legal” concepts

“**Immigrants** – the proposed broader term for the revised heading – is not an inherently legal heading. Mixing an inherently legal concept with one that is not inherently legal leads to problems with the structure and maintenance of LCSH, and makes assignment of headings difficult.”¹¹

It is clear why LC views the term “aliens” as being “inherently legal,” but not the term immigrants. Whether a person is an “alien” or not is determined by law, whereas whether one is considered an immigrant is subjective in many contexts.

However, some of the concern about “mixing an inherently legal concept with one that is not inherently legal” could be addressed by making the scope note for the subject heading *Immigrants* less ambiguous and open to interpretation. As the scope note is written, “Here are entered works on foreign-born persons who enter a country intending to become permanent residents or citizens.” Even when a work does not make it clear, catalogers are compelled by this scope note to surmise the *intentions* of foreign-born persons who enter a country. A person who does ultimately immigrate to a foreign country would not meet the scope note’s definition, taken literally, if they did not *intend* to do so when they entered.

Recommending changes to the scope note for *Immigrants* would be beyond the working group’s charge, but it seems relevant to observe that the scope note for the proposed heading *Unauthorized immigration* (“Here are entered works on the concept of unauthorized residence within a country”) appears to be a step in the right direction. Defining immigrants as people residing indefinitely in a foreign country would be more compatible with common usage.

While the working group does not advocate deference to the U.S. Code’s terminology, it is significant that this broader sense of “immigrants” is closer to the definition of “immigrant” given in the U.S. Code, Title 8 (Aliens and Nationality), Chapter 12 (Immigration and Nationality), Subchapter 1, Sec. 1101.¹² The U.S. Code states that “The term ‘immigrant’ means every alien except an alien who is within one of the following classes of nonimmigrant aliens-” and follows with a long list of different types of “nonimmigrant aliens,” from ambassadors and their families to victims of human trafficking physically present in the U.S. “on account of such trafficking.”

Appropriateness of U.S. Code as authoritative source for subject heading terminology

The U.S. Code is clearly an essential source to consult in the determination of subject headings for concepts with a legal aspect, but it should not be the ultimate authority.

As a collection of laws passed over a significant range of time, the U.S. Code has frequently retained language that is no longer current in laws passed long ago. Legislation is occasionally passed to update terms for people that have become pejorative, but recent examples of this only serve to underscore how dreadfully overdue such changes are when finally enacted. Occurrences of the term “lunatics” were removed in 2012;¹³ references to “Orientals” and “Negroes” were removed *this year*, in 2016.¹⁴ Many have criticized the Library of Congress for being slow to update subject headings, especially ones referring to groups of people, but it is abundantly clear that the terminology used in the Library of Congress Subject Headings is updated in a markedly more responsive and conscientious fashion than that of the U.S. Code.

The 2016-2020 Library of Congress Strategic Plan states that "The Library's central mission is to provide Congress, and then the federal government, and the American people with a rich, diverse, and enduring source of knowledge that can be relied upon to inform, inspire, and engage them, and support their intellectual and creative endeavors."¹⁵ While Congress is the primary constituent of the Library, the Library of Congress Subject Headings are international in scope, and are used to facilitate access to materials from all over the world. Another reason LCSH terminology should not be tied to the U.S. Code is that the subject headings are applied to resources about law and legislation in countries other than the U.S. It cannot be assumed that terms used in the U.S. Code will always be the most appropriate terminology to identify a legal concept found in many jurisdictions and in international law.

Usage / Literary warrant

In reviewing other controlled vocabularies, legal materials, and common usage, the working group found that *Undocumented immigrants* is the most warranted option for replacing *Illegal aliens*.

Other controlled vocabularies

The majority of controlled vocabularies that do not use "Illegal" in a preferred term use "Undocumented immigrants," including the ERIC Thesaurus, MeSH, the HAPI thesaurus, and the EBSCO Index to Legal Periodicals thesaurus. The use of "Undocumented immigrants" in the two other controlled vocabularies produced by U.S. government agencies, the ERIC Thesaurus (U.S. Department of Education) and MeSH (National Library of Medicine), suggests that the term is broadly accepted and not viewed as problematic by those agencies.

[attachment 3: Table of terms used by other controlled vocabularies]

Legal materials

A member of the working group who is a law cataloger conducted an informal survey of legal materials in one academic law library.

In a sample of 200 bibliographic records with the LCSH *Illegal aliens*, only 16 contained that term in their title. The majority of the resources about U.S. law contained the terms "Immigration" or "Illegal immigration." Treatises published in English about immigration in Europe, Germany, France or Italy used for the most part the English terms "Irregular immigration," "Clandestine migrants," or their equivalents in other languages. However, some of the publications focusing on very specific subjects such as visa fraud, foreign visitors violating the rules, or refugees also had the LCSH *Illegal aliens*. This seems to indicate that *Illegal aliens* may have often been assigned indiscriminately to describe any legal issue related to immigration of non-citizens of any kind, who may violate the law to some extent. Possibly for some of those publications more appropriate LCSHs could have been the form [Classes of persons]--Legal status, laws, etc., e.g.:

Visitors, Foreign--Legal status, laws, etc.

Refugees--Legal status, laws, etc.

