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Membership Categories through Action: An Analysis of the Contested Morality of a Checkpoint Stop

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MEMBERSHIP CATEGORIES THROUGH ACTION:
AN ANALYSIS OF THE CONTESTED MORALITY OF A CHECKPOINT STOP

by

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B.A., University of Colorado, 2012
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Membership Categories through Action: An Analysis of the Contested Morality of a Checkpoint Stop
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has been approved for the Department of Linguistics

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The final copy of this thesis has been examined by the signatories, and we Find that both the content and the form meet acceptable presentation standards Of scholarly work in the above mentioned discipline.
The present study concerns the actions of participants in routine Border Patrol checkpoint stops along major highways in the American southwest. Through detailed single-case analysis of the participants' actions, this paper investigates the commonsense knowledge that members both produce and rely on in interaction at the checkpoint. The participants in these data do not treat the stop as a straightforward activity. Instead, they call into question the moral character of the employees of the checkpoint for initiating the stop and asking the questions or making the requests that they do. The analysis follows members' characterizations of the actions and membership categories at play in the unfolding checkpoint stop, showing that participants actively negotiate their orientations to the facts of daily life at the checkpoint through the situated actions and activities they produce in this setting.
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1.0 INTRODUCTION

The present investigation concerns activities engaged in the micro-geographical setting of the car (see Laurier, Brown, and Lorimer, 2005) and the institutional setting of the border patrol checkpoint\(^1\) (see Tucille, 2012). Through detailed single-case analysis of episodes of talk-in-interaction recorded by unruly passersby (and hence interrogatees) at the checkpoint, the present investigation reflects imbalances in the social encounters produced and realized in this setting. The domain of social interaction investigated here is perhaps unusual to conversation analytic studies of talk-in-interaction as the data here reflect participants' moral challenges on the employees of the checkpoint responsible for the stopping and interrogation of the cars driving down the highway.

The professional community of law enforcement and the “everyday” civilians they interact with produce in their talk the negotiated and co-constructed activity of a police stop and the knowledge members have of what such a thing is (including the relevant identities of the participants). In choosing the data considered here, this investigation is from the outset concerned with the production of an institutional reality. Here I am specifically concerned with the professional community of law enforcement and the production of knowledge within the situated activities that membership in this community entails (see Goodwin, 1994). Furthermore, because members of the law enforcement community must regularly deal with “ordinary” civilians, the relationship between law enforcement and the rest of society becomes a key issue.

\(^1\) “For travelers in the American Southwest, brief Border Patrol interrogations at highway checkpoints are a familiar experience, courtesy of the 'border search exception' to the Fourth Amendment” (Tucille, 2012).
for the present study as well. For example, Dixon et al. (2008) pursue just such a relationship in their study of whether or not “race” is a contributing factor for the nature and length of police stops. Using statistical methods, they in fact do show that “Black drivers were more likely to experience extensive policing during the stop, resulting in longer stops that were significantly more likely to involve searches” (ibid, p. 542-543). Similarly, I hope to prove that membership categorization is perhaps the most salient feature of police-civilian interaction, one that may guide the trajectory and shape of many different instances of police-civilian talk-in-interaction. This is because participants to a police-civilian interaction must constantly work to achieve the membership categories relevant to the interactional projects put forth in these settings (e.g., complaining, accusing, challenging, etc). Though the data analyzed in the present study do not concern issues of race, I instead offer a qualitative analysis of membership categorization broadly in order to offer an “on the ground” view of police-civilian interaction, which takes as its starting point the empirical discovery of categories in action.

A central concern in conversation analysis and ethnomethodology is how studies of talk-in-interaction can address problems of social structure as relevant features of the activity to which participants demonstrably orient in the details of their talk. Specifically, how do we show that some aspects of the scene in which some talk occurs are being oriented to by the participants (and not just the analyst)? To do this, we need “to show how the parties are employing for one another the relevances of the interaction and are thereby producing the social structure” (Schegloff, 1991, p. 51) rather than merely presuming the relevance of a given formulation of social structure in the analysis of the talk. Second, how do we show that a given characterization of the “context” is one that is relevant to the participants in the production and trajectory of the
talk? Again, not only do we need to analyze the talk as it was produced by, and for, the participants, we also need to establish “a direct 'procedural' connection between the context so formulated and what actually happens in the talk” (ibid, p. 53). And lastly, how do we connect features of the conversational structure to aspects of the social structure as produced in the details of the talk? Specifically, how might these two facets of a conversational episode work together to inform the production of action?

In principle, some one or more aspects of who the parties are and where/when they are talking may be indispensably relevant for producing and grasping the talk, but these are not decisively knowable a priori (Schegloff, 1991, p. 66).

Part of the present investigation is to discover through detailed single-case analysis what features of the context and social structure are relevant for the conduct of the participants in the activity of the border patrol checkpoint stop.

In the data explored in this paper, the participants (who filmed the videos from which the present data have been collected) display an orientation to the circumstances of the checkpoint (and the unfolding activity of being stopped at it) as unwarranted. As such, the participants treat the actions of the agents as defying common sense and attribute a sense of moral responsibility on the agents responsible for the actions in question by suggesting the agents have acted wrongly by doing the actions they do. The present investigation then also concerns the moral order that imbues members' knowledge of a world known in common—a world that stands or falls on the basis of members' actions (Heritage, 1984).

In interaction at checkpoint stops, I argue that participants actively negotiate their
orientations to the facts of daily life at the checkpoint (which, for members, are moral facts) through the situated actions and activities they produce in this setting. This argument rests on the fact that the participants' actions produce categorical knowledge relevant to the unfolding, interactively produced checkpoint stop. Such knowledge (as realized and conveyed through action) serves to position the participants with respect to each other as well as provide the sense in which the action conveyed by their turns at talk are properly understood. Though the data here are confined to episodes of talk-in-interaction at checkpoints, I argue that the findings presented here are of general importance for the formation of action in both institutional talk-in-interaction as well as “ordinary,” daily conversation.

In section 2.0, I situate the present argument in reference to the broader research programs of which it is a part, i.e., conversation analysis and ethnomethodology. Section 3.0 presents a detailed single case analysis of a request sequence, in which no overt categories are deployed in the talk. In this section I will warrant the claim that membership categorization is achieved by participants in the formation of action. To do this I will show how “mundane” actions (e.g., requests) achieve knowledge of the categories relevant to the interaction. In section 4.0, I provide a second detailed single case analysis of a question-answer sequence, in which participants do overtly deploy categories in their talk. In this section then I hope to empirically ground the analysis offered in section 3.0 by pointing out the different kinds of work that gets done through doing categorizing as opposed to the work categorizing does “behind the scenes,” i.e., in members' taken for granted understandings of, and orientations to, actions. In section 5.0, I offer some concluding remarks and suggestions as to future directions for membership categorization research within CA.
2.0 METHODOLOGY AND RELEVANT LITERATURE

A principal concern of this investigation is exactly how membership categories like civilian and federal agent function in the interaction between incumbents of those categories. As we do not assume a priori the relevance of some particular category, I will rather address the notion of membership categorization devices as emergent phenomena contained by, and produced in, the endogenous orientations of the participants. As such, I will explore how participants' mundane actions (e.g., greetings (see Psathas, 1999), questions, requests, etc.) work to produce this categorial knowledge, and consequently how this knowledge informs the formation of the actions through which such knowledge is produced.

The present investigation draws on an array of work within CA, specifically, looking at sequence organization (Schegloff, 2007a) and membership categorization devices (Sacks, 1972a, 1972b).

In considering the data from border patrol checkpoints, I have specifically chosen interactions in which participants treat the actions of others as morally accountable events. For a sense of the moral accountability present in these data, consider the question-answer pair below, produced by an employee of a checkpoint to a passing motorist who filmed the interaction:

Citizen Extract

76 O: Can you state which country you're a citizen of.
77 D: Wh- why do I have to do that.
Here, the agent's question, “Can you state which country you're a citizen of,” receives not a response, but a challenge (see Koshik, 2003). As such, the driver does not do the next relevant action (i.e., answering), but takes a stance of aggressive disaffiliation with the agent's turn. The driver does not treat the agent's action of issuing a specifying wh-question as doing just “straightforward” questioning. The driver treats the question as a moral issue; that is to say, he orients to it as inappropriate and just plain wrong.

In this way, the actions of the participants are similar to the “breaches” described by Garfinkel (1967) in his famous “breaching experiments,” in which students were instructed to disrupt the natural order of commonsense activities by “breaching” social norms.

To situate this work then, I will first offer a brief outline of the notions of membership categorization devices (Sacks, 1972b) and the moral force of commonsense knowledge (Garfinkel, 1967), both of which will figure centrally in the analysis of these data.

2.1 The membership categorization device

In his early lectures on membership categorization devices (henceforth, MCDs), Sacks (1995a, p.40) points out that early in the conversation upon many first meetings, people will ask questions like “What do you do?,” and “Where are you from?” In order to get at a way to explain these questions, Sacks develops the notion of the membership categorization device.

By the term categorization device, we mean that collection of membership categories, containing at least a category, that may be applied to some population, containing at least a Member, so as to provide, by the use of some rules of application, for the pairing of at least a population Member
Questions like “what do you do?” then pose a device like Occupation, which contains a set of categories (i.e., various types of occupations), and one of these categories may be applied to a population in order to pair (via rules of application) at least a population member and a member of a category from that device. Because presumably everyone does something and is from somewhere, questions like these are convenient when talking to someone for the first time as “[y]ou don’t have to know anything about someone to be able to formulate a set of questions for which ‘None’ is not an expectable answer” (Sacks, 1992a, p. 40). And upon receiving an answer, members in turn are able to produce further inferences about the person he or she has just met and thus produce appropriate courses of action with respect to the knowledge they have about that category (e.g., formulating topics of conversation relevant to the category). And that is one of the most important aspects of these categories: members store a great deal of knowledge in terms of these categories, and various courses of action are predicated on this knowledge.

To construct the apparatus in question, Sacks (1972b) uses the first two sentences of a story told by a child: “The baby cried. The mommy picked it up.” Sacks wants to explain how it is that members all hear, and thus know, what they hear when they hear these sentences. For example, native members of Euro-American culture all hear that the mommy in the story is not just any mommy, but is the mommy of the baby that cried. These observations, Sacks (p. 330) points out, “are not proposed as sociological findings, but rather do they pose some of the problems which social science shall have to resolve.”

