

Building an Immigration Enforcement Regime through Bipartisan Coalition Building:

Lessons from IRCA in 1986

by

Ronald Goodnight

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Graduate Supervisory Committee:

Allan Colbern, Chair  
Malay Firoz  
Natasha Behl

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## ABSTRACT

This study analyzes the role of bipartisan coalitions in creating exclusionary, enforcement focused immigration policy. First, the thesis covers the history of federal immigration law and connects this to critical migration scholarship, which emphasizes the racialization of migration controls and enforcement regimes, by highlighting the growing federal categories of immigrant illegality and criminality. Next, the thesis develops an original framework that builds on prior scholarship in political science to systematically connect coalition building and the Democratic party's complicity as a cause of this growing regime. Specifically, the thesis applies a coalition building analysis of the Immigration Reform and Control Act of 1986, with special focus given to how the president, congressional leaders, and interest groups, in the 1980s. A key finding is that both political parties pushed the enforcement narrative and played key roles to enact employment verification into federal immigration law. The thesis connects this finding to critiques about the two-party political system as well as scholarship that exposes the injustice of U.S. immigration enforcement regime that continued to grow in the interior, at the border, and globally.

## DEDICATION

*Por Concepción, Rosalio, y todos los que han sufrido por el represivo sistema de  
inmigración de los Estados Unidos...*

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## CHAPTER 1

### INTRODUCTION

#### **Problem Statement**

In present day America, the topic of immigration in the United States is among the most divided in common political discourse; a simple Google search of the term “migrant crisis” presents hundreds of thousands of news articles containing the term. The perceived crisis is a result of an immense influx of immigrants arriving at the United States border and asking for asylum. In response, conservative politicians call for stronger border security, stringent deportation measures, and stronger law enforcement presence, while liberal politicians call for progressive immigration reform that promotes integration, visa opportunities, and a more welcoming asylum approach. Despite rhetorical partisan differences, since the enactment of federal reforms in 1986 there has been a consistent bipartisan cooperation and implementation of exclusionary immigration policy that deters, delays, and prohibits the asylum seekers and other classes of migrants into the United States.

Importantly, exclusion is not a new feature of the partisan politics that shape the United States’ approach to regulating immigration. Ever since 1882, when the Chinese Exclusion Act was the first comprehensive immigration law passed by the federal government, the United States continued down the pathway of building a harsher enforcement regime to exclude (im)migrants from entry, deport them, and restrict those living in the shadows from having access to basic human rights and protections. Support for pro-immigrant related reforms, especially on the progressive side of formal national politics through the Democratic Party, plays an important role

as a counterforce to completely closing the borders but it does not alter the trajectory of American history towards exclusion and enforcement.

This thesis examines the partisan politics of immigration regime building, with a special focus on the Democratic Party's role and bi-partisan coalition building. Rather than accepting the binary of there being a stark divide between the two parties, which often ascribes restrictions in immigration to the conservative Republican party and the legalization and "open borders" to the progressive Democratic party, this thesis critically leans into the tensions produced in bipartisan coalition building as a key factor perpetuating growing immigrant exclusion. Support of restrictive immigration policy by today's Republican party is well documented, but the significance of the Democratic party's role and its complicity is rarely centered in analysis. The thesis addresses this by exploring how American policymakers work within and across parties to create a complex layering of reforms and agendas is vital in understanding the contentious politics of immigration.

To examine coalitional politics, the thesis draws from news articles and congressional records during key years when immigration reform was being debated in the 1980s and the passage of the Immigration Reform and Control Act (IRCA) in 1986. It combines empirical analysis of the key institutions and actors that hold power over the shaping of immigration law and practices in the United States, with normative critiques of immigration regimes based in social justice and human rights. The thesis is motivated by and in conversation with activist scholars like Tom Wong, Allan Colbern, Karthick Ramakrishnan, who examine the contentious relations between immigrant rights actors and the formal institutions and actors that hold

power over creating immigration law at the nation, state, and local levels (Colbern, 2021; Colbern & Ramakrishnan, 2016, 2018, 2021; Ramakrishnan & Colbern, 2015; T. K. Wong, 2015, 2017a). The thesis is also in conversation and inspired by critical border and immigration scholars that not only question policymaking within the American context, but also provide insights into the systems that perpetuate exclusion and restriction globally (Cohen, 2020; De Genova, 2004; De Genova & Peutz, 2010; Genova, 2013; Kang, 2017; Ngai, 2014).

Seeking asylum is a human right, which the United States formalized in the Refugee Act of 1980. Yet, people fleeing violence and persecution are consistently framed as falling outside of the U.S.'s welcoming refugee laws, and framed as unauthorized through its unjust, restrictive, and exclusionary immigration laws and enforcement mechanisms. The 1980s were crucial in propelling the distinction between of refugee law and immigration law in the United States along with the growth of interior enforcement. As I explain later, immigrants who are not recognized as qualifying for refugee status are framed as invaders who are unable to assimilate. The thesis provides critical insights into the unjust consequences of this growing legal-illegal binary that grew in the 1980s alongside efforts to reform federal immigration law.

### **Research Question**

While coalitions are examined and theorized in the scholarship, this thesis generates new empirical research and offers an original framework to uncover, define, and describe how coalitions emerge and shape immigration policy. More

importantly, its critical examination of the Democratic Party and the bridges the thesis builds between political and critical scholarship through linking the progressive side of American formal politics to immigration regimes, contributes new insights into how and why institutions, laws, borders, and framing become unjust. An actor and coalition focused analysis makes it clear that people created these regimes and that institutions condition how people created them by structuring coalition building and compromise.

The questions guiding this research are as follows:

1. *What role does bi-partisan coalition building play in the making of immigration policy?*
  - a. *When and how are these coalitions formed?*
  - b. *How do they change over time?*
  - c. *How do Democratic elected leaders' views on immigration reform change or become more complicit in regard to exclusion/enforcement as a result of being part of this coalition building?*

Daniel Tichenor, Sarah Coleman, among others, reveal the importance of political coalitions especially for national immigration policy (Coleman, 2023; D. J. Tichenor, 2009). This scholarship is crucial because it exposes the contentiousness of immigration and often stresses that the conflicts at the national level, or barriers to coalitions forming, are the key reason immigration reforms are so rare and few historically. Indeed, the emergence of immigration federalism, according to its key thinkers like Allan Colbern and Karthick Ramakrishnan, is the result of national

stalemate (Colbern & Ramakrishnan, 2021). When reforms at the national level do occur, they are rare, complex, and highly contentious. In the end, however, the public is given the impression that these laws were meant to be because they emerged from a democratic process, and the kinds of immigration enforcement mechanisms and policies that grow into a regime become accepted as normal – despite the glaring human rights consequences. Problematizing the origin and processes of immigration law is therefore crucial to challenging the normalization of immigration enforcement. This is why it is crucial to examine the 1980s and the Democratic Party’s complicit role in immigration reforms that expanded enforcement. This thesis does not simply seek to show that coalition existed. It seeks to explore their evolution, purpose, function, and implications.

## **Literature Review**

The literature surrounding immigration, partisanship, and political party relations is rather extensive, yet literature surrounding the role of party relations, coalitions, and compromise in the manifestation of restrictive and exclusionary immigration policies is less prominent. Scholars from several disciplines provide the grounds from which I begin my own research as they help me to understand the multi-layered and nuanced formulation of immigration politics. Through literature in political science, immigration federalism, and immigration politics research, I have found political parties to play a large role in policymaking, thus they have proved to be the foundational information sources for my own research. While I do find them informative, I find that none are sufficient in explaining the role of political coalitions

in allowing and maintaining exclusionary immigration policy. While complicity in policymaking is evident, and there is scholarship that addresses it in various contexts, this research contributes by adding research centered upon the United States immigration system. This research will not only fill a gap in the existing literature, but it will also supplement what already exists by producing data that is specific to the role of intraparty relations in the context of immigration.

### *Normative Critique*

A primary motivation for this research comes from literature that is normatively critical of the current state of immigration policy. This review of a multi- and interdisciplinary scholarship seeks to build a thread between four scholars in particular, as foundational to the thesis' normative critique: Mae Ngai's historical analysis of illegality and nativism rooted in American immigration policy, Elizabeth Cohen's historical analysis of nativism and white nationalist politics in the 1980s, Jason De Leon's normative critique of the border and prevention through deterrence (PTD) policy as intentionally violent against migrants, and finally, Harsha Walia's abolitionist arguments couched in anti-colonial, anti-racist, and anti-capitalist activism against national migration regimes. Threading the works of these four scholars offers the thesis a unique normative critique of various facets of the United States' immigration system that helps shine critical light on how and why the Democratic Party is complicit in the building of a harsh immigration regime.

Racism and nativism have been rooted within American immigration policy ideals since its inception in 1882. In *Impossible Subjects*, Mae Ngai provides an important

contribution to the normative implications that exclusionary policies have had upon (im)migrant communities. Ngai, beginning with the Chinese Exclusion Act of 1882, and focusing on the national origins quota system era that lasted from the early 1920s until the Hart-Cellar Act in 1965, details the origins of border enforcement, the birth of the citizen/alien dichotomy, and the disqualification of legitimacy as American citizens that is ascribed to (im)migrants, even today (Ngai, 2014). Mae Ngai's original research provides information around the framing of immigration that shall prove paramount as I unpack similar framing trends in the 1980s context.

Picking up shortly after where Ngai left off, Elizabeth Cohen provides critical insights to the unjust origins of U.S. immigration enforcement through examination Immigration Customs Enforcement (ICE) and the rebirth of restrictionist immigration policies that began in the 1980s. She provides information that proves crime rates decrease as immigration increases, and that US citizens are guilty of not only more crime, but more severe crimes as well. Furthermore, she points to the economic contributions that undocumented migrants make to programs such as Medicaid, Medicare, and Social Security even though they are unable to use the benefits they provide. Statistics as such, however, do not align with the trajectory of policymaking that has continuously strengthened budgets for enforcement and restrictive measures (Cohen, 2020).

Importantly, Cohen also explains how anti-immigrant factions and lobbyists have caused the government to spend billions of dollars on policing the border and searching for unauthorized immigrants, claiming, it is a product of a long-term policymaking effort, shaped by elites with white nationalist agendas (Cohen, 2020).

The trends in societal views and policy efforts to limit immigration explain why Jason De Leon made such profound discoveries throughout his fieldwork conducted on the United States' Southern border.

Throughout *The Land of Open Graves, Living and Dying on the Migrant Trail*, De Leon details the daily processes of his research, exemplifying the way policy (prevention through deterrence) has been weaponized by the United States government as a means of siphoning desperate migrants into the most rugged portions of the Sahara Desert leading to the deaths of innumerable migrants. Moreover, he explains that the people he writes about are the people who “pick your fruit, detail your cars, and process your meat,” the tragedies he recounts are not random or coincidental, but the result of a federal strategy, “a killing machine” that uses and hides behind the harsh conditions of the Sonoran Desert. Similar to Cohen’s claims, De Leon stresses that (im)migrants are not the criminals that society often paints them to be, rather they are ordinary people working to survive who often receive unimaginable treatment (Leon, 2015).

The history of violence that immigration law and policies at the border that Ngai, Cohen and De Leon expose helps situate the call for abolition of these regimes entirely. Harsha Walia’s *Border & Rule* questions the normalized existence of borders, explaining that they are an “ordering regime” used to maintain a “racialized hierarchy of citizenship.” Walia’s abolitionist arguments call for an end to migration regulation by critically situating its violence in crises of capitalism, conquest, and climate change. Most importantly, Walia explains the hypocrisy that exists within American politics as liberal politicians express opposition to the repressive systems



that exist in American immigration policy while simultaneously maintaining the greater systems that perpetuate such violence (Walia, 2021). Building on Walia's critical analysis, this thesis describes the progressive side of American politics as complicit in the perpetuation of a restrictive regime.

Although none of the aforementioned scholars center their research around the operations of political parties or coalitions specifically, each contribution sheds light on causal factors and consequences of coalition building. Ngai and Cohen provide a particular understanding of individuals at the forefront of the issue areas by centering their centering their analysis around injustices, including not only those who are impacted, but also those who are in positions of power. Walia and Leon focus on the underlying structural logics of state power which cuts across party lines. This resonates with the underlying interest in complicity that this thesis explores. Moreover, Ngai, Cohen, Walia, and Leon, expose the institutions of violence and injustice. These scholars, however, do not focus upon the political processes and innerworkings of the two-party system. Thus, in the following section of the literature review, I connect these critical scholars with political science scholarship of the two-party system.

### ***Historical Analysis***

The scholarship that centers political development, laws, institutions, and governance, compliments the critical scholarship reviewed above and offers models for analyzing complicity through the coalition building that this thesis builds on. The birth of restrictive and exclusionary *federal* immigration policy in the United States

began with the Chinese Exclusion Act of 1882 (Colbern & Ramakrishnan, 2021; Gulasekaram & Ramakrishnan, 2015). This act restricted the flow of Chinese immigrants based upon the claim that they were inassimilable, and was followed by the Immigration Acts of 1917, 1921, and 1924 which gave way to the Asiatic ‘barred zone, literacy test requirements and the national origins quota system (T. K. Wong, 2017a). After years of increasing racialized restrictions as the basis for immigration law, the Hart-Cellar Act of 1965 recast immigration law and enforcement with a new focus on regulating migration across the U.S.-Mexico border from countries in the North American region. Importantly, this shift to a different kind of enforcement was couched and framed as part of Lyndon Johnson’s Great society, which marked the end of a globally racialized quota system and sparked a modern era of colorblind immigration law.

Some scholars emphasize how the Hart-Cellar Act had the unintended consequence of igniting a restrictionist movement that remains today in immigration politics, despite its progressive re-direction of immigration law away from racialized quotas (Coleman, 2023). It is therefore important to situate this shift in conversation with more critical scholars, like Mae Ngai, who reveal the important connections the 1950s and 1960s reforms to federal immigration law have to the production of illegality (Ngai, 2014). Importantly, illegality is deeply racialized, which the work of scholars like Natalie Molina and Leo Chavez powerfully highlights (Chavez, 2013; Molina, 2014).

Together, the scholarship on the politics of immigration law, race, and illegality, illustrate that while immigration law and enforcement occasionally open the doors to

liberal progress, they also (re)create different configurations of racialized exclusions. In wake of the civil rights movement throughout the 1950s and 1960s, the US immigration system began to make progressive shifts. The Hart-Cellar Act dismantled the quota system that relegated immigrants since 1924 and allowed for an increase in Asian and Eastern European migration. The Refugee Act of 1980 represented another progressive advancement as it greatly increased the ceiling for refugees permitted annually while adopting a formal definition of refugee. By creating these legal mechanisms, however, the relationship between the US, Mexico, and Central/South America shifted. The creation of policies that very specifically define the limits of those who are permitted as refugees has the consequence of sharpening the binary of permitted/non-permitted. Out of this binary, there begins a new standard of who is legitimate and who is not. For example, Salvadoran asylum seekers in the 1980s who were fleeing civil war, were labeled as economic migrants by the Reagan administration in order to prevent their reception and cast them as “illegals” (Allan Colbern, Melanie Amoroso-Pohl, & Courtney Gutiérrez, 2019).

Policies like the Bracero program and the H-2 Visa program birthed a sentiment toward Mexican migrants that portrayed them as laborers, seeking economic opportunity rather than people seeking out safety and stability. The end of the Bracero program marks the end of circular migration, leading to demographic shifts among migrants and initiates tracking of ‘unauthorized populations’ (Colbern & Ramakrishnan, 2021). Consequently, Mexican and South/Central Americans begin to be categorized differently than other types of migrants in a way that portrays them as ‘illegal’ or threatening as Chavez and others explain (Chavez, 2013; Ngai, 2014).

This type of categorization of (im)migrants through the combination of refugee law and immigration law allowed the United States to place a large population of (im)migrants into liminal legal statuses, a key feature of the growingly harsh immigration regime. This history set the stage for the 1980s efforts for reform.

In 1986, the Immigration Reform and Control Act (IRCA) was passed to combat illegal immigration. IRCA is built upon the progressive ideals of the Hart-Cellar Act, but also marked a shift toward restriction and deterrence. According to *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* by Douglass Massey, IRCA had four main goals: to deter employment of undocumented migrants via employer sanctions, increased border security via Border Patrol expansion and greater INS funding, provision of amnesty to undocumented migrants who could prove their residency within the US before 1982, and to give the President the power to declare an “immigration emergency” if they suspected an influx of migrants. Massey claims that IRCA was the result of a series of backroom deals, historic compromise, and a balancing of interests (Massey et al., 2002), a reference to the role political compromise and coalitions in immigration policymaking this research aims to explore. While not the first of its kind, understanding IRCA’s passage, and the coalition that it was formed by, is crucial to understanding the wave of restriction that followed.

The post-IRCA era continued to increase restrictive measures designed to deter, delay, and deny the entrance of new (im)migrants, as well as racialize, criminalize, and deport residents of the United States living without legal status. In 1994, passage of prop 187 in California denied unauthorized migrants rights to welfare, healthcare,

and education (D. J. Tichenor, 2008). Ultimately, prop 187 was found unconstitutional and repealed, however it was symbolic of the predominant sentiment toward migrants. In the same year, operations Gatekeeper, Safeguard, and Hold the Line were initiated in an attempt to curb illegal immigration at the southern border. These operations maintained the prevention through deterrence (PTD) strategy that De Leon's book is predicated upon. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed with the making the consequences of illegal immigration even more stringent and further securing the border (Massey et al., 2002).