Common usage

The working group conducted keyword searches in major databases such as WorldCat, Academic Search Complete, and ERIC, and found that usage of the term "undocumented immigrants" is surpassing the usage of "illegal aliens."

[attachment 4: Usage found in databases]

The ongoing discussion about the subject heading *Illegal aliens* was initiated by students at Dartmouth College, who collaborated with librarians and other faculty to conduct research in support of Dartmouth's 2014 SACO proposal to change *Illegal aliens* to *Undocumented immigrants*. They compiled a portfolio of evidence that "illegal aliens" is increasingly viewed as a slur, and that "undocumented immigrants" is the preferred alternative, including a substantial bibliography.

[attachment 5: Evidence compiled by Dartmouth students and librarians]

Recommendations

Replace the subject heading *Illegal aliens* with *Undocumented immigrants* where appropriate. The scope note for *Undocumented immigrants* should indicate that the heading refers to foreign-born persons residing in a country without the legal authorization required by that country.

Replace *Aliens* with *Noncitizens*.

Make *Undocumented immigrants* a narrower term of both *Noncitizens* and *Immigrants*.

For works currently assigned *Illegal aliens* that are about nonimmigrants, use *Noncitizens* for comprehensive works about all or many types of noncitizen nonimmigrants, or about both noncitizen immigrants and nonimmigrants. For works about a specific type of noncitizen nonimmigrant, use narrower subject headings coextensive to the topic, such as *Admission of nonimmigrants* or *Refugees—Legal status, laws, etc.* or *Students, Foreign—Legal status, laws, etc.*

Replace *Illegal aliens* with *Undocumented immigrants* in other headings that include the phrase *illegal aliens*.

Replace *Aliens* with *Noncitizens* in other headings that include the word *aliens*.

Do not create the subject heading *Unauthorized immigration*.

[attachment 6: Recommended LCSH changes]

Examples of recommended subject heading assignment

The working group identified examples of records in WorldCat that illustrate how its recommended subject heading changes would be applied. The final attachment provides examples of various scenarios, and compares the original subject headings with what the revised ones would be. Some examples are included in which the subject headings would remain unchanged.

[attachment 7: Example records with recommended subject heading assignment]

References

¹ “Resolution on Replacing the Library of Congress Subject Heading ‘Illegal Aliens’ with ‘Undocumented Immigrants.’” ALA Council. Available online at: http://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/governance/council/council_documents/2016_mw_council_documents/cd_34_Resol_on_LC_Headings_11216_FINAL.pdf

² “Library of Congress to Cancel the Subject Heading ‘Illegal Aliens.’” Library of Congress Policy and Standards Division. Available online at: <https://www.loc.gov/catdir/cpsd/illegal-aliens-decision.pdf>

³ “Resolution in Support of the Professional Cataloging Processes and Determinations of the Library of Congress.” ALA Council. Available online at: http://www.ala.org/aboutala/sites/ala.org.aboutala/files/content/cd_39_resol_in_suppt_lib_of_cong_62116_rd.docx

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- ⁴ “Library of Congress Subject Headings Tentative Monthly List 06a (May 20, 2016).” Library of Congress. Available online at: <https://classificationweb.net/tentative-subjects/1606a.html>
- ⁵ "H.R.3785 - Correcting Hurtful and Alienating Names in Government Expression (CHANGE) Act." Available online at: <https://www.congress.gov/bill/114th-congress/house-bill/3785>
- ⁶ “Summary of Decisions, Editorial Meeting Number 12, December 15, 2014.” Library of Congress Policy and Standards Division. Available online at: <http://www.loc.gov/aba/pcc/saco/cpsod/psd-141215.html>
- ⁷ “Library of Congress to Cancel the Subject Heading ‘Illegal Aliens.’”
- ⁸ "Historical Background and Legal Implications." Drop the I-Word Campaign, Race Forward. Available online at: https://www.raceforward.org/sites/default/files/DTIW_HistoricalBackground.pdf
- ⁹ "Moving the Race Conversation Forward." Race Forward. Available online at: http://act.colorlines.com/acton/attachment/1069/f-0115/1/-/-/-/-%2FRacial_Discourse_Part_2.PDF
- ¹⁰ “Summary of Decisions, Editorial Meeting Number 12, December 15, 2014.”
- ¹¹ “Summary of Decisions, Editorial Meeting Number 12, December 15, 2014.”
- ¹² “U.S. Code, Title 8 (Aliens and Nationality), Chapter 12 (Immigration and Nationality), Subchapter 1, Sec. 1101.” Available online at: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1101&num=0&edition=prelim>
- ¹³ “S.2367 - 21st Century Language Act of 2012.” Available online at: <https://www.congress.gov/bill/112th-congress/senate-bill/2367>
- ¹⁴ “H.R.4238 - To amend the Department of Energy Organization Act and the Local Public Works Capital Development and Investment Act of 1976 to modernize terms relating to minorities.” Available online at: <https://www.congress.gov/bill/114th-congress/house-bill/4238/>
- ¹⁵ " Library of Congress Strategic Plan: FY2016 through FY2020." Library of Congress. Available online at: https://www.loc.gov/portals/static/about/documents/library_congress_stratplan_2016-2020.pdf