Sacks proposes that mommy and baby belong to the MCD-Family, which contains other
categories like *daddy, sister*, etc. But this is not the only MCD which these categories may belong to. *Baby* also belongs to the MCD-Stage of Life, which contains other categories like *child, adult*, etc. To provide for the pairing of a member from some population with a category from some MCD, Sacks offers the following rules of application.

1. **The Economy Rule**: A single category from any MCD can do adequate reference to a person
2. **The Consistency Rule**: As soon as a given population has been categorized using a category from some device's collection, then further persons may be categorized using the same device.

As such the first rule accounts for the fact that the category *baby* does adequate reference to a person. The second rule accounts for the fact that once *baby* has been mentioned, the mention of a *mommy* can logically follow next.

Next, Sacks introduces the notion of *category-bound activities*. The notion of category-bound activities reflects the fact that for members certain categories of persons are seen as properly doing certain activities. As such, he offers the following viewer's maxims for how members *see* activities:

1. “If a member sees a category-bound activity being done, then, if one can see it being done by a member of a category to which the activity is bound, then: See it that way” (p. 338).
2. “If one sees a pair of actions which can be related via the operation of a norm that
provides for the second given the first, where the doers can be seen as members of the categories
the norm provides as proper for that pair of actions then: (a) See that the doers are such members
and (b) see the second as done in conformity with the norm” (p. 339).

Moreover, Sacks points out that the usability of these maxims for viewers “serves to warrant the
correctness of their observations” (ibid).

Finally, he offers the following Hearer's maxims as well. The second one is specifically
for devices that are “duplicatively organized,” meaning the device puts the categories into a
“unit” and “places members of the population into cases in that unit” (ibid, p. 334).

1. “If two or more categories are used to categorize two or more members from some
population, and those categories can be heard as categories from the same collection, then: hear
them that way” (p. 333).

2. “If some population has been categorized by the use of categories from some device
whose collection has the “duplicative organization” property, and a member is presented with a
categorized population which can be heard as ‘coincumbents’ of a case of that device's unit, then:
Hear it that way” (p. 334).

Using the above rules of application and hearer's and viewer's maxims, Sacks thus
explains how it is members can all hear what they hear in “The baby cried. The mommy picked it
up.” The category baby does adequate reference to someone (about whom members can know
something with reference to the MCDs Family and Stage of Life). The next category mommy
also participates in the MCD-Family (via the consistency rule) and so is taken by members to be a co-incumbent of the family of which the first category baby is also a part (also via the hearer's maxims). Similarly, if we were to simply observe the persons doing the actions crying and picking up the one that's crying, the viewer's maxims provide for how it is that we see that the one crying is a baby and the one picking it up is the mommy of that baby.

So for the pair of sentences, “The baby cried. The mommy picked it up,” the categorization devices and the categories that belong to them are necessary for members to be able to have such a taken-for-granted understanding of the world, and for analysts to begin to get a sense of how such a commonly shared understanding is simultaneously achieved and taken for granted by members.

2.2 The moral force of commonsense knowledge

Garfinkel's 'breaching experiments' (Garfinkel, 1963, 1967) were designed to uncover the moral force that imbues members' knowledge (and production) of social reality. He points out:

From the point of view of sociological theory the moral order consists of the rule governed activities of everyday life. A society's members encounter and know the moral order as perceivedly normal courses of action—familiar scenes of everyday affairs, the world of daily life known in common with others and with others taken for granted (Garfinkel, 1967, p. 35).

In order to uncover the moral order that imbues members' knowledge of the world known in common and taken for granted, Garfinkel specifically looks for ways to mess things up, i.e., to pose a challenge to the “perceivedly normal courses of action” to which members orient
themselves and cooperatively produce social reality. As such, the experiments consisted of various kinds of “breaches” of social norms. For example, in one experiment students were instructed to invite someone to play a game of ticktacktoe and then completely ignore the rules of the game by erasing the opponent's mark and moving it to another box. In this experiment, most subjects either objected to the experimenter's actions or demanded an explanation. Some however abandoned ticktacktoe as “an interpretive framework” and were able to take the experimenter's actions as some kind of joke or simply a new method of play (Heritage, 1984). Crucially, those who did not take it as a joke, experienced some form of discomfort with the experimenter's actions.

In another experiment, Garfinkel instructed his students to “engage an acquaintance or friend in an ordinary conversation, and without indicating that what the experimenter was saying was in any way out of the ordinary, to insist that person clarify the sense of his commonplace remarks” (Garfinkel, 1963, p. 42). The results of this experiment were (perhaps not unexpectedly) extraordinary. The vast majority of subjects reacted with hostility and anger. Consider Case 1:

Case 1 (Garfinkel, 1963, p. 42)

The subject was telling the experimenter, a member of the subject's car pool, about having had a flat tire while going to work the previous day.

S: I had a flat tire.

E: What do you mean, you had a flat tire?

She appeared momentarily stunned. Then she answered in a hostile way: “What do you mean,
'What do you mean?' A flat tire is a flat tire. That is what I meant. Nothing special. What a crazy question!"

Immediately after the 'breaching move,' the interaction completely breaks down. The subject grows hostile, and though she responds to the E's demand for clarification, she treats E's demand as morally sanctionable in her response (hence the use of the tautology “A flat tire is a flat tire,” and the metapragmatic awareness in “What a crazy question!”). E's response to this bit of news momentarily disrupts the contextual background members rely on to make sense of each other's talk. And that is why the S treats the E's response as a moral issue: the S knows perfectly well that the E knows what a flat tire is, and so by momentarily abandoning such knowledge in their interaction, the S takes it that the E is up to something, i.e., being uncooperative, mean, etc.

In all but one case of the experiment, the subjects reacted with hostility to the E's questions. The one case where the experimenter was not fully sanctioned for the breaches was again because the subject abandoned the usual interpretive framework for daily conversation and came to view the “‘breaching moves ’… as part of a different order of possibilities – a game or a childish joke” (Heritage, 1984, p. 82).

However, under the assumption that the E knows the sense of the S's talk by being able to fill in contextual details, the S feels there is no explanation for the E's actions. The E's actions are treated as a moral issue because the existence of “a socially organized and intersubjective world” (ibid) rests upon members' filling in the appropriate contextual knowledge to understand one another and in turn produce relevant courses of action based on that understanding. As such, commonsense knowledge that “anyone can see” is imbued with a moral force. A flat tire is not just a flat tire because we agree on the concept itself: a flat tire is a flat tire because it is morally
wrong for it not to be so. The S's hostile reaction can thus also be viewed with respect to the maintenance of a shared world, which the S in Case 1 clings to in her interpretation of the E's actions. The E's question thus not only threatens the existence of a shared world, but in doing so also causes the subjects of the experiment to sanction the E for having momentarily abandoned social reality.

3.0 FIRST TARGET EXTRACT

The extract below is taken from the first 22 seconds of a stop at a federal checkpoint. The interaction was recorded by the passenger of the car being stopped. At line 3, the federal agent produces a request to the passenger to turn off his camera, which is the sequence presented below.

Camera Extract
1  O:  ((knocks on window))
2  (2.8)  ((P rolls window down a crack))
3  O:  How'y'doinsir. (.) Ya mind closin the camera?
4  (0.7)
5  P:  Why is th
6  (0.5)
7  O:  You mind shuttin the camera please?
8  (0.2)
9  P:  >Why's th at,<
The interaction above begins with the agent walking up to the passenger side of the car and knocking on the window. Later in the talk, we find out that the car has continued on through the checkpoint in spite of orders for the car to pull over for secondary inspection. The agent provides this account after the passenger challenges the agent with the wh-question: “What is the purpose of this stop sir?” (line 42, data shown below):
Purpose Extract

39  O:  Can you please shut off the vehicle?

40 (2.0)

41  O:  [If you don't mind steppin out

42  P:  [What is the purpose of this stop sir?

43 (0.4)

44  O:  Th- the purpose of this stop is an immigration checkpoint sir.

45 (0.3)

46  O:  Okay

47 (0.4)

48  O:  You were- you were instructed just a minute ago by the person at point (0.2) to come

49  O:  over to secondary for further inspection, and you guys just ran, (0.5) the point.

50 (0.3)

51  P:  No not at all he waved us by,

52 (0.5)

53  O:  He didn't wave you by. He waved you over here. That's why we stopped you right there

52  O:  just a second ago.=

53  P:  =Oh:. we thought we were- he waved us by. I- well I apologize for that.

Though analysis of the Purpose extract is beyond the scope of the present investigation, I offer it to provide the reader with the proper context to assess the initiating action of the request to turn off the camera and the passenger's response to it. In doing so, I do not suggest that such a context is predetermined by, or shapes the actions within, the activity of the checkpoint stop.
Instead, it is my goal to show how the participants construct the activity in question as an observable—and hence morally accountable—event².

This section presents a detailed analysis of the Camera extract above. By confining our single case analysis to just this moment in the interaction, we can get at an accurate characterization of the participants' actions in the unfolding context of their talk, and we can see how that context is produced and manipulated in real time. Moreover, we can observe first hand how the production of social reality—in this case, the social reality of a routine checkpoint—becomes a contested phenomenon. The actions of the participants in the Camera extract are in a way no different from the actions of Garfinkel's students in the famous “breaching experiments.” However the “breaches” committed by the passenger and the agent in the Camera extract are not done as experiments. Instead, the actions of the participants constitute actual members' negotiations of a world known in common, resulting in imbalances in the production of that world.

3.1 Action

The sense of moral outrage expressed by the participants in the Camera extract can only be explained through an accurate characterization of the participants' actions. This characterization will use sequence organization and membership categorization devices as the primary tools of analysis. The tools in question are not just analyst's tools for description, but rather are explanatory in so far as their proposed existence is real for the participants (Sacks, 1992a). And the characterizations of actions and activities are not just the analyst's, but are members' characterizations, which constitute a locus of order to which we turn our analysis. This

² See Garfinkel (1967).
approach requires us to analyze the talk with a kind of “co-reflexive determination” described by Schegloff (2007b, p. 472-474) through which the grasping of some event is mutually informed by participants' understandings of the action in question as well as participants' identification of the one performing that action. As such, I will approach the analysis of membership categories as organized and produced in the formation of mundane actions (cf. Psathas, 1999) in addition to actions that employ membership categories as an overt feature of the talk (section 4.0 below). By analyzing the participants' turns at talk for what those turns are doing and how they accomplish that doing, I hope to show how the social reality of a checkpoint stop becomes a contested phenomenon organized, produced and negotiated in the formation of action.