The obvious desire for restriction and deterrence, coupled with the calamity induced by the 9/11 terrorist attacks lead to the creation of the Department of Homeland Security (DHS) in 2002, ICE in 2003, and HR 4437 in 2005 which sought criminalize unlawful presence of immigrants as well as those who provided any assistance to those residing in the US unlawfully (Colbern & Ramakrishnan, 2020). H.R.4437 passed the house yet was defeated in the senate after protests sparked around the country. Once again, while this restrictive measure was never passed, its introduction was noteworthy as is sought to criminalize not only unauthorized immigrants, but also American citizens if they tried to aid in any way.

Tom Wong argues that the failure to pass comprehensive immigration reform in the post HR 4437 period is a result of the entrenchment of partisan divides and electorate demographics (2017). I argue that the bipartisan efforts that produced IRCA laid the groundwork for the increasing restriction we continue to see. Politicians from both sides of the aisle put partisanship aside to work with one

another to pursue new methods of interior enforcement and border securitization. Democratic complicity has deep roots in immigration law, as Daniel Tichenor highlights often (Tichenor 2008; 2009; 2015). Thus, while complicity did not begin in the 1980s, it is important to focus on IRCA as it set the precedent for bipartisan reforms created thereafter. Studying the roots of modern bipartisan immigration reforms is then crucial in understanding how political coalitions continue to function as propellants of restriction today as they have throughout history.

### ***Political Science Scholarship***

Having established the ways that critical and historical scholarship inform this research, I turn now to the political science scholarship. This scholarship, especially that centered around the politics of immigration, party relations, and immigration federalism, provides the theoretical foundation for this research as I construct study coalition-building and framing. The work of Daniel Tichenor, Tom Wong, Sarah Coleman, and many others has given me a starting point to begin answering the questions driving this research (Coleman, 2023; D. J. Tichenor, 2009; T. K. Wong, 2017a). Tichenor and Frymer, however, provide the most significant supplement to the basis of this study as it relies upon the coalitional knowledge that Tichenor has produced while highlighting flaws in the two-party political construct as Frymer does. Using each scholar's contributions allows for critical analysis of coalitions, their intentions, and potential effects.

Tom Wong's *The Politics of Immigration: Partisanship, Demographic Change, and National identity* provides empirical analysis of congressional voting records to

explain that Democrats are more likely to vote for restriction in less publicized votes (Wong 2017). He also finds that Democrats and Republicans are in more agreement on restrictive border policy than in other areas (T. K. Wong, 2017a). While achieved through a different approach, Wong's claims align with the findings of this thesis in the sense they recognize the role bipartisan efforts play in furthering restrictive and exclusionary immigration enforcement regimes.

Daniel Tichenor's *Dividing Lines: The Politics of Immigration Control in America* and *Strange Bedfellows: The Politics and Pathologies of Immigration Reform* provides historical accounts of bipartisan coalitions, explaining their rarity and importance in achieving landmark reforms. According to Tichenor, political coalitions that transcend party lines are crucial to the development of immigration law. While politicians may be characterized "border hawks" or as "humanitarians" publicly, they may also simultaneously be collaborating with one another making "Faustian bargains" to introduce policies. This claim provides a snapshot of the compromise efforts policymakers engage in despite their outward-facing political commitments. Major reform has required the creation of left-right coalitions as a means of overcoming policy gridlocks (D. J. Tichenor, 2008).

I intend to push beyond acknowledging coalitions by exploring the make-up of coalitions, how they function, how they have evolved over time, and how that remains relevant today. I am interested not only in the mapping of these coalitions but also insight into what role they play in hurdling standstills in policy debates, and finally how they propagate the reinforcement of exclusion they created previously (Tichenor, 2008). Policymakers leverage coalition opportunities to achieve specific

policymaking goals, and the bargaining that is involved in doing so occurs across the two political parties.

In *Dividing Lines*, Tichenor makes four claims, the first being that due to the dynamic state of the US government, there are times of opportunity as well as constraint for policymakers to pursue the policy goals they desire. Consequently, there is an absence of drastic change as both pro and anti-immigration activists exploit their respective opportunities in small windows of time (2009). Long-term party control, or strong majority within American government is rare, as Tichenor alludes to. Therefore, politicians are likely to engage in compromise efforts that integrate ideological trade-offs in order to pursue policy goals they prioritize.

The two-sided nature of politics then may explain in some part the desire to form coalitions, which leads to Tichenor's second claim: immigration policy has been influenced by the creation of coalitions that transcend ideological and party lines. As power has shifted to and from pro-immigration coalitions, they too have shifted and reformed in accordance with the rise and fall of interest groups. Once again, Tichenor helps illuminate the depth of relations in politics showing it is not as simple as a pro-immigration and anti-immigration party dynamic, but that there are far more factors that weigh in on policy outcomes (2009).

Tichenor's third and fourth claims point to the influence external factors have upon policymaking, something I shall investigate in the next chapter through analysis of immigration history and framing. First, he points to the heavily integrated "privileged expertise" that is relied upon when creating policy, claiming it embeds the interests, values, and predispositions of privileged "experts." Secondly, he



acknowledges how threats and crises abroad can cause a sort of inward facing nationalism, where homogeneity is seen as a strength, and introductions of foreign persons is less favorable (Tichenor, 2009).

Ultimately, Tichenor provides an excellent overview of the history of immigration policy, the shift of policymaking in accordance with governmental shifts, and the complexity that lies within policymaking as lawmakers pursue their political goals. Due to the dynamic nature of politics, politicians must form coalitions if they desire to achieve their goals. These trans-ideological and trans-party alliances should prove to instrumental in explaining the consistent implementation of restrictive policy.

Paul Frymer's *Uneasy Alliances: Race and Party Competition in America* compliments Tichenor's "politics-policy puzzle" as it exposes inherent flaws of the two-party system in America. Creating a space for criticism that goes beyond an issue area, Frymer rejects the notion that the American two-party system produces a more democratic and inclusive society. He also rejects the median voter theorem explaining that politicians have more incentive to appeal to the racial majority rather than working to get the votes of minority groups. Rather than thinking simply in terms of majority/minority dynamics, Frymer emphasizes the importance of race within electoral politics (Frymer, 2010). In this sense, race is built into the two-party system, and prohibits a race-conscious system. While these dynamics are not unique to the two-party system, the American system is unique due to its long history of racism. Racism itself is not unique to America either, but the history of racism in the United States is. Frymer and Tichenor's works are in conversation with scholarship around the construction of racism and exhibit the unique importance of the American story.

Thus, while the structural aspects and the role of complicity within the two-party political system is not unique to the US, the history specific to the US provides the context necessary to understand illegality within the American political system.

Expanding upon his claim regarding the inefficacy of the two-party system, Frymer notes that politicians assume there is a risk in appealing to minority groups as it may result in the loss of voters who belong to the majority group . The incentive then is policy building that has the ideals and goals of the majority in mind, and the interests of racial minorities, in particular, are excluded (Frymer, 2010). This more general critique of the United States' political system can be put into conversation with the expansion of restrictionist immigration policy as it promotes the interests of the perceived majority while simultaneously suppressing the desires of the minority, especially non-citizens who have no voting power. Frymer's criticism of if the two-party system is instrumental as it provokes thought beyond the Democrat/Republican binary, permitting critique of the United States' political system in its entirety rather than bounding it with limitations of partisanship.

Frymer uses the concept of electoral capture to characterize the political phenomenon that occurs when a minority group, be it a racial community, migrant community, or any other minority group, votes overwhelmingly for one party. When this happens, the party is left with no motivation to incentivize the minority group's votes with policy ideals that are beneficial to them (Frymer 2010). While one may think the minority group could simply exercise the option to vote for the other party, the opposing party also has no incentive to advocate for minority votes and may even have incentive to keep select minority groups from voting for their party due to fear

of losing their already established constituency as a result of appealing to voters from the opposition. Minority groups then end up “captured” as neither party has motive to pursue their votes (Frymer, 2010).

Frymer’s electoral capture argument helps to explain how, seemingly progressive ends of a two-party system, pursue policies that are conservative or unjust. Policy motivations are rarely driven by a desire to alleviate oppression of a minority group. For the immigration context and the instance of IRCA, bipartisan reform undertakings were not a result of a desire for immigrant rights. IRCA was instead created as a mechanism to usher in a new era of restriction by first granting amnesty to millions of undocumented people who already resided within the United States, and secondly implementing a slew of provisions intended to limit immigration from there on forward. The Democratic Party played a key role, not just in being complicity on the sidelines, but in actively working across party lines to build up a harsher immigration system through IRCA – which ushered in new mechanisms to criminalize undocumented immigrants through barring their employing.

Frymer helps connect bipartisan efforts or compromises to the injustices of excluding racial minorities’ core interests. Ultimately, policymakers have agendas that they pursue with the intention of being reelected. If they are unable to appeal to their constituencies, they are replaced. Immigrants, especially undocumented immigrants, as a minority group, are even more vulnerable because they are excluded from voting. The two-party system as Frymer critiques, is naturally resistant to being more inclusive of racial minorities yet alone immigrants who cannot leverage voting.

The naturally conservative nature of the political system makes it incredibly difficult to pass progressive pro-immigrant policies. Elected officials are conservative due to their base, fear of losing it forces them to maintain allegiance to the party's core ideals. Institutionally speaking, the process of passing reform is conservative as it requires complicity and compromise, prohibiting truly progressive advancements. This thesis applies draws from Frymer's work, using a similar line of argumentation to demonstrate how the two-party system fails to adequately serve immigrants. This thesis also recognizes, however, that consideration of minority or non-citizen groups requires immense social mobilization. While uncommon, movements can have the power to create a voice for silenced populations, even those who are undocumented. The California model for immigrant rights demonstrates the power of social movements in transforming naturally conservative entities into propellants of progress (Colbern & Ramakrishnan, 2018).

### **Methodology and Analysis**

I compiled news articles and congressional record data from 1982 to 1987, the time surrounding the Immigration Reform and Control Act's most prominent failures and ultimate success in 1986. News articles and congressional records are complimentary sources of data because they help capture condensed, contextualized reporting on immigration reform by reporters paired with direct statements given in congressional records by legislators, other officials, and interest groups or experts in the immigration space. All news articles published by the *Wall Street Journal* and *New York Times* from 1982 to 1987 were collected, using the search term "immigr\*

reform.” While I do not examine the news itself for variation between sources in terms of their coverage or framing of immigration reform, these two sources ensured that the news articles were from both a nationally left and right news media outlets (*AllSides.com Media Bias Ratings*, 2023). This is important because it prevents one political party from being overrepresented, and it prevents partisan framing in one source from blurring the dynamics of coalition building across parties. Congressional records were also collected through ProQuest and consisted of published hearings on immigration from 1983 to 1987.

I used MAXQDA software and AntConc software to organize, code and analyze the data with a focus on capturing coalition building and outcomes (see Chapter 2). Specifically, I use MAXQDA to code all of the key actors and policy provisions relating to immigration reform for both the news articles and congressional hearings. This allows me to analyze change over time and to operationalize a coalition formation coding scheme, with three key dimensions: 1) leadership actions; 2) oppositional actions; 3) negations and amendment actions. Much of this work begins with qualitative coding and text-based coding to track actors and actions across the conceptual coalitional dimensions. From this coding, I am able to begin to explore broader, abstracted dynamics of the coalition building itself and why this matters, which are the focus of Chapters 4 and 5.

In addition to the coding of news articles and congressional reports to examine coalition building at various stages and dimensions, I use AntConc to explore patterns within these texts. By exporting coded text from MAXQDA to explore in AntConc, I use linguistic tools like collocate analysis to unpack how immigration reform is

framed from 1983 to 1987. This allows me to show in Chapter 3, prior to examining the coalitions and politics of the 1980s in Chapters 4 and 5, that terms relating immigration enforcement, citizenship as identity, and partisan politics are crucial to understanding the debates and injustices within the environment of the period. Through capturing these frames, I connect IRCA to America's longer history of a growing immigration enforcement regime while also setting the context for the debates of the 1980s.

### **Significance**

Bipartisan reform, while indicative of cooperation, does not translate to progress in American immigration law especially from the lens of immigrant rights, immigrant justice and racial justice. Ever since 1882, various classes of (im)migrants have been ascribed and framed as threatening and non-human. While progress is achieved in some areas like ending racial quotas in the 1960s or expanding the provision of refugee protections to people fleeing persecution in the 1970s and 1980s, these moments of progress are intimately connected to (re)emerging and growing restrictions, a hardening of the U.S. border, and sharpening of the “right to have rights” (Arendt, 1973) for citizens and noncitizens. IRCA in 1986 provided a path to legalization for millions of previously undocumented people, but this was paired with new forms of restriction including enforcing immigration law through employer sanctions and increasing the overall funding of border and interior immigration enforcement mechanisms.

This thesis explores the role interparty and intraparty relations in making the two parties complicit in producing restrictive immigration policy initiatives. What is worse is the fact that these developments in law and practice have helped produce and normalize hostile and dehumanizing frames attached to immigrants. This is happening despite scholarship that showcases the value that (im)migrant labor bring to the economy, and the lower instances of crime that (im)migrants are connected to compared to citizens (Gonzalez et al., 2017; T. K. Wong, 2017b). As an advocate for fair and equal treatment of all people, I feel obligated to uncover why some are treated differently than others. The answers to this question are rooted deep in American politics, policy, and history. The United States has long been touted as a nation of immigrants, yet policy aimed toward restricting movement and militarizing the southern border is increasing. Normatively, this research hopes to contribute to the empowerment of the migrant community, particularly their right to seek asylum and to have rights within the United States regardless of legal status. This includes the right to work, which IRCA ended. In this way, the thesis offers a call to action against normalizing enforcement, especially for the Democratic Party.

## CHAPTER 2

### THE HISTORY OF IMMIGRATION AND THE CONSEQUENTIAL FRAMING

#### **Introduction**

Bipartisan coalition building, I argue, is the key to understanding immigration law and the framing of immigration and immigrants. This chapter provides a brief history of the landmark bills dating back to 1882. This is important as it situates the normative critique of the thesis – that enforcement is problematically centered into every progression in immigration legislation. It also situates the core debates and evolutions around enforcement that are central to the 1980s reform efforts. The historical account provided in the first part of this chapter, is supplemented by original analysis of the framing of migrants and the contentious issue areas that occurs in the 1980s. I reveal and explain how history and the 1980s framing situate immigration and immigrants within the two-party system and under the idea that enforcement is the norm and the most important policy goal.

By opening the thesis with a historical overview and analysis of framing, the chapter seeks to forge a very clear bridge between critical migration scholarship, which often focus on the injustices of immigration regimes and border regimes, and immigration policy and politics scholarship that more often focuses on institutions, laws, party politics, and interest groups. This bridge is essential to the normative and empirical analysis of the thesis and later chapters.



## **Immigration Policy: One Hundred Years in the Making (1882-1982)**

The history of immigration federalism helps reveal the many ways in which the civil rights and immigrant rights movements connected throughout the Twentieth Century, and how and why federal immigration law grew harsher and more restrictive over time. On the one hand, the 1950s and 1960s reforms to federal immigration law were shaped by the civil rights movement's successes, resulting in the end of racialized national quotas determining who can and cannot immigrate to the United States. However, this progress in immigration law was paired with important restrictive and anti-immigrant developments, especially in how immigration law became enforced in the interior with a focus on targeting and deporting undocumented immigrants. This complex history is crucial for understanding the core debates around IRCA and the kinds of framing that came to shape the politics of IRCA, including the framing of immigration enforcement, of immigrants, etc.

The Chinese Exclusion Act of 1882 marked the federal government's full entrance into the realm of immigration restriction as it followed California's anti-Chinese and broader anti-Asian that began in 1852 (Colbern & Ramakrishnan, 2020). The policy's racist name does most of the explaining but to establish further context the law stated, "coming of Chinese laborers to this country endangers the good order of certain localities within the territory" (*Chinese Exclusion Act (1882)*, 2021) and was extended a few months later to exclude, "the entry of idiots, lunatics, convicts, and persons likely to become a public charge" (*Early American Immigration Policies / USCIS*, 2020).

The Chinese Exclusion Act was originally set to last ten years but would be expanded indefinitely via the Geary Act of 1902 which also extended the law to prohibit

of migrants from Hawaii and the Philippines (*Chinese Exclusion Act (1882)*, 2021). The Immigration Act of 1917 followed the anti-Asian trend and extended exclusion via the Asiatic barred zone. Mae Ngai stresses that these laws are not only significant in the way they outwardly excluded Asian people, but also in the sense they signified that immigration control was a “matter of national sovereignty” (2014). These measures would mark the beginning of a restrictive and nativist era characterized immigrants as unassimilable detriments to society. While policy has shifted away from such outright degradation, similar sentiment can still be found in modern discourse.