In the following section, I offer a detailed analysis of the request sequence and insert challenge sequences in the Camera extract above. Though the focus of this paper will center on membership categorization, “in order to achieve a robust and defensible grasp of what is going on” (Schegloff, 2007c) we must first describe the actions of the participants in the unfolding checkpoint stop, which set the background against which we may properly assess the notion of members' knowledge as contained in, and produced by, those actions. This orientation to action first is essential as none of the actions of the participants in the Camera extract do categorizing, but rather produce, and rely on, commonsense categorial knowledge to do other actions, in this case, requesting, challenging, and denying/disagreeing.

3.1.1 Request

3  O:  How'y'doinsir. (.) Ya mind closin the camera?
4  (0.7)
5  P:  Why is that.
The initiating action is a request produced by the federal agent who has just pulled over the car at a federal checkpoint. Requests in general are dispreferred actions (Levinson, 1983, Schegloff, 2007a). They tend to occur extremely late in conversations and “seem especially problematic or unlikely to occur in first topic position” (Schegloff, 2007a, p. 83). Additionally, requests are typically mitigated by accounts and excuses and are often deferred through pre-sequences as in the following example:

From Schegloff (1980, p. 112)

1 Fre: Oh by the way ((sniff)) I have a big favor to ask ya.
2 Lau: Sure, go’head.
3 Fre: ’Member the blouse you made a couple weeks ago?
4 Lau: Ya.
5 Fre: Well I want to wear it this weekend to Vegas but my mom's buttonholer is broken.
6 Lau: Fred I told ya when I made the blouse I'd do the buttonholes.
7 Fre: ((sniff)) but I hate ta impose.
8 Lau: No problem. We can do them on Monday after work.

Instead of making the request outright, Fred withholds the production of the request and instead opts for the pre-pre (preliminary to the preliminary) at line 1, which projects a request, and a pre-sequence at line 3, which specifies the object of interest to the request. Only then does he
produce the request at line 5, which he provides an account for with “but my mom's buttonholer is broken.”

In contrast, the agent produces his request without any pre-sequence, accounts, or excuses. The agent's formulation of the request treats it as dispreferred by hedging it with “ya mind;” however its occurrence at the beginning of the conversation is unusual in that occurs in first topic position (immediately after the greeting, which the passenger does not even respond to), and it is produced with no accounts or excuses to mitigate it (the exception being the use of “you mind”). Compared to “regular,” everyday conversation, the request is noticeably unmitigated.

In formulating the request unproblematically as a first topic, the agent asserts his position to make requests outright without adherence to the usual strategies to defer doing so. This is the stance the agent takes up with regard to the larger activity that is underway, which the request as an initiating action serves to implement. In this way, the agent's request establishes a kind of epistemic authority over the circumstances of the talk and treats those circumstances as a matter of commonsense by specifically not accounting for them. The agent produces in the form of his request an underlying assumption that an account for the request is not due in the usual place such accounts are due because it is somehow inferable from the context (i.e., commonsense).

3.1.2 Soliciting an account: a challenge on the request

4 (0.7)
5 P: Why is that.
6 (0.5)
The passenger does not grant or reject the request. Rather there is a 0.7 second gap after the agent reaches a place of possible completion where the passenger is expected to respond. He then challenges the request through the use of a wh-question “why's that,” which solicits an account.

Koshik (2003) finds that wh-questions used as challenges convey negative assertions about prior talk through an implication that the question itself is unanswerable. For example, she shows in a student-teacher discussion of a student's essay the teacher uses the wh-question “how's it background” to challenge the student's claim that a certain part of his paper is “just background.” The wh-question is heard as a challenge by expressing a negative assertion, i.e., “it's not background.” Furthermore, the teacher orients to the wh-question as a challenge and not as a question in part by rushing through the transition relevance place (Sacks, Schegloff, and Jefferson, 1974) to produce an account for the challenge: “because most people wouldn't know maybe what he meant by...”, which provides a reason for the negative assertion that “it's not background” (Koshik, 2003).

Robinson and Bolden (2010, p. 504) argue that disaffiliative explicit account solicitations convey a challenging stance toward the accountable event (indexing a claim that the accountable event does not accord with commonsense and is thus possibly inappropriate or unwarranted) and communicate a critical stance toward the agent(s) responsible for its production.

They argue that disaffiliative solicitations of accounts are dispreferred first pair parts. As
evidence, they show that disaffiliative explicit account solicitations are “systematically withheld” at moments when an account by the speaker of the prior turn is reasonably due, such as in the production of dispreferred actions (like requests).

In the request sequence presented here, the passenger challenges the request through the practice of an explicit account solicitation. The passenger does withhold his challenge during the 0.7 second gap; however, he does not initiate repair or provide an account for his challenge. Unlike the wh-question challenges described by Koshik (2003), which are in part oriented to as challenges by the challenging-turn speaker rushing through the transition relevance place to provide an account for the challenge, here the passenger orients to the wh-question challenge as though it were a legitimate question. That is, the passenger does not provide an account for the oppositional force of his turn, but just stops talking after a place of possible completion, making a response to the challenge relevant from the agent.

I argue the passenger's orientation to the challenge as an actual question makes this turn even more potent in its doing challenging of the prior turn: rather than offering a reason the request is unwarranted, the passenger aggressively challenges the prior turn by appearing to make an account relevant with the implication that such an account does not exist.

In formulating the challenge without accounts or mitigation, the passenger does something similar to the agent in his formulation of the request: he makes his challenge unaccountably. In doing so, he treats the agent's actions as defying commonsense and by formulating his challenge straightforwardly, the negative assertion contained within it (“you have no grounds to request that”) is itself treated as a matter of commonsense. Already two conflicting orders of a world known in common seem to be constructed in the first moments of the
interaction.

3.1.3 Repair of the request

7  O:   You mind shuttin the camera please?
8    (0.2)
9  P:   >Why's that.<

The passenger's wh-question challenge makes relevant two types of answers. The agent can respond to the grammatical form of the passenger's challenge with a type-conforming response (which is a practice that can serve to reject the challenge) or agree with the negative assertion it conveys in a non-type conforming response (Koshik, 2003). As such, the action of the passenger's turn does not invite an answer, but agreement or disagreement with the assertion it conveys.

Rather than directly orienting to the challenge, the agent repeats the request in what he appears to treat as a repair. In responding this way, the agent treats the prior turn as having merely indicated problems in hearing or understanding the first pair part. However, by reproducing the request in the same interrogative format (changing the verb to “shut” and adding the word “please”), the agent reasserts the position he takes up in line 3 by politely formulating the request but again without adhering to the normal strategies for making requests, i.e., he makes the request without accounts or excuses. Specifically by treating the prior turn as only being problematic in hearing or understanding, i.e., as a “fixable” problem with the first pair part and not a challenge on its very production, the agent defers “fixing” the more serious problems
the passenger poses with “why's that.”

3.1.4 Soliciting an account: another challenge

8 (0.2)
9 P: >Why's that.<
10 (0.7)
11 O: What's that?

At line 9, after a 0.2 second gap, the passenger again challenges the agent's request through the use of the wh-question “why's that.” Again it is an account solicitation in the service of doing challenging, in this case, asserting there are no grounds for a prior action. The passenger does not expand the challenge (e.g., with reasons for it) after reaching a place of possible completion, but rather again stops talking and waits for a response from the agent. This action again makes a response from the agent relevantly next while simultaneously conveying the negative assertion that the response it makes relevant is impossible (because the reason in question does not exist).

In this way, the passenger launches the second challenge on the agent's request, which serves to reinforce the negative assertion the passenger makes in his first challenge. As such the passenger displays to the agent that he has no problem hearing or understanding the request; his problem is the unwarranted request itself, which he asserts as such through the use of “why's that.”
3.1.5 Initiating repair

At line 10, there is a 0.7 second gap, indicating an upcoming dispreferred response. Here the agent again defers responding to the challenge, but this time by initiating repair. To do so, he uses an open class repair initiator “what's that?” produced with rising intonation.

Other initiation of repair is commonly in the service of pre-disagreement. By breaking the contiguity of the sequence under way, other-initiation of repair creates sequential distance between the first pair part and the second pair part, and thus defers an upcoming dispreferred response (Schegloff, 2007a). Furthermore, the agent's repair-initiation gives the passenger an opportunity to reformulate his challenge, which is delivered bluntly and without an account. In this way, the agent attempts to reconcile the threat to social solidarity that the passenger's challenge and disagreement with it would create by providing the passenger the opportunity to soften the challenge or simply back down. By delaying disagreement through silence and other initiation of repair, the agent also defers responding to the assertion that his request is
unwarranted and thus mitigates outright disagreement with that assertion.

At line 13, the passenger repairs the trouble-source turn by repeating it. His turn is produced contiguously with the agent's “what's that?” with only a beat of silence at the transition relevance place. Having closed the insert sequence initiated by the agent's “what's that?,” the passenger reasserts the relevance of his challenge, and does so in a preferred manner.

At line 14, there is a 0.4 second gap, again indicating a dispreferred response. And at line 15, the agent initiates repair again, this time by repeating the trouble-source turn with rising intonation, “why's that?” This invites (dis)confirmation of the specific words uttered, but again functions as a pre-disagreement with the negative assertion contained in the passenger's challenge.

3.1.6 Beginning to disagree by providing an account

15 O: Why's that?
16 (0.7)
17 O: Cause (we're) ( ) we're- ( )I- I would just like to know if you could shut the camera
18 O: for me please.

Receiving no verbal response (silence at line 16), the agent then begins to produce a turn with “cause,” a type-conforming response to why-type wh-questions. As such, the agent orients to the grammatical form of the turn and in this sense gives the structurally preferred response (i.e., an answer), but accomplishes the dispreferred action of disagreement\(^3\). By providing an

\(^3\) In the case of cross-cutting preferences, it is “the preference structure of the action being implemented” that shapes the construction of the second pair part turn (Schegloff, 2007a, p. 77).
account, the agent refutes the assertion conveyed by the passenger's challenge, and hence displays disagreement with that assertion (see Koshik, 2003).

The agent himself orients to the dispreferred status of this action as well by self-initiating repair. He then self-repairs to produce the request, relaunching it in a form to display even less entitlement through the use of hedges, “I would just like to know if you could.” As such, the agent's relaunching of the request again avoids an outright disagreement with the passenger's challenge, and further provides the passenger the opportunity to once again either grant/deny the request or reformulate his challenge on it.

Here, the agent relaunches the request in favor of producing a directly oppositional move; however, he still does not produce talk that aligns with the passenger's challenge, but merely provides the passenger opportunities to reformulate his challenge. At lines 17 – 18 the agent does not disagree with the passenger's negative assertion. Again he defers responding to the challenge because of the threat a disagreeing response poses to the alignment of the participants. As such the agent's third formulation of the request can be seen as another attempt to preserve social solidarity in the face of a prior turn that directly criticizes the agent's very actions. This is reflected in the use of hedges “I would just like to know if you could” in this formulation of the request, which display heightened sensitivity to the action underway while simultaneously not responding to the challenge made on it.

3.1.7 Asking for an account the third time

17 O: Cause (we're) ( ) we're- ( ) I- I would just like to know if you could shut the camera
18 O: for me please.=
In response to the agent's third formulation of the request, the passenger again produces a wh-question “for what,” which is produced contiguously (i.e., without gap or overlap) with the prior turn. Again this is an explicit account solicitation that does challenging. Robinson and Bolden (2010, p. 523) point out that “issuing an explicit account solicitation immediately following an accountable action—that is, contiguous to it, or without being withheld—can be a practice for enacting the stance of aggravated challenge/disaffiliation.” That is, in doing a dispreferred action (i.e., challenging) in a preferred manner, the passenger increases the oppositional force of his challenge by not displaying sensitivity to its status as dispreferred. For the challenges at lines 4 and 9, the silence following the first pair part at least serves to mitigate them slightly by providing the agent the opportunity to add to his request before the passenger directly challenges it by issuing an explicit account solicitation.

The contiguous production of the passenger's wh-question thus aggressively challenges the grounds for the request by implying there are none. As a response to the agent's third formulation of the request, the passenger again displays to the agent that it is not the way the agent makes the request, but the fact that he is making the request at all that is unwarranted and against commonsense.

3.1.8 Disagreeing with the challenge by answering the question
O: So that you're just not filming me. That's all while I'm talking [to you]

P: [It's my right to sir.

There is 0.4 seconds of silence at line 20, indicating an upcoming dispreferred response, and at line 21, the agent answers the question, “for what,” with a type-conforming response, “So that you're just not filming me.” Type-conforming responses to wh-question challenges undermine the negative assertion contained in the wh-question challenge and hence display disagreement with the challenging speaker's turn (Koshik 2003). Here the agent disagrees with the assertion that there are no grounds for the request by providing just those grounds: “So that you're not filming me.”

In relating the account to the outcome of granting the request, the agent also produces the account as a matter of commonsense: he makes the request so that the passenger will not be filming him. This disagreement reflects the agent's orientation to the request as unproblematic and non-threatening to social solidarity, which he also displays in his formulation of the request at line 3.

Though the agent does not display sensitivity to the request as a dispreferred action, the agent does display sensitivity to disagreement with the challenge on it. At lines 11 and 15, the agent initiates repair on the challenge, and at line 17, the agent self-initiates repair on his production of an account. As such, the agent produces the request as unproblematic, but when the passenger challenges the agent's actions (by asserting that the request is problematic through the wh-question), an inevitable disalignment between the participants occurs here. This disalignment is the result of differing notions of accountability for the request. The passenger's talk displays an orientation to the request as accountable (by implying the agent has acted without good reason to
do so), and the agent's talk produces the opposite orientation to the request, namely, that it is unaccountable and the grounds for its production are a matter of commonsense. So when the agent finally expresses disagreement with the challenge on his request, he again reinforces the perception that the nature of the request is somehow inferable from the context.

3.1.9 Rejecting the request

21 O: So that you're just not filming me. That's all while I'm talking  [(to you)
22 P: [It's my right to sir.
23 (0.3)

At line 22, the passenger's earlier challenges on the request crystallize in outright rejection. He produces the rejection in overlap with the agent's account for the request, which disagrees with the passenger's wh-question challenge and renews the relevance of a response to the request. In other words, upon receiving disagreement with the challenge, the passenger disagrees with the agent's disagreeing turn, and this disagreement itself accomplishes the action of rejection. As such, the oppositional force of the passenger's turn is then largely due to its sequential location in the unfolding request sequence. Because it is in response to the agent's disagreeing response to the passenger's challenge on the request, this turn occurs at the close of the insert sequence initiated by the challenge, thus renewing the relevance of a response to the request. So in the wake of the agent's response to the challenge, the passenger rejects the agent's request by virtue of its now relevant and still decidedly absent status in the talk. Further evidence of this turn's doing rejection of the request (rather than simply disagreeing with the
agent's account) is the agent's response to it, which accepts the passenger's stance with regard to the sequence underway and treats it as closed (section 3.1.10).

The passenger rejects the request in overlap with the prior turn and does so with an account that invokes the notion of “his right [to film].” Not only does the passenger reject the request by virtue of his turn's disagreeing action type and sequential location, in providing the account as the basis for his rejection, the passenger specifically suggests that granting the request would infringe on his rights, which accounts for why he is not doing the preferred next action. While “why's that” and “for what” imply that the agent's request is unwarranted, the account, “it's my right to,” provides a reason for the perception of unwarrantedness and uses that reason to accomplish (and account for) his rejection.

3.1.10 Backing down

22 P: [It's my right to sir.

23 (0.3)

24 O: >That's okay, you can do whatever you want.< I was just asking if you could do that.

25 (.)

26 O: Do you mind o- rolling down the window please.

There is a slight gap following the passenger's rejection of the request, however, the agent does not initiate repair on or challenge the second pair part. Rather, he closes the sequence by accepting the passenger's rejection and associated challenges made on the request. Specifically, “>that's okay< you can do whatever you want” is an acceptance of the passenger's second pair
part, which accounts for his denial of the request. Moreover, the agent adds to his turn another turn constructional unit (Sacks, Schegloff, and Jefferson, 1974) that treats the request as indeed not a legal order (which may infringe on the passenger's rights), but merely a polite asking, which the passenger has every right to turn down (“I was just asking if you could do that”).

By aligning with the stance taken up by the passenger, the agent closes the sequence in a preferred and aligning manner. Moreover, he treats the sequence as closed by moving on to a new request sequence at line 26 (“Do you mind o- rolling down the window please.”). In this way, the agent aligns himself with the passenger's orientation to the request in spite of the passenger's overt disaffiliation with and rejection of it. Moreover, the agent displays sensitivity to his request as an infringement on the passenger's rights, and he uses this third turn position to alleviate the moral anxiety instilled by the suggestion that his request is unwarranted and an infringement on the passenger's rights.

3.2 Membership Categorization Devices

There are no lines of membership overtly mentioned in the request sequence itself. With the exception of gender-specific terms of address (i.e., “sir”), the only other references to things besides the interlocutors are to “the camera” and the passenger's “right to [film the agent].” However the larger activity underway (i.e., a stop at a federal checkpoint) makes accessible to the participants certain identities of the interactants, namely, that one is a federal agent. As such the talk both reflects and produces expectations for the category members in question. In doing so, lines of membership and positioning of social identities become not only a resource for
interactants, but become the very essence of the talk itself, i.e., the participants act out or produce the lines of membership relevant to the greater activity that is underway (cf. Goodwin and Goodwin, 1990).

In this section, I will first consider the proposal that the MCD-Law is an omni-relevant device (see Sacks, 1992a) in the checkpoint setting. I will also discuss the notion of good grounds for police action and the production of inferences in police work in general (Sacks, 1972c, 1992a). Finally, I will consider the implications of the Law device as it pertains to, and is produced by, the actions in the request sequence analyzed in section 3.1.

3.2.1 Law as an omni-relevant device

At the federal checkpoint, the MCD-Law and the relational pair “agent/civilian” may be considered what Sacks termed an “omni-relevant device” (Sacks, 1992a, p. 312-319). Such a device is of course by virtue of the institutional setting, however this does not mean we assume the relevance of this device as already present or pre-established in the interaction. Instead, the participants' actions demonstrably construct the device and the categories within it even without doing categorizing in their talk. For example, consider Sacks' (1992a, p. 315) discussion of the therapist/patients device:

Now let me remark on the technique used to see and warrant that (therapist/patients) is an omni-relevant device here. Take a piece of data like this little sequence:

Ther: Well, what's new gentlemen?
Al: That's a hint we must get outta here before he gets mad at us.
Roger: We adjourn to lunch now.

Sacks wants to describe how it is this bit of talk, “Well, what's new gentlemen?” gets heard as initiating a closing sequence, which is evidenced by the responses from Al and Roger, who explain to a newcomer its interactional import. He goes on to say:

It is by virtue of our seeing that this item gets places by this fellow, and the others see what is by virtue of seeing that he's doing it qua therapist, and is doing an intended close, and that they inform this new entrant of its import for them qua patients, that we come to pose our problem (ibid).

And that problem is the participants' understanding of the action as initiating closing by virtue of the identity of the one producing the action and the identities of the ones receiving/hearing it. It is the participants' orientation to the therapist's doing closing in this way at any point in the interaction that leads Sacks to propose the possibility of an omni-relevant device in this setting.

In line 3 of the Camera extract (reproduced below), we are posed with a similar problem though the situation is slightly reversed. The participants in the Camera extract do not know each other—are in fact meeting for the first time—yet can be seen to coherently produce the activity in question without this familiarity. Here, the design of the action and its sequential location in the talk imbue it with its interactional import and contextual meaning, including the relevant identities of the participants. Recall that the agent produces the request without accounts or excuses and does so immediately following a greeting that is not reciprocated by the passenger.
O: How'y'doin sir. (.) Ya mind closin the camera?