The earlier exclusion acts set a precedent of othering and cultivated the nativist sentiment that still plagues society today. The Immigration Act of 1924 went beyond exclusion as it began to appeal to the ideal of homogeneity in the United States by creating the national origins quota system. The quota system, claimed as a measure to “preserve the racial status quo” limited immigration to 2 percent of each nationality that lived in the United States per the 1890 census. The 1924 initiative resulted in increased immigration from Europe and severely limited immigration from elsewhere (T. K. Wong, 2017a).

The exclusion act and related legislation coupled with the Immigration Act of 1924 represent a blatant attempt to exclude non-white immigrants and reinforce white superiority. Elizabeth Cohen claims these laws were embraced by Americans and propelled by fear-mongering political elites who concocted a threatening narrative of immigrants so that they could invent policies designed to “protect” Americans (Cohen, 2020). Cohen’s contribution is important because she acknowledges that immigrants were never a threat, yet an obsession with white domination generated a narrative that

framed immigrants as dangerous and threatening. This emphasis on framing is critical as it exemplifies how societal trends and stereotypes can lead to seemingly evil policies being normalized.

After nearly one hundred years of restriction, the Hart-Cellar Act did away with the quota system and implemented a modernized system that prioritized skilled immigrants and immigrants with family in the United States, leading to a mass influx in immigration in the years following (*Immigration and Nationality Act of 1965 | US House of Representatives*, n.d.). While labeled as progressive turn for immigration policy, Hart-Cellar would create new obstacles for immigrants while simultaneously igniting a reactionary anti-immigrant movement that rejected outward racism and instead labeled immigrants as a burden to the United States (Coleman, 2023), in turn, paving the way for IRCA's intense division in the early 1980's.

There are two other policies, pertinent to IRCA, that require explanation as well. While deviating from the chronological timeline, it is important to acknowledge policies prior to IRCA that influenced and shaped the framing of policy needs in the 1980s. Originally established in 1942, the Bracero Agreement was a deal between the United States and Mexico that allowed Mexican natives to work in the United States legally due to a labor shortage caused by World War II. The Bracero policy, along with a similar policy implemented in 1952 that was known as the H-2 Visa program, supplied the agricultural sector with a cheap and exploitable labor for 22 years until the Braceros were terminated in 1964 (Thurber, n.d.). These policies are especially important when considering IRCA and the strife that employer sanctions and temporary worker program initiatives caused. For years, farmers had relied upon Braceros, of which they could pay

lower wages than domestic migrant workers while providing sub-par living and working conditions. Farmers operated under the guise of an agreement that assured there would be no discrimination while ignoring the American Federation of Labor (AFL) and Congress of Industrial Unions (CIO) as they raised concerns about potential for exploitation and discrimination (D. J. Tichenor, 2009).

Mae Ngai terms the Bracero Program as a form of “imported colonialism” in which the United States subordinated foreigners, exploited them for their labor, yet assured that they remained excluded from the national polity legally and culturally (Ngai, 2014). Viewing Braceros in this way provides insight into why the topic of guest-workers was so contentious throughout IRCA’s negotiations. Growers wanted to maintain the status quo and continue exploiting foreign workers while some progressives opposed such provisions due to their exploitative nature. Other politicians, both conservative and progressive lobbied for a guest-worker program citing a shortage of domestic labor. Regardless, anyone who supported guest-worker program supported maintaining the racist and exploitative nature of the United States immigration system.

The termination of the Bracero program led to a massive increase in undocumented immigration. Simply telling Mexican workers who had been reliant upon farm jobs in the United States that they could no longer come due to a change in policy was insufficient in curtailing the appeal of job opportunities in the United States for obvious reasons. As undocumented populations continued to rise, and farmers continued to employ undocumented labor, the calls for employer sanctions and border security got louder. The stage for IRCA was set, the claimed labor shortage mixed with a growing undocumented population, a porous border, and lack of enforcement mechanisms

generated the call for bipartisan comprehensive immigration reform that attempted to satisfy the desires of all involved while solving the multi-faceted issues.

### **Normalizing Immigration Enforcement and Exclusion**

The public's understanding of what immigration law ought to look like and whether immigrants are perceived as good or bad is intrinsically connected to the history of immigration law and the key actors and coalitions that led to these developments. For example, the 1921 and 1923 federal laws were intimately shaped by nativist anti-immigrant institutions. The prominence of eugenics allowed for perceived "scientific validation" for racial exclusion based on claims of apocalyptic consequences of "race mixing" (D. J. Tichenor, 2009). Because of such instances, when immigration reform is in the process of being debated and formed, it is crucial to situate this in the public framing of immigration and immigrants.

As scholars have explained, binaries of us/them, legal/illegal or citizen/immigrant, often overarch the framing of the issues and of immigrants themselves (Hamlin, 2021; Huber, 2015). Binaries normalize exclusionary language and thinking in discussions about immigration and/or immigrants, which scholars find occurring in progressive and in conservative news sources (Chavez, 2013; Gleeson, 2015; Patler & Gonzales, 2015). A key reason that binaries are so powerful in coverage of immigrants is the emphasis reporters place on the U.S.-Mexico border and on immigration enforcement (Farris & Silber Mohamed, 2018). This focus on the border and enforcement is so powerfully normalized, according to Allan Colbern and colleagues, that it shapes how national and

local newspapers cover education or frame crises around immigrants (Colbern et al., 2023a, 2023b).

With the history of immigration in mind, this next section unpacks the framing of IRCA in the news between 1982-1986. In unpacking how the news coverage framed and captures the framing of IRCA and immigrants during this time, I link the period to the longer stretch of immigration laws to highlight some of the origins of the frames themselves. The history reviewed earlier, and the framing around IRCA, is crucial because it helps to reveal this key argument of the thesis: both mainstream political parties in America have worked together to produce the restrictions and framing of immigration throughout history. Neither party was entirely good nor led in the direction of immigrant rights. Chapters 4-5 build on this analysis and context, to reveal how each party played important roles in the crafting and passage of IRCA, which further entrenched interior enforcement through new mechanisms and sharpened the contrast among the legal/illegal framing of immigrants.

## **Methods**

To capture how immigration reform is framed using MAXQDA text analysis tools, I searched for all sentences where the terms “immig\*” and “reform\*” appear together. I then coded the full paragraph for all of these sentences, plus the paragraphs before and after – resulting in 3 paragraphs for each coded segment. This approach allows us to explore the text surrounding mentions of immigration reform for all of the news articles, in order to explore and unpack patterns in framing. I exported all three-

paragraph segments as a single word document to examine using Antconc linguistic tools.

Beginning with a basic word frequency search of the entire corpus (the word document with all coded segment), I identified the most frequent and relevant terms appearing near immigration reform. Next, I used Antconc's key words in context (KWIC) function to explore the sentences and paragraphs surrounding these most frequent terms. After reviewing each word, I found that they fit primarily into three distinct categories: enforcement, identity/citizenship, and partisan/political. For each of these categories, some of the terms being used were very clearly and intentionally (re)framing immigration or immigrants, while some terms appeared to be more in the background and less original to the period. I therefore separate each category as having "prominent frames" or "silent frames." I use this approach to explore immigrant framing. While this data could be used for a much more in-depth study, the overall intention is to explore the reinforcement of frames throughout history, and the continuation of new framing throughout the 1980s. This proves incredibly valuable for the proceeding chapters as it helps situate the context that IRCA was created in. In the section below, I unpack the power and significance of framing during the 1980s for our understanding of IRCA and use these frames as a way to connect IRCA to prior historical developments in the construction of the "illegal immigrant" and the normalization of enforcement.

### **Enforcement Framing**

Through this approach to code and capture framing around immigration reform in the news articles, three frames appeared prominently: 1) enforcement framing; 2)

citizenship as identity framing: 3) partisan politics framing. After classifying the key words into each of these frames, I then explored the text surrounding each category and the associated key words in order to identify if the key words themselves were prominent or silent frames. I define prominent frames the use of language that actively shape or shift the narrative framing of immigration reform. These are frames that are activated in the coverage of reform. By contrast, I define silent frames as the use of language to contextualize key provisions or the history important to understanding immigration reform in the moment, operating more as background rather than as an active presence in the news coverage.

The following examples exhibit the difference in language surrounding both silent and prominent frames. The first word “employer(s)” generates employer sanctions related context, a normalized term, whereas a word such as “alien” that follows, characterizes the perpetuation of migrants as a threat.

***Silent Frame (Employer(s):***

“For the first time, that employer\_sanctions are inevitable. ‘There seems to be a willingness on all sides to begin to give,’ concludes Daniel Stein of the Federation for American Immigration Reform, a lobbying group seeking to stem illegal immigration. “Everybody seems to be heading in the same rough direction, toward the center.” (Goodnight, 2023b)<sup>1</sup>

***Prominent Frame (Grower(s):***

“Yet the alien\_tide must be curtailed because “in fact, illegals tend to take better jobs than we think they do.” (Goodnight, 2023b)

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<sup>1</sup> News data (e.g., quotes) referenced throughout the thesis will be cited as part of an original dataset, which is composed of extracted text from the corpus of news articles collected in ProQuest. This dataset is on file with the author of the thesis.



The main intention of this analysis, and this methodology, is to connect the normative critique of illegality to the discussions and debates around immigration reform. Silent frames are still very important because they are often capturing language developed (actively) in the past, during previous immigration reforms – hence they capture some of the ways that history and framing come together. I, however, focus on the prominent frames as they provide contextual evidence of the ways (im)migrants were being framed. While more research would need to be done to validate this claim, it seems that the silent frames were so heavily normalized that they demonstrate less significance. Thus, silent frames represent history’s impact on normalizing anti-immigrant rhetoric while prominent frames represent the ongoing push towards normalizing it even more.

**Table 1: Enforcement Frames**

Frame Type	Enforcement Frames
<b>Prominent Frames:</b>	<b>Control</b> <b>Border(s)</b> <b>Grower(s)</b> <b>Worker(s)</b>
<b>Silent Frames:</b>	<b>Penalties</b> <b>Enforcement</b> <b>Civil</b> <b>Fines</b> <b>Security</b> <b>Agriculture</b> <b>Agricultural</b> <b>Employer(s)</b> <b>Employment</b> <b>Work</b> <b>Sanctions</b> <b>Labor</b> <b>Hiring</b>

The above table contains all terms that were categorized as enforcement frames. Some words are obvious fits (control, borders, etc.) others require some explanation. While terms like grower(s), worker(s), are seemingly unrelated to enforcement measures, at this time in history, especially in the context of reform, they exhibited strong connections to enforcement in context. The connection between grower(s), worker(s), employer(s), etc. can be attributed to the recent history of Braceros and the H-2 Visa Program. Due to that same history, the silent frames portion of this category is much larger than that of the prominent frames.

The terms categorized as silent frames are terms that had no sort of framing attached to them. These terms were used generally to describe reform measures with little to no controversy attached to them. Admittedly, this is a very subjective process, if this research was to be done more extensively, there would be a need for an established framework and method of inquiry. Due to this very particular moment in history where an influx of migrants and exploitation of labor was trying to be curtailed, much of the language surrounding employer sanctions was already integrated. While employer sanctions are mentioned plentifully throughout the data, there are very few instances where employer sanctions are debated within the news, or even the congressional documents which I shall explain in the subsequent chapters. Considering the alignment on the idea of employer sanctions and the history of immigration policy leading up to this moment and knowledge of the then current events, it is apparent that enforcement was an objective for everyone.

The prominent frames, however, shed some light upon the way enforcement was framed in the news. The first terms listed, control and border(s), in context provide

narratives of America's borders being out of control. The border is characterized as an out-of-control issue that needs to be "curtailed" through "tightening". This sort of framing provides substantial evidence of the fearmongering that Cohen speaks of in *Illegal*. In the following examples we see the way that the narrative of control is manifested through the news and even the President of the United States.

The following are quotes around "control" or "border(s)" in the news data:

"Future generations of Americans will be thankful for our efforts to humanely **regain control of our borders and thereby preserve** the value of one of the most sacred possessions of our people, *American citizenship*," -President Reagan

"One investigation after another has shown that **the borders are out of control**. Anyone determined to enter the United States can steal in, and it's inconceivable that this open society will ever hire enough guards or uncoil enough barbed wire to stop them. But there is another way. **Turn off the magnets that pull people across the border - the jobs**, however menial, that pay to foreigners' reckoning, a fortune."

"While Congress struggles with the issue of immigration reform, **the greatest surge of humanity ever seen** along our southern border is now **clamoring to enter** through our 'back door.'

"How can we **tolerate** an unlimited buildup of an exploited population within our borders, **a population living outside the law**, a population not participating in our democratic process? The message America is sending to the rest of the world says: 'Just make it across our border, any way you can, and you're home free. You'll get a job; we'll educate your children; we'll take care of you.' (Goodnight, 2023b)

Beyond the narrative of an out-of-control border, the news accuses the United States of sending a message to the rest of the world inviting immigrants who are "clamoring" to "surge" through America's borders. Considering America's history while reading constructed narratives like the ones above makes it easy to understand why it is so difficult to achieve comprehensive immigration reform in present day.

The characterization of grower(s) in the news media is interesting to observe. As opponents to the reform bill that would require them to employ people legally while simultaneously facing harsh penalties if they continued practices, they had been reliant upon since the inception of the Bracero program, “the growers” stirred up strong criticisms from proponents of the reform policy. Senator Simpson, a chief sponsor of IRCA was critical of the grower’s influence over Congress saying, “We have defaulted, we have deferred, we have relegated our legislative powers away to a tough, tough bunch of guys" who don't care about immigration reform”. Richard P. Fajardo, director of the Washington office of the Mexican American Legal Defense and Educational Fund, echoed Simpson when he said, “The growers have been able to turn an immigration reform bill into an agricultural worker bill." The grower’s opposition was viewed as an obstacle to reform, policymakers and interest groups essentially characterized their power as an annoyance prohibiting the reform. To add a bit more context, one of the most interesting quotes surrounding the “If there were a Layman's List of Favorite Demons, fruit and vegetable growers would probably place near the top. They depend on poorly paid illegal aliens. Worse, many people think the growers also mistreat them cruelly, refusing even such minimal decencies as field toilets. No wonder the growers oppose the proposed immigration reform bill, according to the demonology; it would curtail the supply of exploitable labor.” (Goodnight, 2023b). This sort of characterization captures the polarity and opposition that existed among proponents and opponents of IRCA in the 1980s.

The context surrounding worker(s), the final prominent frame in this category, also provides important information about the way workers were framed. The context

surrounding workers was mostly related to “protecting” American workers and controlling the illegal flow of migrants.

The following examples highlight some of the context around worker(s):

“Gov. Mark White's Task Force on Illegal Immigration, said *undocumented workers* in this country *chiefly displaced members of minority groups* who were young and unskilled and had the worst unemployment rates.”

“In any case, farm workers account for only about 15 percent of illegal entrants. *Controlling the illegal flow* remains *worthy of support* from all those, *right and left*, who have spoken for it so forcefully.”

“One *need not be liberal* to believe in decent treatment for low-wage workers. One *need not be conservative* to believe that *the country needs to control its borders*.” (Goodnight, 2023b)

These quotes also provide a view into what was labeled as need for “bipartisan” reform. The quotes above characterize the immigration situation as one that everyone could have agreed upon, regardless of their political ideals. Irrespective of which side of the aisle one stood on, the need to curtail immigration was in everyone’s best interest according to the news. Following the theme of every prominent frame in this section, we are provided with information as to how narratives can be cast into the news in an attempt to create a faction against the “other” that migrants were painted out to be. This is important as it allows for tracing of immigrant frames that existed and were perpetuated throughout the 1980s. The silent frames category is also important as it exemplifies what was already normalized in the 1980s. In this way we can see how anti-immigrantism continues to evolve and integrate itself as normal throughout time. It happened then, and it happens now even faster with the presence of social media. These sorts of tendencies must be done away with if we are to ever have a humane immigration system.

## Citizenship as Identity Framing

In regard to immigration, the 1980s marked a turn away from the liberal ideals of the Hart-Cellar Act and a return to the white nationalist agendas that had fueled immigration policies for nearly one hundred years prior (Beltrán, 2020; Cohen, 2020; Coleman, 2023; Ngai, 2014). Thus, this category frame fits perfectly into the rebirth of anti-immigrantism. The concepts of legality, nativism, and origin all contribute to the ways discriminatory policies are constructed. Throughout its existence, immigration law has made its mark defining what it is to be illegal. To no surprise, there is seemingly no controversial framing, around America or American(s) within the data, earning them a silent frame categorization. Hispanic(s), Mexico, and other terms, however, produce interesting narratives related to illegality.

**Table 2: Identity and Citizenship Frames**

<b>Frame Type</b>	<b>Identity/Citizenship Frames</b>
<b>Prominent Frames:</b>	<b>Illegal(s)/Illegally Immigrants Hispanic(s) Mexico</b>
<b>Silent Frames:</b>	<b>Alien(s) America American(s) Mexican(s) Citizen(s) Foreign</b>

Table 2 (Identity and Citizenship Frames) encompasses the frames surrounding identity and citizenship. The term alien, when standing alone, generated little framing

data. Most context related to alien was explanatory information describing the minutia of employer sanctions and amnesty provisions. When paired with illegal, alien took on a new meaning. When describing immigrants not just as foreign, but as foreign *illegals*, the context shifts from mundane policy explanations back to the anti-immigrant sentiment that is embedded within American ideals.