It seems hardly worth noting that this exchange would be highly unusual in any other context, however it is precisely this fact that the agent must overcome in his production of the request. In other words, how do the participants know and display knowing that the request is produced not by a stranger (which is one way the agent could be categorized) or any other category (e.g., man, heterosexual, American), but by a member of the category federal agent contained in the MCD-Law?

The production of the request without accounts or excuses displays an orientation to the request as unproblematic, specifically such that the reason for the request is not an issue because it is somehow inferable from the context. As such, through the design and sequential location of the initiating action, the agent invokes the relevance of, and produces, the Law device for proper understanding of the action implemented by this turn. And he does this specifically by avoiding the normal orientation to requests as dispreferred, hedging the request only slightly with “ya mind”. This lack of deference for the request not only reflects but produces the relationship of the request-maker to the requested-of, one which I am proposing is an omni-relevant device like therapist/patients. Such a proposal not only accounts for the design of the request, but also its (normatively) unusual location at the very beginning of the interaction. Through the sequential location and design of the action, the agent then claims membership in the category federal agent and positions himself as the one entitled to make requests of the passenger. As such, an omni-relevant device like federal agent/civilian is warranted here not only because proper

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4 Sacks points out that one way of seeing a device is omni-relevant is to find some sequence “for whose orderly use an orientation to that device is essential” (Sacks, 1992, p. 314). In the present data, the noticeably unmitigated request requires just this orientation.
understanding of the request is controlled by such a device, but because the reality of such a device is produced in the particulars of the agent's talk.

3.2.2 Inference-making

One of the sole purposes of Border Patrol checkpoints is of course to find specific category members, e.g., illegal aliens, drug smugglers, etc., by investigating each car traveling on the highway to whatever extent necessary. As employees of the checkpoint cannot possibly investigate every car, most cars just get waved by. Any “suspicious” cars are told to go over to “secondary” for further inspection of their immigration status. This is precisely the account the agent gives the passenger as to why the car has been pulled over in the Purpose extract, reproduced below:

Purpose Extract

41 O: [If you don't mind steppin out
42 P: [What is the purpose of this stop sir?
43 (0.4)
44 O: Th- the purpose of this stop is an immigration checkpoint sir.
45 (0.3)
46 O: Okay
47 (0.4)
48 O: You were- you were instructed just a minute ago by the person at point (0.2) to come
Though I have been consistently calling the request the first action in the unfolding checkpoint stop, this is only true in so far as the talk is concerned. The true first action is of course a summons preceding the recording of the stop, which initiates the entire activity underway. This summons is produced by the agent who has pulled the car over for failure to do the requested action to pull over to “secondary.”

Now if the agent claims membership in the category *federal agent* by virtue of his production of the request, he can also be seen to claim membership in this category by virtue of his pulling over the car in the first place. And the action of pulling over the car is not just a random event in the world of the federal checkpoint; such an action is produced only on the grounds that the car in question has potentially done or is doing something *wrong*.

Sacks discusses the phenomenon of good grounds for police action in his lecture on “The Inference-Making Machine” (Sacks, 1992a, p. 113). Here, Sacks sets out to explain the utterance “Didn't you smack her one?” produced by a staff member of a social agency to a caller who is told to call because of marital troubles. The caller is telling the staff member the story of a family dispute, which involves the arrival of the police. In the story, he mentions that his wife's sister calls the police, at which point the staff member challenges the caller's story with “Didn't you smack her one?” To produce this inference, Sacks argues the staff member uses the knowledge of family troubles and good grounds for police action and challenges the caller's portrayal of events within the story by suggesting the caller has not told *all* of the story, which is indeed what he says:
From Sacks (1992a, p. 113)

3 A: Didn't you smack her one?
4 B: No.
5 A: You're not telling me the story, Mr B.

The social worker in Sacks' example is able to produce the inference that Mr B hit his wife because Mr B does not mention the problem that the staff member knows—and knows the caller knows—provide the grounds for police intervention in the matter. The speaker avoids overtly mentioning the problem in the story and denies the inference made by the staff member, at which point the staff member accuses the caller of lying. In this way, the staff member's seeing the caller lying also rests on members' knowledge of family disputes and good grounds for police action.

For another example, consider the question “what happened?” produced by the police upon arrival to the scene of a possible crime or accident. Kidwell (2009) points out “what happened” invites answerers to respond to what is essentially an open ended question, presupposing only that something (problematic) happened. As such, responses to “what happened” are usually done with multiple turn constructional units and are told as narratives (ibid.). Of course, participants can also deny the presupposition, e.g.,

From Kidwell (2009, p. 27)

Officers question a suspect about a theft of CDs from a car.
O: You wanna talk to me a little bit about what happened tonight?

S1: Nothing.

The production of this question “what happened?” also rests on the fact that the police have been called to the scene, thus providing the publicly available knowledge that something (problematic) has occurred.

The police do not only respond to 911 calls. Police work also involves patrolling public places in an effort to locate and eradicate illegal activities (and, of course, the person(s) conducting them). Finding the ones who are involved in these activities is what Sacks (1972c) terms “the policeman's problem.” To solve this problem, Sacks points out the police must employ a procedure that maximizes the likelihood of selection of those involved in criminal activities and minimizes the likelihood of selection of those who are not. This procedure begins with the fact that members present and employ presented appearances as the grounds for their treatment of others.

The appeal to appearances in warranting inferences as to a person's moral character rests on the fact that

For Western societies, at least, being noticeable and being deviant seem intimately related. The notions that one is suspect whose appearance is such that he stands out, and correlative that the sinner can be seen, have the deepest of foundations. Indeed, in Judeo-Christian mythology, human history proper begins with the awareness by Adam and Eve that they are observables. The next bit of social information they thereupon learn is: To be observable is to be embarrassing (ibid, p.
As such, members don't just see “suspicious persons.” Members see persons “doing something wrong;” they see persons lying; that is to say, they see activities (Sacks, 1992a, p. 119). The police infer deviance and criminality on the basis of appearances due to the fact that from one's appearances the activities one has engaged in are observable (Sacks, 1972c, 1992a).

Agents at Border Patrol checkpoints operate under the same problem-solving platform, namely, to solve the problems of illegal immigration and, of course, crime more generally. To do so, federal agents must also make inferences as to the moral character (and, in this case, immigration status) of the one(s) passing through the checkpoint and use these inferences to further any necessary investigative action. For example, take the made up, but frequent, scenario in which someone comes through the checkpoint, and the agent asks the question, “Are you an American citizen?,” and the person in the car answers “yes.” But suppose there is some set of observables that the agent treats as in need of explanation, e.g., the person speaks a non-American dialect of English, but says he is an American citizen. Now if the agent is going to press the matter, he can use these facts and the inferences they generate to propose that the person in the car is lying and thus instruct them to go “secondary inspection” on these grounds. The agent thus infers on the basis of public appearances that the ones in the car in question pose some problem. This problem may be summed up as follows:

1. Instruction to go to secondary inspection singles out an individual vehicle as in need of special attention, i.e., the vehicle is suspicious.

2. Whenever a car is singled out for this special attention, there is the assumption
that the action was done on good grounds.

3. As soon as a particular vehicle is singled out for further inspection, there is at least a possibility that the ones in the vehicle are up to something, i.e., traveling through the country illegally in some way.5

And of course what is known about those traveling through the country illegally—who they are categorically and what they might say or do—is another locus of knowledge that informs agents as to which people are potentially those types.

3.2.3 The morality of a request

Now that we have sketched some features of the MCD-Law and discussed the role of “the inference-making machine” and procedures used by the police to infer criminality on the basis of public appearances, we can return to the Camera extract above and perhaps begin to explain some sense of the moral tension produced by the participants in the beginning moments of the stop.

At line 3, the agent initiates the activity of the stop with a greeting immediately followed by a request to turn off the camera.

3 O: How'y'doinsir. (. ) Ya mind closin the camera?

As noted, the design and location of this turn, present the request as largely unaccountable. In

5 Again see Sacks (1992a, p. 119): “For Members, activities are observables. They see activities. They see persons doing intimacy, they see persons lying, etc.”
doing so, I argue the agent claims membership in the category *federal agent* and instantiates the relevance of the Law device for proper interpretation of this turn. The agent also positions himself as the one entitled to make requests of the passenger through the request, which singles out the activity of *filming* as a *problem*. The action of filming the agent becomes the first sense in which the passenger in the capacity of *problem-maker* poses some *problem* for the agent to deal with. And this fact has consequences for the positioning of the participants with respect to the underlying *problem* of the situation: through the production of the request, the agent asserts his role as *problem-solver* and situates the passenger as the (potential) *problem-maker*.

At line 5, the passenger responds to the request with a wh-question challenge, which he leaves unelaborated, i.e., not accounted for.

4 (0.7)

5 P: Why is that.

The passenger produces an orientation to the request as unwarranted; specifically, the passenger treats the request as a “breaching” move in the interaction.

By challenging the agent's request, the passenger calls into question the grounds on which filming a federal agent is formulated as a *problem*. Of course, while this challenge hardly favors an assertion of innocence on the part of the passenger (the challenge only makes the passenger more of a *problem* as far as the agent is concerned), through his challenge, the passenger suggests that the agent's actions are in fact *accountable* and as such unwarranted in the present circumstances. Specifically, through the negative assertion this challenge conveys, “you have no grounds to request that,” the passenger resists the problematic position the agent implicitly
assigns him (and his camera) in the request at line 3. In this way, the passenger's challenge produces an orientation to the agent's request in which the agent poses an as yet unspecified problem for the passenger (in contrast to the problem that the passenger poses for the agent).

Lines 6 – 20 constitute a moment in the interaction where neither first pair part is adequately taken up by the respective recipients of these actions, i.e., the request and the challenge. Rather, at line 7, rather than orienting to the challenge, the agent relaunches the request.

6 (0.5)
7 O: You mind shuttin the camera please?

In relaunching the first pair part produced at line 3, the agent resists the relevances of the passenger's challenge, specifically, the negative assertion it conveys. He accomplishes this by making the request a second time, which reasserts the relevance of his identity as federal agent and positions the passenger as probable problem-maker and the activity of filming as the problem.

But the passenger again resists the agent's request and challenges it.