Examples follow:

“Yet the *alien tide* must be curtailed because ‘in fact, *illegals* tend to take better jobs than we think they do.’

“Without reform, though, the presence of what may be six million *illegal aliens* in this country exacts an *economic and social toll*.”

“Immigration Reform Law Institute, a public interest group, is planning to sue the Census Bureau to *prevent the inclusion of illegal aliens* in the figures on which the next Congressional reapportionment will be based.” (Goodnight, 2023b)

Nativism is heavily reflected in the characterization of immigrant(s). In this context I notice a deviation away from the claims of stolen jobs, economic security, and lack of border enforcement. Within this context there is a sense of fear that signals cultural domination, inability to assimilate, and a loss of “our” America in the way that people felt America was their property being stolen from them by immigrants. The following exemplify a constructed fear of immigrants, similar to the claim one hundred years prior that immigrant “endangered the good order of certain localities within the territory” (T. K. Wong, 2017a).

“Mr. Conner of the Federation for American Immigration Reform sees a *cultural and political threat* in this. Previous *waves of immigrants*, he says, came mainly for “entrepreneurial” purposes and quickly caught up with Americans. But the new waves, he says, are coming mainly to join family members already in the United States and *are not as motivated to assimilate*.

“The immigrants continue to come - 570,009 in the last full year, led by Mexicans, Filipinos and Koreans.”

“...*the difficulty in evaluating the newcomers is that they are so heterogeneous*, ranging from skilled neurosurgeons from Argentina to illiterate Cambodian refugees. In some areas, like on Chicago's North Side, they have revitalized dying urban neighborhoods. Elsewhere, *immigrants are proving a growing burden on schools, hospitals and welfare services.*” (Goodnight, 2023b)

The following describes “spectacular” and “moving” images of militarized border enforcement including border patrolmen being aided by a helicopter to catch immigrants attempting to cross the border. This action-packed description results in the border patrolmen arresting two women “with packages.” Ironically, the description, while aiming to capture the intensity of border patrol ends up describing two women surrendering themselves. This sort of fetishization with white domination via forceful approaches to border security while misconstruing encounters as war-like occurrences help us understand *why* we continue to see increased enforcement.

"Whose America Is It?" also gives us some *spectacular*, even *moving*, glimpses of illegal immigrants waiting to cross the border. They cluster on hilltops around smokey fires, waiting for night. Darkness falls. We hear whispers. *The illegal immigrants are moving. Border patrolmen are moving, too*, shining their flashlights into the darkness. A helicopter hovers overhead. *Two women with packages emerge from a cluster of bushes.* They will be returned to Mexico, *and then presumably try to cross the border again.*”

Mexico, while not as prominent as other framing words, provided some context as to what the opinion of Mexico was. Immigrants come to the United States from all over the world, but it seemed there was some extra blame of Mexico:

“The following outcome thus looms as a possibility should the bill pass. *News of the amnesty will travel swiftly in Mexico* and points south. The precedent of one *amnesty will create expectations -- and pressure -- for another.*”

“More than *270,000 illegal entrants were arrested.* Of those illegal aliens, *6,500 were not from Mexico*, representing 55 other countries. In the first 17 days of April, we are averaging 2,451 arrests a day, a rate that will lead to more than 70,000 arrests for the month. We're encountering an average of one illegal alien every 35 seconds



here in San Diego County. *We know that we're locating, at best, about half the flow of illegal entrants.* The rest are making it past us, *soon to join their compatriots throughout California and the rest of the country.*" (Goodnight, 2023b)

Hispanic(s) received similar characterization as the growers mentioned earlier. In most cases, rather than referring to Hispanics individually, the news was referring to Hispanic interest groups who were lobbying against IRCA. There is an obvious dissent for the Hispanic groups who, similarly to the growers, were seen as an obstacle to reform. Examples follow:

"Citing their *painfully won knowledge of discrimination*, Hispanic groups have mobilized against the Simpson-Mazzoli immigration reform bill and the Democratic Presidential candidates have rushed thirstily to their side. *What a sad mistake for all concerned.*"

"There are millions, all over the world, who also want to enter the Promised Land. Hispanic groups speak passionately for "*undocumented workers*" yet to come from Mexico. But who speaks for the millions waiting patiently elsewhere? *To tolerate a continued illegal tide sorely tries American patience* with all foreign migrants."

"The merits are substantial, *despite all the dust recently thrown up by some Hispanic leaders* and by the Democratic primary campaign. Indeed, the striking thing about the debate over Simpson-Mazzoli is the weakness of the arguments against it."

"These are *bleak days for immigration reform*. The Democrats' national candidates, *pandering to Hispanic leaders*, parrot *the unjustified claim that the Simpson-Mazzoli bill fosters discrimination* against Mexican Americans." (Goodnight, 2023b)

The theme that channels through this framing category is about the threatening obstacle that migrants were characterized in this time. The avalanche of anti-immigrantism continued to build momentum as it tumbled down what, thus far, has

proven to be a never-ending slope. As I move into subsequent chapters and discuss Democrats and Republicans alike, there will be mentions of “progressive reform measures.” It is worth noting that in this environment progressive held a very different meaning than it does today. Thus, even those who claimed to be liberal or progressive Democrats were continuing the traditions of exclusion and restrictions.

### **Partisan Politics Framing**

The last framing category moves away from how immigration and immigrant framing are crucial, to capturing how politics and the political parties are framed. This is helpful and important because it offers a small glimpse of the language behind bi-partisan efforts towards reform. It shows the connections between framing the reforms itself to the centrality of coalition building, which the thesis unpacks in the later chapters. It also becomes very clear in the findings that this third frame surrounding reform is minimal compared to the others. Framing immigration or immigrants is more central to news coverage than the actual complexities of the coalitional politics that lead to reforms.

**Table 3: Partisan/Political Frames**

<b>Frame Type</b>	<b>Partisan Political Frames</b>
<b>Prominent Frames:</b>	<b>Bipartisan Compromise</b>
<b>Silent Frames:</b>	<b>Comprehensive</b>

The framing of partisanship, compromise, and its relation becomes incredibly important when analyzing coalition building that spans within and across the ideological binary of the United States government. The concept of bipartisanship signifies a premise of cooperation. Whether it was cooperation on progressive liberating policy ideals that went against the previous trends of immigration law, or restrictive measures that would continue to carry on the legacy of restriction, will be discussed in more detail later. For now, however, it is important to understand the way that politics were being framed in the moment that was IRCA's negotiation period. Understanding this type of framing will be useful as the subsequent chapters begin to unpack IRCA and the data cultivated around it.

The framing of compromise helps mainly with understanding how difficult it is to achieve. The balancing of interests of both parties is something that required years of negotiations, several failures, deadlocks, and seemingly immovable obstacles. Ultimately, as I will explain later, success was achieved. Success, however, requires maneuvering of many moving parts to satisfy the interests of Democrats, Republicans, interest groups, and the President. The details of this compromise represent the main point of this thesis, but something that is also worth considering is the price of compromise. Compromise requires both sides of the argument to part ways with things the other disagrees with, at times this can lead to deletion of provisions or ideologies that have potential to alter the overall representation of a policy. The news, in some ways, foreshadows the delicate nature of compromise:

“The bill before us is a compromise effort. But at *what price is the compromise? Who must bear the burden of this compromise and its uncertainties?* This is not a delicate balance. There is an unfair burden placed on the backs of black, brown, and yellow people already living in this country.”

“There were indications that support for *the compromise at the heart of the bill might be eroding*, as conservatives expressed disenchantment with the amnesty for illegal aliens and liberal Democrats denounced the employer sanctions.”

“The *compromise is flawed*, yet anyone who understands the need for immigration reform will support it. *It may be the only way.*” (Goodnight, 2023b)

While bipartisanship represents cooperation, it also contains an element of uneasiness, something scholars like Tichenor and Frymer discuss often. Obviously, when a coalition is forged among policymakers who come from entirely different schools of thought, there ought to be some awkwardness. This is just another reason bipartisan reform and cooperation is such a rare occurrence. The data represents these themes, sometimes unintentionally, noting that while there is cooperation, there is still always a notion of opposition or blame present. This context helps us to understand the 1980s:

“Two striking facts characterize the national debate over immigration reform. First, how *remarkably bipartisan is the support*. Second, how *remarkably bipartisan is the opposition* – opposition that could now be deadly unless President Reagan himself speaks out.”

“This balanced, *bipartisan bill embodies the general interest*. It would enable America to be just in deciding which of the clamoring millions around the world it will admit. It would enable America to be humane in its treatment of those who, having sneaked in, now live under a cloud of exploitation.”

“The need for immigration reform is, if anything, greater than ever. So is the *bipartisan consensus* for it, even in Congress. *Why, then, the diffidence among House Democrats?* Why Mr. Mazzoli judges it wise to absent himself is something he can answer.” (Goodnight, 2023b)

## **Moving Forward: IRCA's Significance**

Immigration law's history, while often unnerving, is the key to understanding where we are now. From the policies mentioned prior, to IRCA, and everything that came after there are profound linkages that must be understood in order to understand the modern situation. Beyond simple policy connections, there are linkages in the ways that policies are formed, whether it be by coalition, through foreign policy initiatives, or even wartime declarations. Each policy, however, is unique in what it contributes to the continuum. I find IRCA to be among the most integral in explaining the modern restriction regime we live within. It represents an unprecedented bipartisan effort that granted never-before-seen amnesty, but also allocated millions of dollars to an enforcement system that has only grown since. Moreover, the federal employer sanctions that were premiered in IRCA laid the groundwork for a new era of state sponsored immigration regulations that began in 1994 (Colbern & Ramakrishnan, 2020).

The first version of IRCA was introduced in March of 1982, but the landmark immigration bill was not passed until November of 1986 after several years of political bargaining. Massey characterizes IRCA as a result of historic compromise, balancing of interests, and backroom deals (Massey et al., 2002). Tichenor claims IRCA made little progress for five years until "eleventh-hour" deals managed enough compromise to establish IRCA in 1986 (2008). Neither Massey nor Tichenor, however, investigated the dynamics that allowed for such compromise. This thesis seeks to build upon the claims of immigration scholars and work to define the roles within the dealmaking that resulted in the historical immigration reform bill (IRCA). Thus, the basis of this research lies upon the efforts of actors to mold the bill into one that satisfied the interests of all involved

enough to be accepted as law. Finally, this study captures and conceptualizes the formation of a political coalition that transcended party lines, governmental branches, and special interest factions with a common goal of achieving comprehensive immigration reform.

IRCA is recognized as such an important piece of immigration legislation as it contained provisions that had not been implemented prior. As it proceeded other landmark immigration bills such as the Immigration and Nationality Act, Hart-Cellar Act, and others, IRCA was unique in the sense its passage arguably marked the most bipartisan immigration legislation ever implemented up until that time. The bill was restrictive in the sense it established never-before-seen federal *employer sanctions* law, making it illegal for employers to knowingly hire undocumented immigrants (Colbern & Ramakrishnan, 2020)

IRCA simultaneously created an *employment verification system*; it required that employers first prove that their employees were authorized to work in the United States and subsequently attest to the federal government that they had done so via the I-9 form. Anyone found guilty of hiring unauthorized employees would then be subject to the employer sanctions provisions contained in the policy. Third, the legislation reformed the H-2 visa program and created a separate category for temporary agricultural workers. It made it a mandatory requirement for prospective employers to provide proof that there are not enough local workers available to do agricultural work prior to hiring visa workers. Finally, IRCA allocated more funding for the improvement of border enforcement, reimbursement to states for the costs of incarcerating undocumented

persons and an expedited deportation process for undocumented persons convicted of crimes (Sen. Simpson, 1986).

On a more progressive note, there is language in the policy recognized as the *anti-discrimination provision* making it, “an unfair immigration-related employment practice for an employer of three or more persons to discriminate against any individual (other than an unauthorized alien) with respect to hiring, recruitment, firing, or referral for fee, because of such individual’s origin or citizenship (or intended citizenship) status” (Sen. Simpson, 1986). IRCA also contained the largest amnesty program of any country at that time, resulting in a pathway to citizenship to nearly 3 million undocumented persons (D. J. Tichenor, 2009). The landmark provision’s sole caveat was that amnesty was only provided to unauthorized immigrants who had entered the United States prior to January 1, 1982 (Sen. Simpson, 1986).

The policymaking process begins with the introduction of the ideals of various actors but does not end until those same actors are able to come to agreements that satisfy the divisions among them. This very process is what I characterize as coalition building. The research conducted for this thesis explores the complex process of coalition building and the roles that actors within the coalition play in manifesting the coalition that ultimately agrees upon a bipartisan reform bill like IRCA.

Each of the aforementioned provisions, at some point, prevented a barrier to what would eventually result in compromise after years of tireless negotiation. As a result, amnesty, enforcement, discrimination, and employer sanctions are mentioned constantly throughout the data. Leaders on the policy worked hard to gain the support of the opposition, while interest groups lobbied for their respective policy goals. To explain

and analyze the dynamics of leadership, negotiations, key moments, and the eventual passage of IRCA, it is crucial to capture the essence of coalition building to broaden understanding of reform today, not only in immigration but also among other areas of reform (e.g., policing reform, health care, etc.) To do so, I introduce a framework that helps to conceptualize the nature of coalitions, the roles within them, and the vital role they play in the creation of reform.



## CHAPTER 3

### CONCEPTUALIZING AND OPERATIONALIZING COALITION BUILDING

#### **Introduction**

A key contribution this thesis makes in the study of immigration law is operationalizing a framework and analytical strategy to capture the crucial role of coalition building for our understanding of federal reforms. Before taking a deep dive into the case of IRCA, it is important to explain the makeup of a coalition building framework and how this is operationalized empirically. This chapter provides the conceptual foundation for understanding the coalition building framework and introduces how congressional hearings and news articles provide the empirical basis for my analysis.

So often, we think of immigration as a partisan issue, one in which has prevented much needed federal reforms from succeeding since the 1990s – despite strong efforts by immigrant rights activists across the country pushing for the Dream Act since 2001 and for Comprehensive Immigration Reforms since 2005. Today, millions of immigrant families and children are forced to live without rights or protections, and in a state of constant limbo. They are always subject to deportation and being separated from their parents and/or families in the process. Understanding how coalitions are formed, and their crucial role in passing federal reforms on deeply contested areas like immigration, is important as we continue to think about and work toward what is needed today.

Of course, bi-partisan comprehensive reforms come at a cost, including strengthening the harshness of our immigration enforcement regime and sharpening dehumanizing binaries around legal/illegal in popular discourse. There are tradeoffs and compromises built into reforming national policies, which lead to both good and bad

outcomes for immigrant justice. As Chapter 2 demonstrates, coalition building and moments of immigration reform are always forming within a historical context and discourse, which has normally steered anti-immigrant and enforcement oriented.

Tracing the formation of a coalition requires attention to both conceptual and empirical analysis and approaches. This chapter, therefore, focuses on the methodology, prior to building up the thesis' analysis of the causes and consequences of coalition building. After describing the conceptual framework, the chapter moves on to a discussion of its empirical strategy for how congressional records and news articles can be used as well as their limitations. The analysis provided in Chapters 4 and 5 are grounded in this chapter's weighing of these tradeoffs, which significant inform the kinds of insights about coalition building that can and cannot be developed from examining the news articles and congressional hearings.

### **The Coalition Building Framework**

While considering and coding for what I have termed the three dimensions of coalition building (*leadership/support, opposition/objection, and debate/negotiation* along with potential policy outcomes related to the formation or lack thereof political coalitions (*failure/success*) I develop a multi-dimensional scheme of analysis with the intention of capturing the nuance of coalition building across the selected time period. Employing these dimensions and outcomes as a means of analyzing the roles that the President, the administration, and each congressional house played opens avenues to empirical analysis of coalition building and in turn a more in-depth understanding of coalitions and their significance in relation to successful reform attempts.

**Table 4: Coalition Actors**

<b>Actors:</b>
<b>President/Administration</b>
<b>Congress</b>
<b>Interest Groups</b>

**Table 5: Coalition Building Dimensions**

<b>Dimensions:</b>
<b>Dimension 1: Leadership &amp; Support</b>
<b>Dimension 2: Opposition &amp; Objection</b>
<b>Dimension 3: Debate &amp; Negotiation</b>

Each dimension represents an integral facet of a coalition in formation. These roles work cohesively with one another to hammer out the ideological discrepancies among policymakers. The first dimension – *support/leadership on reform* – groups those who helped initiate policy goals and those who supported their initiatives. As I will explain in the subsequent chapters, actors within these dimensions are not omnipresent, as IRCA evolved there were instances where actors were more aligned in support of the policy, but also times of great divide. The presence of division is captured via the second dimension of the coalition building framework – *opposition*. Dimension two encapsulates

actors who expressed their disagreements, differences, and objections to the immigration reform bill throughout its conception. Much like the others, we see the opposition dimension swell and subside as the policy progresses to its final form. To conceptualize how coalitions overcome the barriers that differences and opposition naturally create, we explore the third dimension – *debate/negotiation* – a crucial element of the coalition formation.