8 (0.2)
9 P: >Why's that.<

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See Sacks (1992b, p. 185): “That sort of differential organization of the sheer perceiving of an event is of considerable importance for, e.g., the way in which the police on the scene tell people that although there is a trouble things are okay—or that they're not at all okay. For example, that this lady [observing a scene in which the cops are involved] can drive by the scene knowing that things are more or less well in hand, that something is happening but that the cops will take care of it—rather than that something is happening and the cops are making it happen.”
Again, the negative assertion this challenge conveys, “you have no reason to request that,” challenges the agent's implicit positioning of the passenger and the activity of filming as a problem. In doing so, the passenger reinforces an orientation to the request itself as a problem and denies his status as problem-maker with respect to this detail of the interaction.

At lines 11 – 12, the agent defers disagreement with the prior turn by breaking the contiguity of the challenge sequence through silence and other-initiation of repair.

10 (0.7)
11 O: What's that?

Here, the agent attempts to preserve alignment between the participants. However the agent's sensitivity to disalignment of the participants is not at odds with pursuit of the request and the moral casting of the participants the request achieves. In fact, the preservation of alignment would seem to only complement this seen but unnoticed feature of the interaction because disalignment of the participants threatens the pursuit of the agent's larger interactional goals, namely, to “fix” the problem posed by the car. Specifically, the agent furthers the interactional project of the checkpoint stop by acknowledging the passenger's production of a first pair part, but instead of disagreeing outright with the passenger's implicit moral assessment of the request, he again defers responding to it and thus avoids outright disagreement with the passenger.

Though it is surely not good analysis to make proposals based on what someone did not do, here it is worth noting that alignment with the passenger's challenge does not take priority over the agent's larger interactional goals (i.e., to pursue the passenger in the capacity of a
problem-maker). If the agent were to simply produce a preferred and aligning response, the problem-solving framework produced within, and for, the interaction would be at risk of dissolving in the wake of such agreement. This is because to agree with the passenger's challenge would be to agree that the present activity underway is not warranted. This is not the orientation to the circumstances that, if fully taken up, will carry the process of investigation forward. Such agreement would only hinder the agent's work.

Instead, the agent attempts to preserve the problem-solving framework fashioned by the production of the request and simultaneously display sensitivity to disagreement with the passenger's challenge.

At line 12, the passenger repairs his prior turn by repeating it in the same format, displaying an understanding that the trouble-source turn is only problematic in hearing.

12 ()
13 P: Why's that.

Here, the passenger continues to resist the agent's implicit categorial work. Specifically, by displaying an understanding that the challenge is only problematic in hearing (and not, say, its format) the passenger does not display sensitivity to the action as dispreferred and enacts a stance of aggravated disaffiliation with the request. This disaffiliation accomplishes its own categorial work with respect to the request that is underway: it again indexes a claim that the agent's unwarranted request is a problem, resists the notion that filming is a problem, and challenges the grounds on which the agent supposes that it is.
The agent again does not take up the challenge, but initiates repair and then begins to disagree by offering an account, only to self-repair and relaunch the request.

14 (0.4)
15 O: Why's that?
16 (0.7)
17 O: Cause (we're) ( ) we're- ( )I- I would just like to know if you could shut the camera
18 O: for me please.=

The agent again strives for alignment with the passenger, but does so while simultaneously reasserting his status as request-maker, and hence problem-solver, in the situation at hand. As noted, the agent's sensitivity to potential disalignment furthers the interactional project set forth in the agent's orientation to filming as a problematic activity. Outright disagreement would also have sufficed to maintain this orientation to the talk, however the disalignment such disagreement would engender poses a threat to the agent's pursuit of the passenger in the capacity of a problem-maker. In other words, in addition to maintaining the problem-solving framework fashioned by the design of the request, the agent also maintains alignment of the participants in order to maintain his co-participant's problematic status in the interaction.

The agent is the first to accept the relevances mobilized by the other's turn (as the passenger's turn initiates an insert sequence, the agent's response should—structurally speaking—come first). At line 19, the passenger produces another wh-question challenge on the request and does so contiguously with the prior turn. At line 21, after a 0.4 second gap, the agent responds to the passenger's challenge by providing an account, thus disagreeing with the
assertion that he lacks adequate grounds to make the request.

19  P:  =For what.
20  (0.4)
21  O:  So that you're just not filming me. That's all while I'm talking [(to you)

Here, the account given is treated as obvious. Such “obviousness” not only reinforces the agent's orientation to the account as commonsense, it also furthers the unproblematic orientation to the request the agent displays at line 3. And further, in disagreeing with the negative assertion conveyed by the wh-question challenge, the agent resists the moral accusation implicit in the passenger's challenge and reasserts that filming is in fact a problem through the action of disagreement. This again firmly positions the passenger as the problem-maker with respect to this detail of the interaction.

The passenger responds to this disagreeing turn with his own account, which itself serves to deny the request by virtue of its disagreeing action type and its sequential location following the agent's account for the request (which renews the relevance of a response to it).

21  O:  So that you're just not filming me. That's all while I'm talking [(to you)
22  P:  [It's my right to sir.

Through the contiguous production of the dispreferred response, the passenger takes up a position of aggressive disagreement with the agent's account. And this disagreement itself takes the form of an account that explains why the request is unwarranted and hence why he is not
granting it. In doing so, the passenger again resists the notion that filming is a problem by explicitly invoking his right to do the action he has been requested he not do.

Though the point of the stop, if you will, is not to tell the passenger to turn off his camera, it is the first action the agent initiates in the unfolding talk. Here, the passenger denies this action on the grounds that it infringes on his rights. By invoking the concept of his rights, the passenger gains control over his position with regard to the Law device by deploying a category-relevant term from that device and claiming its applicability to himself and the present action underway. As such, we can understand the passenger's aggressive disagreement and disaffiliation with the agent's talk as born out of a reverse orientation to the device in question displayed by, and produced in, the action of rejection.

The passenger's actions not only resist the notion that filming is a problematic activity, but also introduce a new layer of moral accountability to the present interaction. Specifically by invoking the notion of his rights, the passenger suggests the agent is in fact the one whose actions are accountable because the agent would be infringing on his rights if he were to, for example, make the request a legal order. By reversing the notion of moral accountability and recasting the direction of the problem, the agent's actions are called into question on moral grounds. This reversal repositions the passenger and agent with respect to the notion of there being a problem. It does this by suggesting the passenger has a problem with the agent's conduct which takes priority over the agent's problem with the passenger filming him. And here I mean problem in a moral sense, that is to say, each one suggests that the other is morally compromised. Crucially, it is not the case that the participants do categorizing of each other as “wrongdoers” through their actions, but that these actions operate on and produce the assumption that one of
them has acted wrongfully (but neither will agree that it was him).

When the passenger makes the assertion “It's my right to sir” to deny the request, he uses a category-relevant term, “his right,” to account for this rejection. One of the interesting things about this turn is that we hear the right referred to by the passenger as belonging not only to him but to anyone else who might happen to pass through that checkpoint. Similar to the observation that “the mommy” in the “Baby cried” paper is heard as “the mommy of the baby,” this fact only seems to pose some problem for analysis: how do members know and display knowing that the right referred to by the passenger is his right because presumably everybody passing through the checkpoint shares this right as well?

A right, of course, is a very different cultural object from a law. Yet the two concepts both inform the present interaction in radically different ways. Though I do not propose that members store distinct information about rights and laws as part of their commonsense knowledge of the real world, we can see that the invocation of rights here is produced in response to a request by a federal agent (the relevant categorization, which the design and sequential location of the request achieves interactionally). As such, the passenger does not just deny anyone's request: he denies a request produced by a federal agent. But this is not just by virtue of our seeing that the agent claims the relevance of this category for himself. The passenger actually achieves this characterization of the rejection by invoking the concept of rights in it. As such, the passenger is specifically oriented to the identity of the co-participant as a federal agent and to the context as a specifically legal one (i.e., one controlled by the Law device) in the rejection of the agent's request.

As Sacks (1972b, p. 332) notes, these observations point to “the fine power of a culture. It does not, so to speak, merely fill brains in roughly the same way, it fills them so that they are alike in fine detail.”
The assertion of *rights* gains its oppositional force by virtue of its participation in members’ knowledge of the relationship of civilians to the government. Here, the passenger suggests that a member of the government (who is supposed to protect his rights) is actively taking those rights away, and his refusal to allow this both accounts for, and produces, the action of denying the request. Moreover, because he has a *right* to film the agent, the passenger suggests there is no way such an action could be considered a *problem*; rather the passenger’s rejection creates a situation in which the agent’s lack of sensitivity for the passenger’s *rights* is the real *problem*.

This interpretation rests on the tenuous but nonetheless culturally real relationship between the notion of *rights* and the notion of *law*, i.e., the fact that the concept of *rights* participates in members' commonsense knowledge of *law* (including who enforces it and what it does) provides for the proper understanding of the action implemented by this turn. But more than providing such understanding, I argue this turn in fact *produces* this very knowledge through *action*, suggesting the locus of knowledge is action-oriented rather than a mental phenomenon. In other words, it is not just the case that the passenger and the agent *know* the concept *rights* and use this knowledge to understand the action; rather it is in and through the coterminous *assertion* of rights and *denial* of the request that the action accomplishes its interactional goals and *achieves* knowledge of itself and the categories relevant to its instantiation.

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8 The logic of the rejecting turn suggests that the role of the government in the protection of *rights* is to create *law* that ensures those rights to everyone. But of course this does not always happen as the creation of new laws may infringe on people's rights or at least get *described* by some as infringements on those rights. And this fact is not trivial, especially in the context of internal Border Patrol checkpoints. Though strictly speaking the checkpoints have been officially declared constitutional by the Supreme Court (see *U.S. vs. Martinez-Fuente*, 1976), this does not mean that all members agree with this ruling. The fourth amendment which guarantees the right to be free from unreasonable searches and seizures without a warrant (*US Const., Amend. IV*) is contested in the context of the checkpoint and perhaps the more micro-geopolitical setting of the car itself.
The point of the Camera extract (if the reader accepts for a moment that there could be such a thing as a single “point” to this exchange) is that members' knowledge is not static, but is in fact produced and negotiated on the ground in real time. Though culture may “fill brains so that they are alike in fine detail” (Sacks, 1972b), members' orientations to this detail may in fact be quite different, and the actions that produce these orientations may thus come in conflict when the two very different orientations to a single domain of knowledge meet for the first time. This is where the morality of cognition becomes an issue: the world that is, as a matter of commonsense, *observable* for what it is is *not* equally oriented to by all members of a society.