Through analysis of the negotiations and the negotiators we are provided with empirical evidence of coalitions being forged via uneasy alliances to pursue prioritized policy objectives. After negotiation, compromises are either made, or the policy has to be entirely reformulated. I capture the outcomes of these coalition building dimensions through a very simple binary, *failure*, or *success*. As IRCA evolved, there were times it prospered, and times it was declared dead. The triumphs, failures, an introduction of the policy are explained through the three dimensions of the coalition building framework of which I shall provide substantive evidence in the proceeding chapters.

I find that capturing and analyzing the nuance of coalition building requires a pragmatic approach to the foundations of coalitions in themselves. In the case of bipartisan immigration reform, party lines are blurred from the perspective of the bill, but its provisions and the contests over them is where leadership from the two parties takes on incredible importance and we begin to see how and where the parties stand on immigration. Moreover, the two sides begin to compromise leading to the eventual product we see as law. I develop the coalition building framework drawing from key institutions and actors that political scientists like Daniel Tichenor have focused on to explain legal reforms. This framework stems from a desire to thoroughly dissect

coalitions so that they can be systematically analyzed and ultimately understood. Through this framework, we can better understand coalitions not only in this context, but across any coalition-based reform attempts.

### **Operationalizing the Study of Coalition Building**

To examine the coalition that formed around IRCA, I use sources that I know provide adequate information in relation to the designated time period while also being situated around the topic of interest. Congressional documents provide insight into the daily communications among policymakers and interest groups. By reading through the various hearings, I am able to observe what took place in the less publicized sphere of IRCA negotiations. The news provides insight into what was said and done publicly by actors as they endured the creation of IRCA. The two sources compliment in the way provide data that can be compared and contrasted alongside one another across time as a means of not only capturing coalition building, but also the way that policymakers interact in private and public spheres respectively.

### ***Congressional Hearings***

I find that congressional documents are most useful in supplementing the news media. Often, while similar themes are present in both the news and congressional hearings, the hearings provide a more in-depth account of what policymakers are working for within congress. Since the hearings consist mainly of testimony transcripts, they provide information directly from actors as opposed to news media which is generated via a third party with the preconceived intention of generating a story. The direct source

is beneficial, but it leaves congressional hearings lacking in the sense they have no narrative attached to them, the news is more useful in this sense, which I shall explain. Ultimately, however, the hearings are imperative to one's understanding of the more traditional means of policy debate, actors involved, and in-depth discussion of policy objectives. Another key strength of the congressional documents is that they provide extensive space for interest groups to express their support and opposition provisions of the immigration reform bill whereas these groups are often not represented as often or in depth in the news. In various instances, leaders of various interest groups state their organizations opposition to the reform bill directly to the councils they stand before while others, in many cases, provide a detailed account of why they supported comprehensive immigration reform. Consequently, the documents provide rich context in regard to which interest groups supported, opposed, or changed their stance over the course of the debate process.

### *News Articles*

The news is vital in this research as it exposes the polarity that existed throughout IRCA's formation. News media is unique in the way that it generates narrative, something that is important when studying topics related to society, government, and politics. Politicians provide comments regarding news outlets with the intention of letting the public know their stance and maybe even as a strategic measure to help persuade the opposition. Reporters filter whose perspective is or is not included in their coverage of immigration reform. Thus, as a form of data for the thesis, the news is very different than congressional hearings. For capturing coalition building dynamics, news articles prove to

be the most helpful form of data. This is because news reporters seek to provide multiple perspectives of a debate or issue, and reporters provide accessible context of important debates and issues when framing their stories. This allows for capturing all of the dimensions that compose coalition building, a clear timeline of developments along each dimension with clear reference to key actors (e.g., President Reagan), and richer context.

Secondly, the sheer content that is accessible via news media greatly outnumbers that of congressional documents. Thus, another reason the news is so useful is due to its accessibility. As the incidence of articles is much greater, I am able to track shifts in positions as well as peaks in dimensions very closely. With so many contentious components involved within IRCA, the news makes it easier to comprehend and tell the story of coalition building as it defines the key moments in the negotiation process much more profoundly.

Finally, the news is excellent in the sense it captures outside actor opposition, but it is not useful for examples of support by outside actors, I rely upon the congressional documents for those instances. There are recurrent instances where groups such as the American Civil Liberties Union (ACLU), American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and Hispanic leaders claim to be opponents of the bill. As the reporters intend to communicate the opposition of certain groups to the public, they capture an integral variable of the coalition's formation.

As the news media is more useful in capturing the essence of coalitions as they pertain the framework, the primary analysis for Chapters 2 and 3 is built on the news coverage of IRCA, where I unpack the coalition dynamics important for understanding the failure of reform in 1984 and success of reform in 1986. For each period, the data

collected from the congressional hearings is leveraged as a tool that will enrichen our understanding of the debates and different provisions of the bills.

**Table 6: Comparing and Contrasting Data Sources**

<b>Data Source:</b>	<b>Actor</b>	<b>Dimension 1: Leadership &amp; Support</b>	<b>Dimension 2: Opposition &amp; Objection</b>	<b>Dimension 3: Debate &amp; Negotiation</b>
<b>Congressional Records:</b>	<b>President/ Administration</b>	<b>Strong</b>	<b>Weak</b>	<b>Weak</b>
	<b>Congress</b>	<b>Strong</b>	<b>Weak</b>	<b>Strong</b>
	<b>Interest Groups</b>	<b>Strong</b>	<b>Strong</b>	<b>Strong</b>
<b>News Articles:</b>	<b>President/ Administration</b>	<b>Moderate</b>	<b>Strong</b>	<b>Moderate</b>
	<b>Congress</b>	<b>Strong</b>	<b>Strong</b>	<b>Strong</b>
	<b>Interest Groups</b>	<b>Weak</b>	<b>Moderate</b>	<b>Weak</b>

The above table highlights the coalition building framework. One can see that the news articles are more often in capturing the role of the President and the administration in dimensions two and three as well as congress’s role across all dimensions. The news, however, is less effective in capturing the role of interest groups. The congressional documents, however, do well in explaining the President and the administration’s role in dimension one, but are less effective in other areas. The hearings also function well in capturing dimensions one and three for congress but lack in explaining dimension two.



Finally, congressional documents play an integral role in delivering information about the role of interest groups, an area where the news is less useful. Thus, both sources are vital in understanding the complex nature of coalition building. I shall provide evidence and context for the areas where there are discrepancies in terms of effectiveness.

### ***Comparing and Contrasting Data Sources on the President and the Administration***

Congruent to the nature of the congressional documents, they provide information as to what the President and his administration were looking for in the policy. President Reagan himself never appears in the congressional hearings himself, but there is mention of his desires as well as extensive testimony from administration members such as Attorney General Edwin Meese and Immigration and Naturalization Services (INS) Commissioner Alan Nelson. Through their respective testimonies the policy goals the Reagan administration was pursuing become evident, helping to explain the more recurring yet less detailed accounts of the news.

The news articles are useful in the way that they capture the President's involvement in IRCA's evolution in terms of incidence. Throughout the data there are numerous instances where reporters refer to IRCA as something that is generally supported by the administration. The news, however, lacks in the context that it provides for the support, often there is nothing beyond an acknowledgement of the President's support by the news article. Thus, we are able to track the administration's shifts to and away from support over time using the news articles and gain a greater sense of what it was supporting using the congressional records.

**Examples of Support by the President from Congressional Documents:**

**Edwin Meese, Attorney General:**

*“The administration continues to support passage of fair and balanced immigration reform, and President Reagan has stated his commitment to that goal on numerous occasions during the past 41/2 years. And that is the reason I am privileged to appear before you today to reiterate that commitment and to make it clear that this administration is solidly behind comprehensive immigration reform”*

**Alan Nelson, Commissioner, Immigration and Naturalization Services:**

*“We look at this enforcement increase as an administration proposal that we think makes great sense and is extremely necessary. We also look at it as a down payment on an enhanced immigration enforcement called for by the Immigration Reform and Control Act. We hope that this step forward can be a catalyst for the House to take action. This is really a part of the three-legged stool that you often have addressed and one that we need so badly, along with the sanctions and other elements of the bill” (Goodnight, 2023a)<sup>2</sup>*

**Examples of Support by the President/Administration from News Articles:**

**Wall Street Journal:**

*“Sen. Simpson talked with President Reagan and others at the White House before seeking the conference, according to Mr. Day, and was assured that the president continues to support legislation similar to the Senate version of the bill. However, the Wyoming senator repeated his pledge that he wouldn't send a conference bill to the House and Senate for final consideration until he had received a White House commitment that the president would sign the bill” (Goodnight, 2023b)*

**New York Times:**

*“At a news conference Oct. 19, Mr. Reagan reaffirmed his support for ‘some immigration legislation.’ He said, ‘I supported actively and worked hard for the passage twice of the Senate bill on immigration.’ He said he had ‘some disagreements’ with the House bill but concluded, ‘I want to sign, as quickly as possible, immigration legislation” (Goodnight, 2023b)*

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<sup>2</sup> Congressional data (e.g., quotes) referenced throughout the thesis will be cited as part of an original dataset, which is composed of extracted text from the corpus of news articles collected in ProQuest. This dataset is on file with the author of the thesis.

The congressional hearings prove less useful in capturing opposition and the debate negotiation process. While there are occasional instances where Meese or Nelson express opposition to other actors' positions and negotiate for their position thereafter, there are no profound moments of expressed opposition or intense negotiations. In the news, however, the President and the administration are among the most represented in terms of expressed opposition and are involved in the negotiation processes occasionally.

### ***Comparing and Contrasting Data Sources on Congress***

While both sources represent the role of congress well, the news excels in its ability to exemplify opposition. While in the congressional documents, one may discern that there is disagreement among actors, there is very little staunch opposition. The news however, containing the narrative attached to it as mentioned before, brings to light the times that there were strong oppositions to IRCA or any of its provisions.

#### ***Examples of Opposition by Congressional Actors from the News:***

##### ***The Wall Street Journal:***

*“No issue was more emotional than amnesty, which dominated the last two days of debate. Rep. Bill McCollum (R., Fla.) forced the vote on stripping amnesty entirely. The fight offered a striking contrast between Rep. McCollum, a conservative from Orlando, and Rep. Esteban Torres (D., Calif.), whose Mexican-born father was deported during the Depression when the future congressman was a child of three”*

##### ***The New York Times:***

*“The legislation now 'hangs by a thread,' says its chief Senate sponsor, Alan K. Simpson, Republican of Wyoming. He says he dislikes the provisions for foreign workers in the House bill because they could lead to ‘an open-ended guest worker program’” (Goodnight, 2023b)*

### ***Comparing and Contrasting Data Sources on Interest Groups***

Congressional records represent interest groups' opposition and support much more effectively than news articles. Consequently, this is the most important contribution of the congressional documents to this thesis. Interest groups undoubtedly play a significant role in lobbying for provisions that their organizations desire, making it incredibly important to capture the nature of their involvement when doing research on coalition building.

The news captures opposition to the provisions but lacks the depth that the congressional documents provide. Often, the news article will simply state generally that "Hispanic leaders" or "farm groups" are opposed to the bill. As the congressional articles contain extensive testimony, they provide contextual evidence of support and opposition over time. This is important to capture in order to make sense of the shifts in coalitions and changes to the bill. Later, in chapters 2 and 3, these kinds of insights, along with those mentioned prior, are brought into my analysis of the 1984 and 1986 periods where voting took place on the bill.

#### ***Examples of Interest Group Support in Congressional Documents vs News:***

##### ***Congressional Hearing:***

##### ***Curtis Deane, Director of Legislative Affairs, Federation for Immigration Reform (FAIR):***

*"...it is a matter of how clearly the Congress delivers a message to both the Customs Service and the Immigration Service, and would that message conceivably be confused, or even conflicting, under any given circumstances. It is difficult to project what is going to happen in the future. But this is an area that could affect the performance of immigration law enforcement, and it is an area that we are concerned with, and we hope the committee will consider. My final point is simply to say that immigration enforcement at the borders, and at the primary inspection line, is a crucial issue that needs to be addressed. It is not, however, the only answer to our immigration problems. Once an illegal immigrant is able to get across that*

*primary line and into the country, will we then have a vast sanctuary in the interior of the country? It is the position of FAIR that it is vital for us to have employer sanctions. I know that the subcommittee has spent voluminous time on that issue. We are hopeful that the Simpson-Mazzoli bill, which is currently pending in the House Rules Committee, and which may come before Rules next week, will move forward, and that we will get the comprehensive immigration reform that this country desperately needs” (Goodnight, 2023a)*

***News Article:***

***Roger Conner, Director of FAIR:***

*“Mr. Conner says that FAIR continues to support bringing the bill to the House floor only because Sen. Simpson has reassured supporters that he won't let it out of the conference committee in its currently weakened state” (Goodnight, 2023a)*

***Examples of Interest Group Opposition in Congressional Documents vs News:***

***Congressional Hearing:***

***Raul Yzaguirre, President, National Council of La Raza:***

*“Mr. Chairman, we feel that S. 1200 is a step backward in the process of evolving an immigration reform bill, and in our testimony, we very specifically detail exactly why we feel that to be the case. First of all, one of our major concerns is the question of employer sanctions. In our mind, employer sanctions must fulfill three basic tests. It has to be necessary; it has to be effective, and it must not create more problems than it solves. In other words, the benefits ought to outweigh any detriment that it might cause” (Goodnight, 2023a)*

***News Article:***

*“Charles Kamazaki, the director of policy analysis for La Raza, a major Hispanic organization, said that although his group eventually opposed the bill, it had adopted Mr. Swartz's strategy of trying to improve it. Mr. Kamazaki said La Raza's shifted its strategy because 'we believed that the longer this issue was around the more it would hurt the Hispanic community.’(Goodnight, 2023b)*

**Example of Debate/Negotiation by Interest Groups:**

\*\*While there are no instances of debate or negotiation within the news, a portion of debate among Senator Dan Lungren (R) of California and Ruben Bonilla, a practicing attorney of Texas follows:

***Congressional Hearing:***

*Mr. Lungren: I only have 5 minutes. If you would specifically cite alienage to me, I would appreciate it, for the record.*

*Mr. Bonilla: Congressman, I want you to understand that I am here as a concerned American and I think you misinterpret----*

*Mr. Lungren: I don't have time.*

*Mr. Bonilla: So far you haven't let me say anything. You are doing all the talking. You asked a question; I would like to answer it.*

*Mr. Lungren: You are a guest of this committee. I am limited to 5 minutes. You have got over 5 minutes to give your statement. I have asked a specific question. I would like an answer on that only.*

*Mr. Bonilla: I am prepared to give you an answer.*

*Mr. Lungren: Please give it.*

*Mr. Bonilla: before a Texas House committee discussing the issue of employer sanctions Mr. Castrop appears from East Texas and they asked him how he determined a person's legality, and he said we collect records, we checked them on the gentleman. If you have a fellow come up to your office and he can't speak English and he is looking for a house and doesn't have very many credit cards and he lived with six other guys that are illegal aliens, you don't have to think twice to determine this guy shouldn't be in this country.*

*Mr. Lungren: The question is whether he would be discriminated against if he were here legally but not a citizen, versus a citizen, not whether an illegal alien. That is what I am asking.*

*Mr. Bonilla: The gentleman is making a distinction based on an appearance and English proficiency and credit cards.*

*Mr. Lungren: That would be covered under national origin or race.*

*Mr. Bonilla: I don't believe so. (Goodnight, 2023a)*

While remaining mindful of the strengths and weaknesses of the data sources I situate the subsequent chapters within the coalition building framework. Using this multi-dimensional approach, I am able to study how IRCA resulted in success after several years of failed negotiations. I rely upon the framework to highlight the key

moments of failures and successes, along with the moments where ideological divides were overcome. Moreover, I am provided with nuanced understanding of the roles nearly every entity played in creating the reform. On an institutional level I examine branches of government, political parties, and interest groups. The framework, however, also permits study of interactions on a person-to-person level which proves integral in the overall understanding of the coalition and its evolution.

## CHAPTER 4

### THE EARLY YEARS OF IRCA

#### **Introduction**

IRCA was born as a result of a politically contentious moment in American history. In 1980 the United States enacted the Refugee Act which created the formal definition of a refugee to be a person with a “well-founded fear of persecution” (Sen. Kennedy, 1980) in accordance with what had already been established by the United Nations via the Universal Declaration of Human Rights, which “grants the right to seek and enjoy asylum from persecution” (*Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 14* / OHCHR, n.d.) and the 1951 Refugee Convention, which provided a formal definition of a refugee to be adopted globally (*Convention Relating to the Status of Refugees*, n.d.).

Simultaneously, civil war broke out in Central America leading to a steady rise of migrants entering the United States throughout the 1980’s (Massey, 2014). President Reagan and his administration denied asylum claims by recognizing Central American migrants as economic migrants, rather than the recently defined refugee. Reagan’s opposition resulted in political leaders calling for extended voluntary departure (EVD) for Salvadoran asylum seekers based on the premise that their lives would be jeopardized if forced to return to El Salvador. Ultimately, EVD was added to IRCA, but removed after President Reagan said he would veto any bill that contained an EVD provision for Central Americans (Allan Colbern, Melanie Amoroso-Pohl, & Courtney Gutiérrez, 2019).



Given the political environment and the rarity of comprehensive immigration reform, early success was never likely, but the failures in 1984 led to crucial learning moments in the coalition building process that were essential to 1986's success. Thus, analyzing the beginning stages of what would become a lengthy policymaking process is critical in understanding the coalition-building dynamics that manifested success. If we are able to understand the ideological gap in the policy's infantile stage, we may then understand its transformation and the coalition's influence upon it. While relying upon the framing of reform and the coalition building framework, I turn to analysis of the contentious issues that shaped immigration reform in the years leading up to 1986.

### **IRCA's Inception**

On March 1, 1981, the United States Select Commission on Immigration and Refugee Policy sent a 453-page report containing 67 formal recommendations with the intent of controlling immigration to congress (Martin, 1982). Just over one year later, on March 17, 1982, the first version of IRCA was introduced to the house of representatives and the senate as two identical bills (H.R.5872 and S.2222) by the bill's bipartisan sponsors: Senator Alan Simpson (R-WY) and Representative Romano Mazzoli (D-KY). According to Mazzoli, the primary bill's provisions were designed as a means of curbing illegal immigration and contained elements related to employer sanctions, a legalization process for undocumented migrants, increased funding for the INS, asylum and adjudication, the legal immigration preference system and ceilings, and foreign worker laws. The Senate and House Subcommittees discussed the bill for two days in April of 1982, and proceeded to process the legislation. The Senate approved the bill on August 17, 1982,

but The House Immigration Subcommittee did not fully approve the bill until September 22, 1982, leaving insufficient time for congress to consider the bill and resulting in the bill's failure (Mazzoli, 1987).

In congress' 98<sup>th</sup> session, IRCA was reintroduced as H.R.1510 and S.529 on February 17, 1983. The Senate passed the measure 76-18 on May 18, 1983 (Sen. Simpson, 1986), but it was not until June 20, 1984, that the House of Representatives was able to pass their version of the bill, 216-211 (Rep. Mazzoli, 1984). Both bills underwent a multitude of actions, many of which were amendments, which ultimately delayed passage to a point agreement could not be met. The inability of congress to come to an agreement on this version of the bill represents the political contentiousness reflected in the data collected and what was referenced earlier in the chapter. The failure is significant, however, in the sense that it led to greater compromise which in turn led to IRCA's success. This section explores the political processes within IRCA's failure stage by introducing key issues and actors within the coalition, studying the political dynamics in reform building, and examining the contrast between the nature of failure in early stages, and success in November of 1986.

### **Introducing the Coalition: Key Members, Roles, and Goals**

Given the contentious nature of immigration reform, it often requires several components that can be traced within nearly every landmark immigration reform bill: disparate interests from diverse political ideologies and unstable left-right coalitions that negotiate their incongruous goals to pursue an ultimate goal of bipartisan reform (D. Tichenor, 2015). While evidence of such bargains are evident throughout historical

immigration bills including the National Quota Laws of 1924 and 1928, the Immigration and Nationality Act of 1965 (INA), and IRCA, Tichenor claims that the most influential of immigration policy studies, including *Impossible Subjects* by Mae Ngai and *Beyond Smoke and Mirrors* by Douglas Massey, Jorge Durand, and Nolan Malone, often neglect to acknowledge the coalition-oriented political dynamics that play a crucial role in reform development.

The odd bipartisan coalition, headed by Senator Simpson and Representative Mazzoli, is congruent to the state of politics, the makeup of the government, and the policy that is the Immigration Reform and Control Act. The IRCA coalition is made up of liberals and conservatives, Democrats and Republicans, Senate and House, the President, the Administration, and special interest from numerous sectors. Ultimately, everyone made contributions throughout IRCAs strenuous negotiation period. The roles that members assumed varied over time and on a provisional basis, and overall, the coalition and its makeup are incredibly complex and difficult to study. I depend upon the coalition building framework as a means of telling the story of the alliances, the opposition, and the complexity of coalition formation.

### ***Presidential Politics***

Having served as the Governor of California prior to his election as President in 1980, Ronald Reagan was no stranger to the contentiousness of immigration policy. His state, was the first to pass employer sanction laws, banning employers from hiring undocumented immigrants (Colbern & Ramakrishnan, 2020). Moreover, as mentioned earlier, Reagan's foreign policy goals led him to be strongly opposed to extended

voluntary departure, and the presence of Central American asylum seekers in the United States (Allan Colbern, Melanie Amoroso-Pohl, & Courtney Gutiérrez, 2019). Thus, he entered office with a goal of reforming the immigration system.

Upon his election in 1980, President Reagan's administration attempted to reform immigration while satisfying social, economic, and legislative pressures that varied throughout his constituencies. Ultimately, it was found more useful to let Congress formulate a reform bill (Coleman, 2023). The responsibility then fell upon Simpson, chair of the Senate Immigration Subcommittee and Mazzoli, Chair of the House Subcommittee on Immigration, to devise a bill that suited the interests of all involved.

President Reagan and members of his administration maintained a leadership role through endorsement of policy ideals they desired, and outright rejection or threats to veto those that he disagreed with. Overall, he was a proponent of reform, but did not agree with every provision, "At a news conference October 19, [1983] Mr. Reagan reaffirmed his support for 'some immigration legislation.' He said, 'I supported actively and worked hard for the passage twice of the Senate bill on immigration.' He said he had 'some disagreements' with the House bill but concluded, 'I want to sign, as quickly as possible, immigration legislation' (Goodnight, 2023b).

As 1984 approached and President Reagan was leading a reelection campaign, presidential politics became a factor in whether or not he would support immigration reform. While Vice President Bush had recently vowed that Reagan would not sign any discrimination legislation, just one month later (August 1984) the administration came out in opposition to the reform bill claiming "serious reservations" about the antidiscrimination provision, saying it "charts an unprecedented course in civil rights

law." (Goodnight, 2023b). The upcoming election undoubtedly effected this decision as Reagan was attempting to remain in good standing with conservative restrictionists (Coleman, 2023).

### ***Congressional – Republican Politics***

Republicans, who controlled the Senate and had the support of President Reagan, maintained a mostly unified position on immigration reform. Consequently, Democratic Senators were for the most part silenced in the Senate's versions of the bill. The parties' goals aligned mostly with those of Simpson, while many did not desire the amnesty provision, it was accepted as necessary if there was going to be a "fresh start" in border enforcement. The House of Representatives, however, was controlled by Democrats. Thus, most of the debate generated was between the two houses of congress. Amendments proposed by Democrats in the House often generated intense stalemates, and arguably failure.

Simpson, as chief sponsor and primary reform leader, prioritized employer sanctions and employment verification. In a 1984 article, he claimed that employer sanctions were the heart of any attempt to control illegal immigration as jobs were a magnet that drew immigrants to the United States. Coupling sanctions with a more secure verification system would allow for employers to have confidence in their prospective employee's eligibility to work in the United States along with preventing discrimination of "foreign-looking or foreign-sounding" people (Simpson, 1984). News data, however, suggests that he strongly opposed the anti-discrimination amendment proposed by Barney Frank.

In terms of pure incidence, Senator Simpson also provided the most opposition, but that can be likened to the fact he was a chief sponsor and negotiator of the bill with very principled support for some provisions, and opposition to others. In 1984, Simpson was strongly opposed to the Frank amendment as well as the guest worker program (Panetta amendment) that was proposed by the house. He claimed that the Frank amendment, “would ‘chart an unprecedented course in civil rights law,’ granting greater protection to aliens, in his view, than citizens have.” Moreover, “Senator Simpson told the conferees that although he had been working on the problem of illegal aliens for six years, he said he would prefer to have no bill than one that gave aliens an advantage over citizens in seeking jobs. Simpson opposed the guest worker program because he claimed it would lead to “an open-ended guest worker program” (Goodnight, 2023b).

Simpson also led in negotiations. He claimed that he and the Senate were always, “kind, sweet, and malleable” when it came to compromise (Goodnight, 2023b), but he also proved to be a tough negotiator when discussing discrimination with Barney Frank. Negotiating, however, fell mostly upon the House Democrats as they sought after provisions that would require extensive convincing of the Republican controlled Senate.

Dan Lungren, Republican of California, and Bill McCollum fulfilled niche roles in IRCA’s development. Both congressmen served as minority members within the House Subcommittee on Immigration and provided a different perspective to the committee’s Democrat leadership. Lungren was a strong defender of the immigration bill as a whole, and used his voice to express disappointment in the various delays that plagued the bill’s early development. He also went after Eddie Roybal, a congressman opposed to the legislation, calling him, “a man with something to prove” and someone

who wanted to be a “major actor” in Washington (Goodnight, 2023b). Lungren, like Simpson, defended employer sanctions and did not see a need for an anti-discrimination provision. His opposition in the early years was minimal but would grow as different amendments were proposed. McCollum was also a defender of the policy overall but stood firmly against the amnesty provisions. McCollum at one point proposed to remove the amnesty provision entirely but was ultimately unsuccessful.

### *Congressional – Democratic Politics*

The Democratic majority in the House of Representatives proved to be instrumental in pushing for the progressive components of IRCA. Championed by Romano Mazzoli, Democrats were able to achieve widespread amnesty and an anti-discrimination provision to accompany employer sanctions. Many of the Democratic parties’ propositions, however, were forced to endure extensive debate due to the Senate being controlled by Republicans, and some prominent members within Mazzoli’s Immigration Committee belonging to the Republican Party.

Mazzoli, having worked with Simpson to produce the failed initial Immigration Reform and Control Act, had similar objectives. He, however, also prioritized the legalization portion of IRCA claiming, 'A bill without legalization is no bill at all. Without legalization of some kind, the bill is not balanced' (Goodnight, 2023b). Similar to Simpson he supported employer sanctions, but he differed in the sense he sought after strong protections against employment discrimination (Goodnight, 2023b). Unlike Simpson, Mazzoli was not a major standout in terms of opposition and negotiation. His base was more involved in pushing for the provisions they desired.

Representative Rodino, a fellow Democrat and chairman of the House Committee on the Judiciary, played a vital role in aiding Mazzoli with leadership on the House bill. He was among the strongest of opponents for Barney Frank's anti-discrimination amendment and stated his stance publicly on several occasions. Rodino was also one of the first to introduce federal employer sanction legislation as he did so in 1972 during the 92<sup>nd</sup> Congress. He also urged for border control saying, "I have been attempting for over a decade to enact meaningful legislation which will enable this nation to regain control of its borders," and strongly opposed guest worker provisions, "I would rather see no bill," he said, then one allowing "the large-scale influx of foreign farm workers." (Goodnight, 2023b). Rodino's reputation as a leader in immigration policy initiatives would prove to be key as the bill was debated by congress.

Barney Frank, a Massachusetts Democrat, is a notable actor due to his anti-discrimination amendment, otherwise known as the Frank amendment. The Frank amendment was passed by the house in June of 1984 by a vote of 404-9 (Rep. Mazzoli, 1984). Soon after, the amendment ignited staunch opposition by Republican opponents including Senator Simpson which, along with other factors, led to IRCA's 1984 demise. Frank, however, defended his proposal as, 'a thoughtful and very practical scheme to protect potential victims of discrimination' (Goodnight, 2023b). Debate over this amendment, coupled with opposition from Republican leaders Alan Simpson and President Reagan caused the policy to deadlock in 1984, contributing immensely to its failure.



### *Interest Groups*

The role of interest groups, as mentioned in the previous chapter, differs in the sense it was represented much better within the congressional hearing documents. Thus, while the congressional documents mostly provide the background and contextual information that led to creation of the analytical framework, they prove to be crucial in representing the role of special interest within the coalition. Through coding congressional documents, I am able to identify various interest groups that fall into categories of support or opposition. A shortcoming of congressional testimony, however, is that they lack evidence of the effect of these interest groups' efforts. Thus, to try and make assumptions about the amount of power or to what degree interest groups influence policy is rather difficult, but I shall provide some context as to what their involvement looked like. I have selected three organizations based on their consistent involvement in hearings as well as their contrasts in positions regarding policy.

The first organization selected is the League of United Latin American Citizens (LULAC). This organization provided extensive testimony over the several years of IRCA's negotiation, almost always arguing for immigrant rights and against employer sanctions. They also opposed guest worker programs as they viewed them as, "no reform, only a return to programs feeding an already insatiable appetite for a cheap, exploitable, and docile workforce" (Goodnight, 2023a). Of the selected organizations, LULAC is deemed the most progressive. Throughout their various instances of testimony, they maintained a commitment to opposing any provision they saw as having potential to be harmful, restrictive, or exclusionary of immigrants. Further support follows:

“On behalf of the League of United Latin American Citizens (LULAC) I write to inform you of our endorsement of the Cuban-Haitian Adjustment Act of 1984 (H.R. 4853), and to express our appreciation for your initiative in introducing this legislation, which will provide proper and just treatment of Cubans and Haitians who have sought safety in our country before 1982”. (1984 - CubanHaitian Adjustment.pdf, p. 155)

“In the past, LULAC has taken exception to employer sanctions on the grounds that it would increase employment discrimination against Hispanics and the foreign looking. In addition, employer sanctions, as a unilateral enforcement strategy, does not address the powerful push factors which drive displaced persons to our great country. To allay our concerns about employment discrimination, we have been told that all employers, much to the chagrin of the administration and some business groups, would be required to verify employment eligibility of all new hires. That protection is not included in S. 1200”. (1985 - Immigration Reform and Control Act of 1985.pdf, p. 101) (Goodnight, 2023a)

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) proved to be an intermediate interest group who lobbied for greater restriction, along with being a proponent of amnesty and anti-discrimination legislation. At times their input seemed incredibly restrictive, but at others they claimed outright support for “the most generous practical legalization program for those aliens who, though their presence here is not authorized, have become settled, contributing members of their communities” and “detering employment discrimination against documented workers” (1984 - Hearings on Immigration Reform and Agricultural Gu.pdf, p. 62) (Full quote to be included after). Overall, the AFL-CIO remained committed to ideals that they supported irrespective of which ideology they aligned with. Context follows:

“There are many vital interests at stake in the design of an effective primary inspection system, which is what we are talking about here today. Customs' inspection and control mission includes interdicting traffic in drugs, curbing illegal immigration, serving a growing domestic tourism industry, safeguarding American agriculture, controlling the export of critical technology, and enforcing currency controls, endangered species and environmental laws, and many other laws and regulations. Any streamlining of the Federal inspectional responsibilities must enhance our ability to accomplish these missions to protect our vital interests”

“As we testified in the Senate not long ago, the AFL-CIO supports immigration reform that achieves four goals: (1) prohibiting the employment of undocumented workers, with substantial and workable sanctions; (2) deterring employment discrimination against documented workers on the basis of their national origin or legal resident alien status, again by a federal prohibition backed by substantial and workable sanctions; (3) offering the most generous practical legalization program for those aliens who, though their presence here is not authorized, have become settled, contributing members of their communities; and (4) strictly limiting employer importation and use of temporary foreign workers.” (Goodnight, 2023a)

Finally, the Federation for American Immigration Reform (FAIR), represented the most restrictive of special interest groups. FAIR lobbied for enforcement budget increases early in the negotiation period and went on to support strict employee verification procedures. FAIR also remained strongly opposed to amnesty provisions. Their commitment to restriction was much more than any other entity that was looked at.

Support for claims ensues:

“FAIR strongly supports the Administration's request for a budget increase of \$03.9 million and an additional 872 positions for the Immigration and Naturalization Service. The INS has long been one of the most underfunded and understaffed of federal agencies. Unfortunately, a single budget request will only begin to address the very serious disrepair into which the INS has been allowed to lapse.”

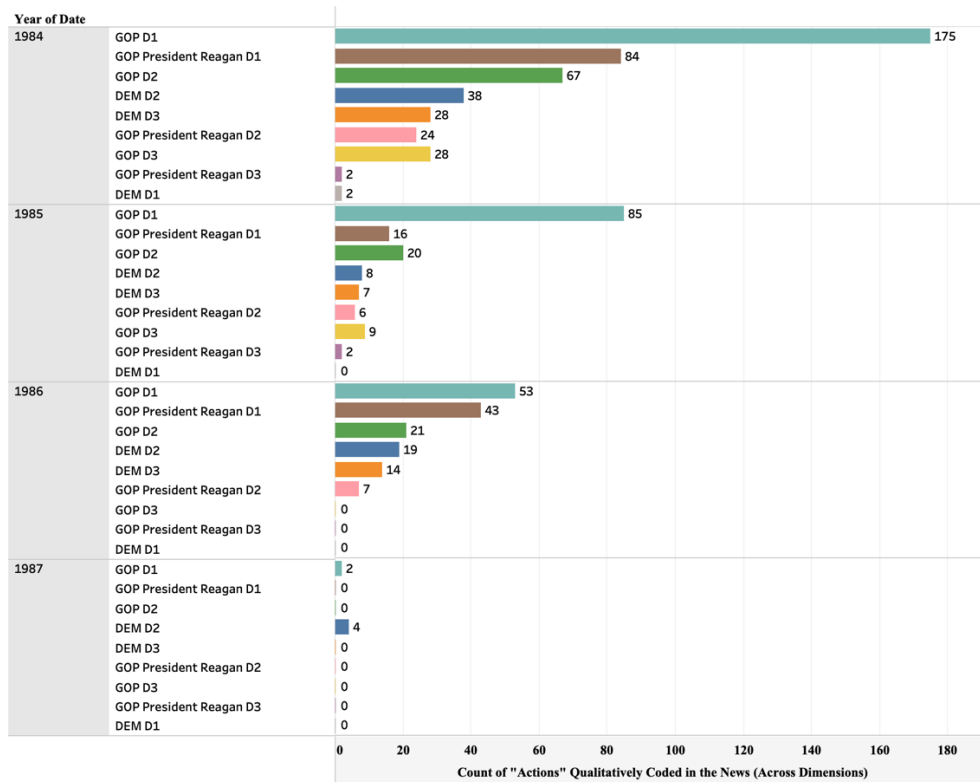
The bill also fails to create a secure worker identification system. We applaud the inclusion of a three-year demonstration project of telephonic verification of worker eligibility but feel that this should be amended to reflect last year's House-passed reform bill which implemented the telephonic verification system as a continuing program with mandatory participation by employers. With the current laxness in the employer sanctions provisions of H.R. 3080, the amnesty provisions are overgenerous, and improvident. To grant immediate amnesty, without first assuring that employer sanctions are enforceable and effective in stopping illegal immigration, would cause an enormous increase in illegal immigration to the U.S. Inevitably, FAIR would be before this committee opposing another amnesty several years hence.” (Goodnight, 2023a)

As mentioned prior, the effect of such lobbying is beyond the capture of this study. Additional research surrounding the extent to which interest groups were effective in pursuing policy goals would provide a great supplement to the findings of this study.