3.2.4  The maintenance of institutional identity

The mention of the passenger's *right* in the rejecting turn has potent consequences in the interaction. The agent responds to the passenger's rejection in an agreeing and affiliative manner. In fact, he is almost apologetic and accounts for the request as “just asking” (line 24).

21  O: So that you're just not filming me. That's all while I'm talking [(to you)
22  P: [It's my right to sir.
23  (0.3)
24  O: >That's okay, you can do whatever you want.< I was just asking if you could do that.

Here the agent backs down and accepts the stance taken up by the passenger's “It's my right to sir.” The agent does not respond to the assertion contained in “It's my right to,” but to the disagreeing and disaffiliative action it puts forth, i.e., rejection. And he claims acceptance of that
rejection and hence closes the sequence underway. Further evidence of the sequence's closure is the fact that the agent moves on to another request immediately following this multi-unit turn.

24 O: >That's okay, you can do whatever you want. < I was just asking if you could do that.
25 (. )
26 O: Do you mind o- rolling down the window please.

The end of this sequence thus culminates in an interesting positioning of the participants. By backing down and aligning with the passenger, the agent maintains a sense of social solidarity even in the face of open hostility present in the atmosphere; and in doing so, he accepts the passenger's implicit accusation that the agent's request infringes on his \textit{rights}. As such, he aligns his talk so that he produces the same orientation to the Law device with regard to the request that is underway. The agent thus displays agreement with the account offered by the passenger by accepting the dispreferred action that the account implements.

But notice, the agent does not just throw his arms up in defeat and walk away. Rather, he accepts the rejection on the grounds that the passenger has a \textit{right} to film, and displaying this acceptance, moves on to initiate a new sequence altogether: a request to roll down the window, which is open only a crack. By aligning with the passenger and accepting the rejection of the request, the agent runs the risk of negotiating too far and becoming (for the purposes of the interaction) the one at fault. But the agent uses this alignment delicately: having displayed affiliation with the passenger regarding the first request, he immediately moves on to produce this next one. Because the stop itself rests on the assumption that there is a \textit{problem}, the agent's
second request serves to reinforce this perception and moreover identify the passenger and his window as the next *problem* in question. Moreover, the agent produces the second request in the same format as the first, offering no accounts and hedging it only slightly with “you mind,” again claiming membership in the category *federal agent*. As such, the agent both aligns with the passenger's orientation to the first request and in a new request reasserts an orientation to the circumstances of the talk in which the passenger is the *problem*. In this way, the agent balances the maintenance of social solidarity while simultaneously asserting an identity as *federal agent*, specifically, pursuing the passenger in the capacity of *problem-maker* in the situation at hand.

4.0 SECOND TARGET EXTRACT

The second extract is taken from another video recorded by a driver passing through a BP checkpoint along a major highway.

In analyzing the Camera extract above, I chose to look at actions, which themselves did not *do* categorizing or describing, in order to demonstrate members' categorial knowledge as produced in everyday actions like *requests* and *challenges*. In the following section, I will look at an instance in which the participants *do* categorizing in their talk to accomplish other actions and interactional goals. This discussion I hope will ground the work presented here on membership categorization devices by empirically drawing a distinction as to their import in social interaction. Participants may overtly *do* categorial work in a given turn in interaction, or they may convey categorial information through the action itself (by virtue of the action's design and location as well as the relevant identity of the actor), which produces and reinforces members' knowledge of a world known in common.
To provide context, the extract begins with the driver reading off the name from one of the agent's badges out loud (agent “O2” in the transcript). This agent is standing to the right of another agent (“O1” in the transcript), who is the one directly speaking to the driver. After a large gap, agent O2 treats the driver's name-reading turn as a request, and initiates repair with “Do what?” to which the driver and agent O1 respond by disconfirming this understanding and explaining that the driver is just recording the agents' names.

**Protection Extract**

40  D: Agent _______. \((name\ omitted)\)
41  (1.7)
42  O2: Do what?
43  (0.5)
44  O1: He's [just uh he's ta-
45  D: [No I'm just (..) reading your name=
46  O1: =He's recording our names
47  (2.4)
48  D: For my own protection I have to [record sorry
49  O1: [No that's fine,
50  (0.3)
51  O1: I uh: (0.4) it was a [simple question though.
52  O2: [What do you need protection from?
53  ()
54  O2: What're you- what do you [ ( )
The target sequence begins at line 52 with agent O2's wh-question, “What do you need protection from?” This turn is produced in overlap with agent O1's turn “it was a simple question though” (line 51), which refers back to the question “Where are you coming from today?” (data shown below):

Question Extract

1    ((window rolls down))
2    O1: Hey how's it goin tonight sir.
3    D: Hello sir
4    (0.2)
5    O1: Where're you comin from today?
6    (0.8)
7    D: Uh:: (0.2) I see a stop sign I don't see (0.2) a sign where
8    D: I have to talk [to federal agents
9    O1: [Okay.
10   (0.3)
12   D: Anywhere.
13   (0.5)
14   O1: Alright. (0.7) uh: we're [( ] I'm sorry we're
15   D: [Age:nt ______ ([name omitted])
O1: That's right. where were you comin from today?

D: I'm coming from southbound I'm goin northbound.

O1: You're coming from southbound goin northbound=

D: =Yes sir

The driver does not answer the agent's question, but rather challenges it by saying he “does not see a sign where he has to talk to federal agents.” At line 16, the agent relaunches the question to which the driver gives the purposely vague answer “I'm coming from southbound I'm going northbound” to again not answer the question and challenge the questioner.

In this way, the Protection extract is also born out of a similar sense of moral tension produced and experienced by the participants. By declining to answer, the driver treats the agent's question as unwarranted and thus overtly criticizes the action and the one responsible for it. In the post expansion at line 51 (“it was a simple question though”), the agent produces a reflection on the driver's actions that displays an orientation to those actions as unwarranted as well. And in overlap with this turn, agent O2 also asserts an orientation to the driver's actions as problematic by asking the wh-question “what do you need protection from?,” at the very least suggesting an epistemic gap regarding the driver's “need for protection,” and at most challenging the driver's assertion that he has to record the agents for his protection. Here, agent O2's turn is hearable as doing both, thus the agent indicates an epistemic divide between the participants and moreover suggests this divide is the result of the unwarranted nature of the driver's actions. And the driver's claim to need protection itself instills a perception of moral accountability in the
situation as well.

4.1 Action

In the following section, I offer a detailed analysis of the question-sequence in the Protection extract above. Again I will proceed by first analyzing the actions of the participants to provide the background against which we may properly assess the import of membership categorization as produced by, and contained in, those actions. As one of the actions in question in the Protection extract is doing categorizing (line 56), I also hope to empirically ground the distinction between a turn that does categorizing through the deployment of a category from some MCD and a turn in which the action itself instantiates categorial knowledge from some MCD that allows for proper understanding of the action implemented by that turn. The former is a practice while the latter is a result of the coterminous production of action and knowledge, which may or may not be implemented through the practice of category deployment.

4.1.1 Question

51 O1: I uh: (0.4) it was a [simple question though.

52 O2: [What do you need protection from?

Agent O2 produces a wh-question in reference to the driver's assertion that he is recording for his own protection. It is a specifying wh-question seeking information as to the specific identity of what the driver needs protection from. However, the agent's wh-question may
also be heard as something of a challenge. This is because in asking *what* the driver needs protection from, the agent may also be heard to imply that there is nothing he needs protection from (again cf. Koshik, 2003 on wh-questions which are *mis*heard as challenges). At the very least he indicates an epistemic divide in which the driver's actions are treated as accountable.

53 ()
54 O2: What're you- what do you [( )]

There is a beat of silence at the transition relevance place and then the agent begins to self-repair the question (perhaps to make it come off as less of a challenge to the assertion that the driver needs to record for his protection). As such, the agent's repair of the question anticipates a dispreferred response from the driver by re-doing the question in a way that is more in line with the action of pure information seeking. Further evidence of the agent's emergent orientation to the question as *doing* questioning is that the agent does not produce talk that orients to the wh-question as containing a negative assertion (by, e.g., accounting for such an assertion). Instead, the agent treats the wh-question as doing genuine information seeking. In doing so, the agent displays that he simply does not understand *what* it is the driver needs protection from.

4.1.2 Answering with a category

54 O2: What're you- what do you [( )]
55 D: [Fro: m- from uh:: a corrupted uh (0.3)
In overlap with the agent's repair of the question, the driver answers the question with a type-conforming response. He thus accepts the relevances mobilized by the question and supplies the category *border patrol agents* as the *what* that he needs protection from. In this way, the driver does categorial work by explicitly deploying a category from the MCD-Law to answer the agent's question (cf. Stokoe, 2012).

Moreover, the driver also *describes* the border patrol agents he needs protection from as “corrupted.” And it is through this combination of categorization and description that the driver's turn accomplishes its interactional goals. Here the driver does something similar to the passenger in the Camera extract with “it's my right to sir.” The driver deploys a category from the Law device to answer the agent's question as to what he needs protection from (recall the passenger deploys the category-relevant concept *rights* to deny the agent's request to turn off the camera). In this turn, “corrupt border patrol agents” does not necessarily do referring to the ones co-present. Instead, the driver *does* categorizing of the ones co-present in his answer specifying *what* he needs protection from. In doing so, the driver suggests that the agent's relevant identities as *federal agents* make necessary his need for protection from *them*.

4.2 Membership Categorization Devices

As I have already proposed in reference to the Camera extract, Law may be an omni-relevant in interaction at BP checkpoints. Again, this does not mean the identities of the
participants are presupposed in the interaction, but rather that the actions of the participants produce and negotiate the relevant identities (and hence membership categories) of the persons involved in the checkpoint stop. In the following section, I will investigate the use of the membership category *border patrol agents* and its relationship to the attribute *corrupt* to ground the analysis of MCDs in the production of actual category work and to illustrate the import of this work for the notion of members' knowledge.

First, I will discuss the extent to which the participants seem to be “playing” with the device in the interaction here as the driver both asserts a sense of danger in the situation and attributes that danger to the present interaction, and the agent, who does not deny the driver's perception of danger, encourages the driver to identify what exactly poses a threat in the present circumstances. Finally, I will conclude this section with a discussion of the driver's creation of new knowledge through the work of the MCD-Law.

4.2.1 Playing with the device

In asking what the driver needs protection from, agent O2 indicates an epistemic divide between himself and the driver, specifically wherein the grounds for the driver's need for protection are not clear or are unavailable. The need for protection espoused by the driver presupposes some kind of *danger* in the present circumstances. Agent O2 confirms this presupposition by asking *what* it is the driver needs protection from. By using the wh-question word “*what*” and not, say, “*why*” the agent confirms the presupposition that there is some *danger* for the driver, and does not call into question the driver's perception of its existence.

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9. This fact again points to the “differential organization of the sheer perceiving of an event” (Sacks, 1992b, p. 185).
Now if Law is truly an omni-relevant device at these checkpoints, then the participants in the Protection extract would seem to be playing with their differential orientations to this device in the question-answer sequence. By “play” I mean that the participants negotiate a sense of trouble in the present circumstances with reference to the activity underway, which itself provides for the seen but unnoticed problem inherent to the checkpoint stop.

The driver creates out of the situation in which he is engaged an alternative orientation to the device such that the agents pose a problem for him, specifically, a potential threat to his person (hence the invocation of protection). This is the same strategy used by the passenger in the Camera extract with “it's my right to sir,” however, the driver goes a step further. He does not suggest the agents are infringing on his rights, but rather that there is in fact a real danger posed by the situation at hand. And he does not make this inference in response to a particular action on behalf of the agents (such as a question or a request). Instead, he invokes his status as one in danger after receiving no response (2.4 seconds of silence) to the counter-informing at line 45 “No I'm just reading your name.” The driver then expands his prior turn with the account that he is only recording for his own protection.

42  O2:  Do what?
43   (0.5)
44  O1:  He's [just uh he's ta-
45  D:  [No I'm just (.) rea-
46  O1:  =He's recording our names
47   (2.4)
48--> D:  For my own protection I have to [record sorry
Receiving no response from Agent O2, the driver treats this lack of response as a sign of Agent O2's disaffiliation with the assertion that the driver is just reading his name and asserts the need for protection as an account not only for why he is reading the agents' names but also why he is recording the interaction itself. As such, the driver uses the commonsense knowledge applicable to the institutional setting of the checkpoint to suggest that he is in danger as a consequence of this knowledge. The driver's account presupposes (at least a perception of) danger because he knows (i.e., produces knowledge of) the rights, obligations, and, in this case, moral accountability of federal agents to civilians. And presumably the agents possess this knowledge as well.

Agent O1 accepts the stance taken by the driver's turn and produces an agreeing and aligning response, “No that's fine.” However, Agent O2 does not affiliate with the driver's displayed orientation to a sense of danger. He questions the grounds upon which the driver feels unsafe, and asks the driver what it is he needs protection from.

In asking what the driver needs protection from, Agent O2 claims an epistemic divide in which the driver is in a position of authority to provide the specific details as to his need for protection. In asking what, however, the agent resists the implication of the driver's account that it is not something he needs protection from, but somebody. Of course, the driver does not explicitly state that it is people (and, of course, the actions they may potentially do) that he needs protection
from. However, as noted, the driver does read out loud the names on the agents' badges and records the interaction in which he is engaged with them. As the need for protection accounts for these details of the interaction, the account also implies a clear challenge on the agents' moral character by suggesting protection is needed from the agents. At line 52, Agent O2 questions this assumption with a wh-question that interactively is in the service of genuine information seeking. As noted, evidence for the agent's own orientation to this turn as doing questioning also come from his subsequent self-repair of the question, indicating the agent seeks a specific referent regardless of any displayed doubt on his part as to the reality of that referent's existence:

53  (.)
54  O2:  What're you- what do you [(   )

The agent confirms the presupposition of danger, but in asking what that danger is, he disconfirms the implication that it is them (i.e., the agents) that pose a threat to the driver. The agent displays a lack of understanding as to the specific kind of danger the driver asserts is present in the situation. As such, he resists the driver's orientation to the Law device through which the category federal agent is someone who is seeable as being dangerous. In producing a genuine specifying question, the agent also questions the reality of danger the driver creates out of the circumstances of the talk.

The driver produces a type-conforming response to the agent's question, and specifies the what with the membership category border patrol agents from the MCD-Law, and moreover, describes the border patrol agents in question as “corrupted.”
Here the driver furthers the challenge on the agents' moral character he sets up in his account, “For my own protection I have to record,” by overtly deploying the membership category that was implied to pose the threat in the production of the account. The category work done here thus accomplishes two interactional goals:

1. By virtue of the economy rule (Sacks, 1972b), the category does adequate reference and thus specifies the what asked for in the question.

2. In specifying the what, the driver also interactively produces knowledge of the category of persons (federal agents) to in general pose a threat by virtue of their category membership and suggests that these federal agents at least potentially pose this threat as well.

The driver thus overtly categorizes the ones co-present as border patrol agents and further challenges their moral character by describing at least certain members of that category as corrupt.

4.2.2 The creation of new knowledge

Though the driver's answer “corrupted border patrol agents” does not do referring to the ones co-present, it does display an orientation to the participants' identities as federal agents.
That is, even though the driver does not refer to the ones co-present, he still suggests the relevance of their identities as federal agents in the production of his categorizing turn. In this way, the driver does categorizing of the participants, and in doing so, suggests the attribute corrupt is true of these agents because it is presumably true of other members of this category as well. The driver thus interactively creates new knowledge through the deployment of the category.

In Sacks' early lectures on the membership categorization device (Sacks, 1992a, p. 42), he points out how this sort of production of new knowledge comes about:

For now, let me show one of the tasks this MIR [Membership Inference-rich Representative] device, in combination with a particular sort of operation, can be involved in. I'll be talking now about some extremely basic and extremely generic social control devices. The particular sort of operation consists of one way that Members go about making new knowledge. Suppose some event occurs and is known about by reference to the name of the person who did it. The way you get a piece of knowledge involves pulling out the name and putting in some category. Then one gets, not 'John did X,' but 'a such-and-such did X.' In that way one gets additions to any body of knowledge about such categories.

The same operation for the creation of new knowledge is employed here, and the driver illustrates this fact quite well. Not only does he imply that the agents co-present are perceived as potentially corrupt through the categorization work at lines 55 – 56, after this turn he refers to an actual event in which the corruption of the category members in question provides the grounds for the pairing of the attribute corrupt with the category border patrol agents. Consider what
happens in the sequential environment immediately after the driver's categorizing turn.

Protection Extract (expanded)

55 D: [From- from uh:: a corrupted uh (0.3)
56 D: Border patrol agents?
57 O2: (0.3)
58 O2: Corrupt border patrol agents?
59 D: Yeah: that beat up (. ) the: Pastor Anderson?

At line 57, there is a slight gap before the agent initiates repair on the driver's turn, which he does by repeating the category and the attribute with rising intonation (line 58). The driver confirms the category in question (“yeah”) and then expands the phrase “corrupt border patrol agents” with the complement clause “that beat up the Pastor Anderson.” In the turn following the agent's initiation of repair, the driver adds this complement to the phrase “corrupt border patrol agents” to mean specifically the ones involved in an actual instance of police brutality committed by a BP agent\textsuperscript{10}. The driver's offer of this additional information thus demonstrates this operation for the construction of new knowledge. And he does so by providing the mention of an event in which a member of the category border patrol agent was morally culpable and accounts for, and produces the knowledge of, the category federal agents as (at least, potentially) corrupt.

\textsuperscript{10} The Pastor and the devastating events referred to here are in fact quite real. Though there was no explosive public outrage following the incident (making it relatively unknown), the Pastor, who argues he was upholding his Fourth Amendment rights, said “the DPS officer and Border Patrol agents eventually broke both windows of his vehicle, tasered him, dragged him out of his car and slammed him onto the ground.” (Gilbert, 2010).
5.0 CONCLUSION

The social structure and the conversational structure as discovered in interaction at BP checkpoints point to an area of CA perhaps too often neglected since Sacks' pioneering work on membership categorization devices. Though social structure and conversational structure are distinct phenomena in the investigation of social life, the two may mutually inform one another in the construction of social reality. The investigation presented here thus also points to future directions for membership categorization analysis within CA. Such studies pursuing membership categorization as a feature of talk-in-interaction must take as their starting point the actions of the participants and the participants' indigenous understandings of, and orientations to, those actions. In our appeal to membership categorization, we do not assume the relevance of pre-specified categories to the talk, but instead must discover which categories participants both orient to and produce in the details of the talk. Specifically, the approach to categorization and action described here would appear to be a useful tool in the analysis of many forms of institutional interaction (such as police-civilian, courtroom, education, news interview, among others) as the lay understanding of interaction in institutional settings is that there is an unequal distribution of rights and obligations of the participants. However, these common perceptions of institutional identities cannot be assumed a priori in the investigation; rather, through competent and careful analysis of the participants' talk (e.g., for things like action, sequence, and turn-taking) the analysis must proceed by discovering the relevant facets of the interaction produced by and for the participants. In this way, CA not only can, but should pursue notions of inequality by providing for the empirical discovery of such a phenomenon as it is produced and negotiated by participants and not just the analyst.
As a commonly shared and intersubjective world stands or falls on the basis of members' actions, the social encounters addressed here point to actual instances in which such a world is not possible. The findings presented suggest that social reality (as contained by, and produced in, talk-in-interaction) is not stable, but is in fact a negotiable and contingent accomplishment. For some, the social reality of routine border patrol checkpoints is a contested phenomenon. The participants contest this reality through what are treated as “breaches” of social norms. The participants in the car treat the agent's actions as unwarranted, and thus produce and sustain in the interaction a sense that the agent's actions defy what is commonly acceptable behavior. And the agents who work at the checkpoint similarly treat the participants in the car as having “breached” some social norm whereby the moral status of the participants is called into question on the basis of presented appearances. Specifically, I hope to have shown that the participants' actions not only gain their interactional significance by virtue of the Law device, but that participants actively produce, and position each other with respect to, the known—but differentially seeable—reality of the situation.
References


http://hdl.handle.net/1842/815


United States Constitution. Amendment IV.