## National Coalition Building Framework

The following visual illustrates the fluctuations in involvement among actors in each year of IRCA's development. There are obvious spikes in activity in the year 1984, the year of ultimate failure, and 1986, the year of long-awaited success. Looking closer at dimensions of the coalition building framework, Congress's Republican leadership, along with Reagan and the administration's leadership (Dimension 1) remain prominent in years 1984 and 1985 as they pushed for reform. Opposition (Dimension 2) among Congress' houses and President Reagan is remarkably high in 1984 as sides remain divided yet subsides in 1986 as compromise is achieved. A similar trend can be observed for debate/negotiation as sides worked hard to mediate differences in 1984 but managed to compromise in 1986.

**Figure 1: Dimensional Analysis by Year**



This coalitional approach to IRCA, and immigration policy in general is useful in the sense it generates feasible roles within coalition building. In this way, we can examine the fluctuations in roles, along with the ways that actors worked within them as they pursued policy objectives over a multiple year span. The three dimensions I map out are integral to understanding the formation of coalitions. Strong leadership from both sides of the aisle is crucial if a reform bill is to be bipartisan. Opposition, where sides disagree, is important to point out so that the eventual compromise is noticeable by the end. Finally, negotiation and debate allow for us to see what initiates compromise, providing nuanced details of what goes into compromise on policy.

All three coalition building dimensions help conceptualize the fluctuating moments of compromise and opposition. If policymaking is to be successful, there is going to be compromise, these dimensions help show us what that looks like. If policymaking fails, this framework also allows for observation of what went wrong to cause the failure, in turn outlining the moments of opposition that prevented success. IRCA is unique in the sense that it failed on multiple occasions prior to becoming successful. Failure also helps to generate new policymaking environments which eventually result in success unless the divides are so wide that the opposition cannot be overcome. This framework and type of analysis has potential to be instrumental in aiding the understanding of law production, especially sweeping reform bills that often require cooperation that blurs party lines. We can use this sort of thinking to trace trends in policymaking and use them as guides to policy reform as we pursue social justice.

### ***Coalition Building: A Birds Eye View***

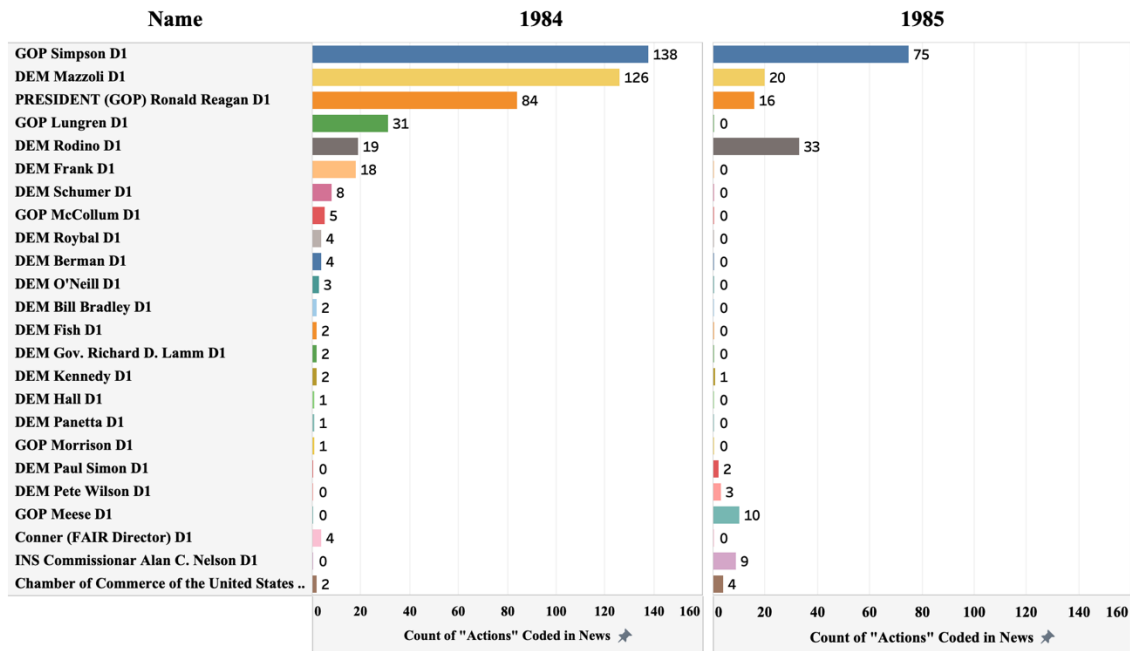
The coalition building framework offers another important benefit via its precision in capturing the timeline of events across multiple dimensions. It also provides clarity to the different kinds of roles that the president and congressional leaders, as well as interest groups, can play. Do elected leaders from both parties play an equal role across the different dimensions of coalition building? Beyond frequency, do they differ in how they play a role within the same dimensions? Below, I explore these kinds of questions by unpacking each dimension of the framework, highlighting differences across the party in control of congress and the minority party. I highlight each dimension as a kind of opportunity structure that each political party has access to, which affords them access to shaping the fight over immigration reform. Focusing on coalition building across and within the party system is crucial for capturing the ways in which ideas and policies join, including the kinds of compromises that result from these interchanges.

### ***Dimension 1, Leadership: A Tale of Two Sides***

After joining together to draft IRCA in 1982, both Simpson and Mazzoli assumed immediate leadership positions by default. In a sense, they were the first members of the coalition that would grow to include their parties, the executive branch, and a multitude of special interest groups from various sectors. Leadership, however, is not universal, and can be exercised in numerous ways. A benefit of the coalition building framework is that it provides opportunity to analyze the very nuanced role of leadership over time as well as on an individual basis. This section explores and contrasts the leadership styles of the chief sponsors of IRCA (Simpson and Mazzoli) as an example of just one of many

instances in which the framework generates an opportunity to capture essence of leadership within a coalition on a person-to-person basis.

**Figure 2: Actor Leadership in IRCA’s Primary Stage**



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instances in which the framework generates an opportunity to capture essence of leadership within a coalition on a person-to-person basis.

In 1984, Senator Simpson led with a firm hand. He led a very principled campaign for provisions he wanted, and strongly opposed those he disagreed with. Being that he was a Republican senator in a Republican controlled Senate he rarely found opposition within his house enabling him to lead strongly. He was seemingly aware that he had control over the success of the bill, as it was his decision of whether to urge the Senate to accept versions of the house bill. The following passages provide context:

“Mr. Simpson and other Senate leaders said Tuesday that if the White House would accept the House version, they might urge the Senate to pass it. The House vote approving the bill last month was 216 to 211. Mr. Simpson and the chief sponsor of the House bill, Representative Romano L. Mazzoli, Democrat of Kentucky, had assured House members that they would try to resolve many points of disagreement in a conference committee.”

“Senator Ted Stevens, Republican of Alaska, the majority whip, said Mr. Simpson had indicated to his colleagues that he was "about ready" to accept the House bill if that was the only way to insure passage of the immigration measure this year.

“Senator Alan K. Simpson, chief sponsor of a comprehensive immigration bill, moved today to rescue the legislation, which Walter F. Mondale and many other Democrats have been trying to kill. Mr. Simpson called for the appointment of a House-Senate conference committee to develop a compromise version of the legislation acceptable to President Reagan and to the Democratic- controlled House. The Wyoming Republican said Mr. Reagan had given an assurance he would sign a compromise immigration bill if it were less costly than the one passed by the House” (Goodnight, 2023b)

It is clear that Simpson had the power to accept or deny anything coming out of the house. News reporters characterize him as being in charge in the sense that he had to be “ready” to accept house legislation. He also had the support of President Reagan , a fellow Republican, would notify Simpson of his intentions to sign legislation as well as what he required for signing. According to the quotes above, it was Simpson who had the



ability to rescue the bill, accept it, or communicate with the President in order to receive his intentions should Simpson “allow” it through.

Mazzoli’s leadership was entirely different than that of Simpson. Being that he belonged to the minority Democratic party, Mazzoli focused on compromise. He stated that he positioned himself on a “middle ground” in regard to key issues while working to defeat “killer amendments” that would create intense division within the house (Goodnight, 2023a). Being that he held less power in terms of partisanship, Mazzoli took a passive leadership role, allowing him to pursue policy goals that were important to him, but also to keep his party unified on those issues by persuading deletion of divisive amendments. Such leadership involved him courting the votes of his colleagues, forging mini coalitions, and standing strong on the provisions he saw as vital for comprehensive reform. The following passages integrate the context of Mazzoli’s leadership style:

Mr. Mazzoli had always said he had a clear majority in support of his position on any major amendment and that the only question was whether House leaders would give the House an opportunity to vote. The events of last week suggest that he was right.

"Some thought the House would dissolve into rancor, bitterness, and discord, but that has not happened,' Mr. Mazzoli said. 'The issue is not as nettlesome and full of land mines as we were told by the opposition."

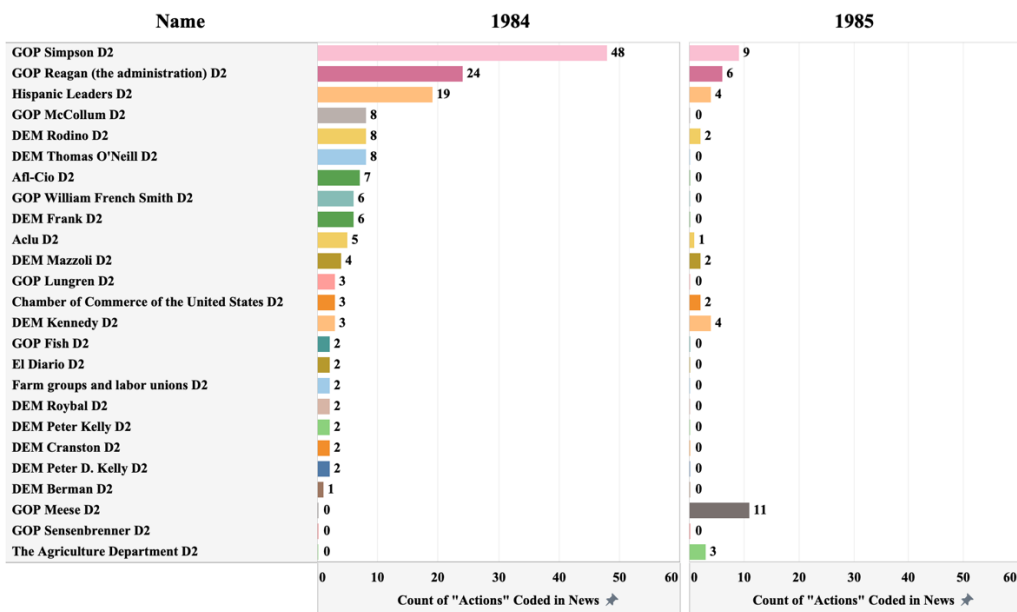
“Mr. Mazzoli was on his own and when the bill first came to the floor last week the Kentuckian had so few allies, he was constantly scurrying around lobbying his colleagues to support his bill. But after a day or two the House came to realize that the Simpson- Mazzoli bill was going to pass. Four years of quiet but relentless effort were coming to a climax.' Mazzoli was enormously effective at building coalitions and getting votes," conceded Mr. Richardson. "He whipped us good."

“Representative Romano L. Mazzoli, the Kentucky Democrat who sponsored the immigration legislation in the House, said Sunday on a television interview program that he hoped the Rodino provision would survive in the conference. "We think that's a very important provision of our bill," he said, "and we would urge the Senators to look very carefully and with a lot of fondness toward that provision." (Goodnight, 2023b)

Mazzoli was aware of his positioning within the political process and climate. Thus, he did what he knew he would be able to do. Working from a position of inferiority, he had to work to leverage his party members while strategically picking points where he could stand strong on policy initiatives. Using his “middle ground” and compromise mentality, he was able to work toward agreement within his house and the Senate while maintaining his allegiance to important provisions. Mazzoli’s leadership, according to the data, would dwindle in comparison to Simpson after the failure to pass in 1984, but in 1985 he would be supplemented by Representative Rodino. Rodino, who will be discussed more in the following chapter, would prove to be an integral contributor to IRCA’s 1986 passage.

***Dimension 2, Opposition: Majority Rules***

**Figure 3: Actor Opposition in IRCA’s Primary Stage**



In the same way that Simpson was able to be an aggressive leader due to his parties' majority control of the government, he was able to demonstrate staunch opposition to various amendments he and his caucus did not align with. With the President on his side, and the Senate behind him, he was able to confidently oppose anything that went against conservative ideals. He claimed to agree with the administration on opposing the Frank amendment, which illustrated the commitment they had to achieving similar policy goals. While he did negotiate with Barney Frank, his opposition to the Frank amendment led to an eventual deadlock in 1984. Even though the house had passed the Frank amendment by a staggering margin (404-9), Simpson was able to leverage his power to oppose the amendment due to there being "no need or precedent for it" (Goodnight, 2023b). Ultimately, regardless of House support, Simpson was able to flex his power and oppose anything that he, his party, and the administration found unacceptable. Examples of Simpson's exercising his power to oppose follow:

The legislation now "hangs by a thread," says its chief Senate sponsor, Alan K. Simpson, Republican of Wyoming. He says he dislikes the provisions for foreign workers in the House bill because they could lead to 'an open-ended guest worker program.'

"But aides to Senator Simpson said that on this issue he tended to agree with the Administration and opposed the idea of creating a new legal remedy, or "private right of action," for employees charging discrimination."

Senator Simpson, a Wyoming Republican, said the job-discrimination provision was unacceptable, partly because it would create a new bureaucracy and might give legal aliens greater protections than citizens. Representative Peter W. Rodino Jr., Democrat of New Jersey and chairman of the Judiciary Committee, noted that the House had approved the provision 404 to 9, and said eliminating it "would be a practical invitation to discriminate." (Goodnight, 2023a)

Continuing to follow the themes from the leadership dimension, Mazzoli's opposition was very different from Simpson's and occurred much less. Rather than

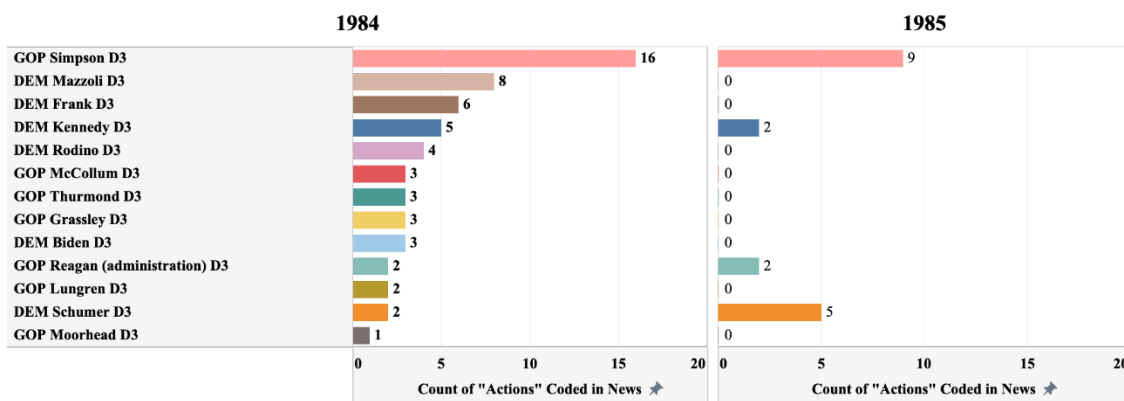
oppose anything that did not align with his caucus’ ideals, Mazzoli was forced to be strategic in the sense he could only oppose tenets of the bill he saw as entirely unacceptable. He also continued to use his “middle ground” approach to find medians between amendments he disagreed with. This sort of two-pronged approach to opposition was much softer than Simpson’s approach, but Mazzoli’s ability to oppose was far less opportune as he was not afforded the privileges that come with belonging to the party in control of the government. Examples of Mazzoli’s opposition follow:

“Rep. Romano Mazzoli (D., Ky.), who has led the fight for immigration reform in the House for nearly a decade, asserted that the bill gives agricultural interests "unparalleled and unprecedented" favorable treatment. "I think it dooms the bill," he said during the grueling, nearly six-hour debate, indicating that he might oppose the measure on the House floor.”

“Mr. Mazzoli opposed both the Panetta and Miller amendments. He said his bill took ‘a middle-of-the-road, middle-ground position’ between the two. In addition, he said the bill already had a special three-year transition program to help farmers adjust to the prohibition on hiring illegal aliens and avoid any ‘loss of fruit and fiber’ from farms. (Goodnight, 2023b)

*Dimension 3, Debate and Negotiation: Nuanced Leadership*

**Figure 4: Actor Debate/Negotiation in IRCA’s Primary Stage**



The third dimension, debate and negotiation, is occasionally difficult to differentiate from dimensions 1 and 2, as at times there is overlap. This dimension stands alone as it captures very important moments in coalition construction. At times, leadership is a form of negotiation and the same can be said for opposition. There are moments within this process, the most important of which will be explained in the following chapter, that prove to be the crux of bipartisan reform. To achieve reform similar to IRCA, bipartisan cooperation is paramount. There are several instances where parties stand far apart ideologically but are forced to overcome the divides if they are to achieve reform. The moments that bridge those ideological gaps are then incredibly important in understanding coalitions.

As the figure above demonstrates, Simpson once again took the lead on negotiations. President Reagan and the administration were less involved in the negotiations in comparison to the previous dimensions, but Simpson was joined by a team of Republican allies including Bill McCollum, Strom Thurmond, and Charles Grassley. Mazzoli, whose incidence was comparably lower also, was joined by fellow Democrats Barney Frank, Edward Kennedy, and Peter Rodino.

Simpson's negotiations in 1984 were foreshadowed in the previous section in the sense his main negotiation tactic was outright opposition. As noted previously, lack of flexibility regarding the Frank amendment led to deadlock and failure in 1984. While, at times, he claimed a desire to mediate differences, he also touted inability to reach accommodations. Bill McCollum claimed he, "bent over to the point almost of breaking in order to have a bill" while lobbying for deletion of the amnesty provision in 1984, but the data does not provide extensive information on what he did to "bend." Thurmond and

Grassley were simply characterized as those who negotiated alongside Simpson during meetings (Goodnight, 2023b).

Mazzoli, joined by his peers, worked mostly to negotiate for the Frank amendment during this period. Obviously, despite the effort to lobby for the anti-discrimination provision, they were unsuccessful. Thus, the negotiations in this period do not hold as much weight as those that will be discussed in the next chapter. New faces would join the negotiation table, leading to the eventual inclusion of the Frank amendment, and other crucial negotiations that created eventual compromise.

## CHAPTER 5

### THE TABLES TURN: IRCA'S SUCCESS IN 1986

#### **Introduction**

After years of inability to generate compromise, President Reagan, the House, and Senate entered 1986 with immigration reform at the forefront of their policy goals. Reagan was now in his second presidential term and no longer fearing losing voters, which helped spark his leadership in the reform effort. New faces in Congress also assumed vital roles that helped close the ideological gaps that plagued reform bills in prior years. Ultimately, unlike the failures of 1982 through 1985, the analysis of this chapter helps to shine light on how compromise with the coalition building process led to passing reform in 1986. This had consequences. Immigrants without legal status were further pushed into the shadows, unable to be legally employed, and the binary of legal/illegal grew harsher in the public imaginary and in efforts to enforce immigration at the border and interior. Compromise in 1986, from this lens, also meant that the Democratic Party was complicit in a growing of this harsh immigration regime.

The success in 86 can be attributed to a few changes in the coalition. First, we witness a shift in leadership in the House. Romano Mazzoli, chief sponsor of the two failed immigration reform bills in years prior, was joined by Peter Rodino, a Democrat from New Jersey who had been working on immigration legislation for nearly a decade prior. Secondly, we see leadership dynamics shift on the Republican. President Reagan becomes the chief leader alongside Alan Simpson, whose oppositional role to reform dramatically decreased and replacing this with compromise. Finally, we see a new

prominent role by Charles (Chuck) Schumer (D-NY), who devised the compromise that led IRCA to the finish line.

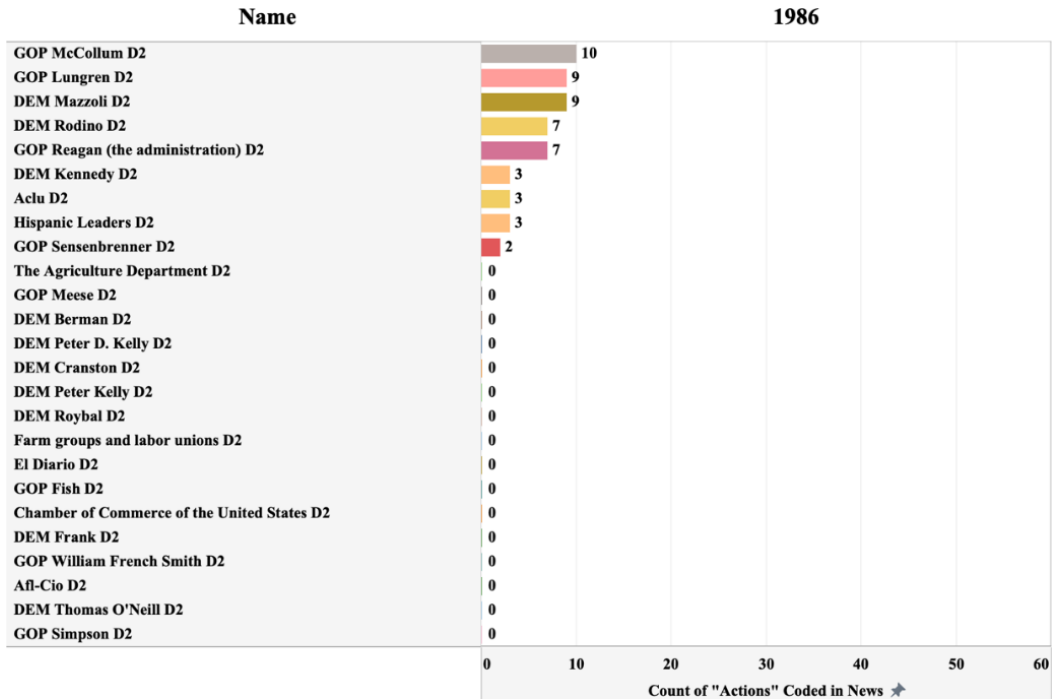
I first analyze coalition building in 1986 to explain what changed and what was done to achieve the long sought after passage. I then turn to the present moment (four decades after IRCA passed) to reflect on the importance of IRCA for understanding contemporary debates and practices in immigration law. As Cohen (2020) and others explain, the 1980s marked a turn away from the short era of progressive immigration reform, and a doubling down on restriction that we continue to see strengthened today.

### *Opposition*

The components of the coalition building framework developed throughout the thesis and applied in Chapter 4 offers a helpful way to track major shifts. While opposition was prominent in the early years of IRCA, its presence decreases heavily in 1986.



**Figure 5: Actor Opposition in 1986**

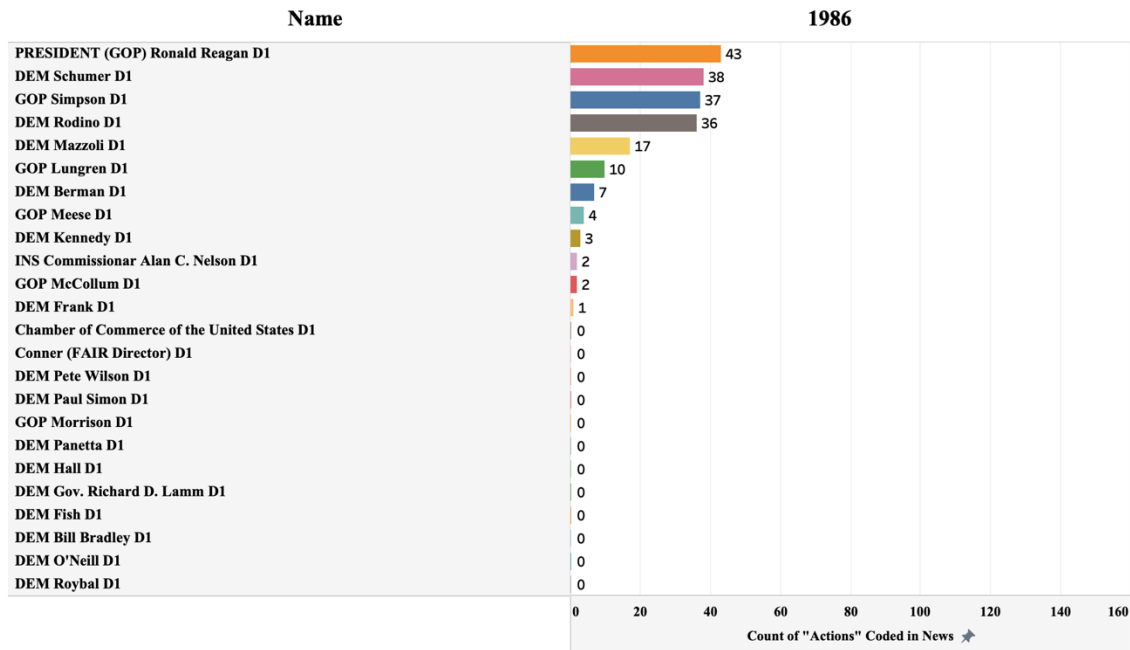


The heaviest opposition comes from Dan Lungren and Bill McCollum, both of which were Republicans in the Democrat controlled House. Their opposition is to be expected as they try to persuade the Democrat majority toward more conservative ideals. The most important trend to observe, however, is the stark decrease in opposition from leaders in the coalition such as Simpson, Mazzoli, and Reagan. Opposition and inability to compromise were the culprit for IRCA’s many failures from 1982 to 1985, but as I illustrate in the following sections, new leadership and negotiations lead to successful reform.

### *Leadership: New Faces*

Leadership in 1986 looks different than in previous years. The leaders from each house (Simpson and Mazzoli) remain prominent, but new faces join the leadership group, and President Reagan ascends to the position as the primary leader on reform. Peter Rodino's co-sponsorship of H.R.3080, the final IRCA proposal, opened the opportunity for him to leverage his notoriety and experience as a leader in immigration legislation. Rodino was able to work closely with Mazzoli to achieve the elusive passage Mazzoli had been chasing in the prior years but unable to achieve. Chuck Schumer, also a new face in the leadership area, proposed an amendment that saved the coalition's effort to pass IRCA. Together, the new congressional leaders and Reagan's more concerted leadership after being reelected, shifted the composition of the coalition itself. 1986 marked a crucial moment in the configuration of the bipartisan coalition, which succeeded in passing IRCA in November 1986. In this section, I unpack each new leader's role using the coalition building framework.

**Figure 6: Actor Leadership in 1986**



President Reagan’s shift away from being a passive leader to being heavily involved in the efforts to pass immigration reform legislation was crucial. Analysis of the coalition in the news clearly shows how Reagan, who no longer feared electoral politics, takes on the most prominent leadership position in the bipartisan coalition. While he had always been active in voicing his desire, support, and opposition for a reform bill, in 1986 he begins to apply a more hands on approach.

**Reagan Before 1986:**

“President Reagan and other Republicans can support the Simpson-Mazzoli bill because it is, in one sense, a law-enforcement measure, designed to crack down on illegal immigration. But there are political crosscurrents that lead some conservatives, in the Administration and Congress, to balk. They see amnesty as a reward for lawbreakers. They fear that the amnesty will increase social welfare costs for the Government. And they see the bill as authorizing a large new role for the Government in regulating business.” (Goodnight, 2023b)

“The Reagan administration has backed the less costly Senate-passed version, but as the issue has become interwoven with election-year politics, there have been repeated postponements. Among other things, the bill would confer legal status on millions of aliens who are currently in the U.S. illegally and would set civil and criminal sanctions against hiring illegal aliens. Hispanic groups complain the sanctions would foster discrimination against legal Hispanic residents of the U.S. And Southwestern growers fear the measure would shut off their supply of cheap labor from Mexico.” (Goodnight, 2023b)

Leading up to 1986, we see that amnesty was an important concern for Reagan, who fought for increased enforcement and building a strong immigration regime with little effort to increase pathways to legal migration or status. As governor of California, Reagan spearheaded the first state level employer sanctions policy, something he carried with him into office. Enforcement was Reagan’s main priority, and his support for Simpson-Mazzoli derived from that. Amnesty was viewed by Reagan and his constituents as a “reward for lawbreakers.” Consequently, Reagan stood against IRCA’s amnesty provision in the years leading up to 1986, partly because of his own preferences for enforcement only reforms, but also because this ensured retaining his voter base and reelection.

After being reelected, Reagan’s position on amnesty changed. Most importantly, Reagan was willing to include amnesty, but also adamantly resisted efforts by the ongoing Central American sanctuary movement to open up more permanent pathways for asylum or refugee status recognition. Amnesty was a one-time initiative, whereas the enforcement mechanism IRCA implemented proved to be the only permanent reform that significantly strengthened the immigration regime. Reagan was keenly aware that this compromise on amnesty was actually a win.

### **Reagan During 1986:**

“President Reagan will meet Tuesday with two key members of Congress in an effort to stimulate action on a comprehensive immigration bill, according to White House officials... The session is notable because it is apparently the first example of active lobbying by Mr. Reagan on immigration legislation. In the past, he occasionally spoke in favor of such legislation, but he refrained from the intense personal appeals that characterized his lobbying on other issues such as revision of the tax system or aid to rebels in Nicaragua.” (Goodnight, 2023b)

“Representative Lungren said that Mr. Reagan had given strong support to the legislation. "On three or four occasions at today's meeting," Mr. Lungren said, "the President indicated his willingness to work in support of the bill. Everybody in the Administration is on board." (Goodnight, 2023b)

The outright support from President Reagan and his administration exhibited above is one of the very important shifts that we observe in 1986. Rather than being an opponent to certain provisions and ‘playing hardball’ Reagan uses his position to propellant of legislation, something he had done much less of in previous years due to disagreements with provisions and his priority of reelection. In a 1986 New York Times article Peter Rodino expresses the importance of Reagan’s involvement, claiming that he must be “personally involved in pushing (the) bill” beyond simply stating that he supports it (Goodnight, 2023b). Rodino’s claim would prove to be true as he and others worked together on the reform bill.

Calling the President to action was not Peter Rodino’s only contribution to the newfound success in 1986. Rodino also assumed an important leadership role alongside congressman Mazzoli, who had been the sole sponsor of immigration reform bills in years prior. In November of 1985, Rodino and Mazzoli cosponsored the Immigration Control and Legalization Amendments Act of 1985 (H.R.3080) which later became the Immigration Control and Legalization Amendments Act of 1986 (H.R.3810) in the

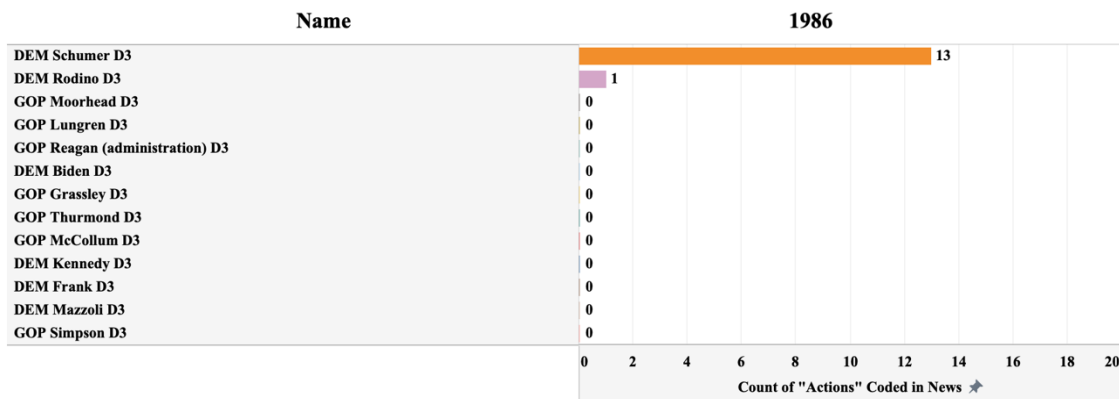
following year. As a cosponsor, Rodino begins to work alongside Mazzoli to provide extra leadership that Mazzoli had needed in years prior. The New York Times characterizes Rodino as a “shrewd tactician” who “probably knows more about immigration law than any other member of Congress” (Goodnight, 2023b). As Rodino had worked for several years to introduce employer sanctions legislation, he was well aware of the landscape that immigration reform was being built on, he used that knowledge and experience to his advantage.

While remaining focused on employer sanctions, Rodino also placed priority on including the anti-discrimination amendment that had caused peril in previous years. Simultaneously, Alan Simpson, the Republican sponsor of the Senate bill, begins grow impatient with the growers and the opposition they had shown toward the reform bill. Rodino, as a new face in the coalition who had not endured the failures as closely as Simpson had, uses his new energy and role to push back on issues that had previously caused a deadlock. He is able to lobby for acceptance of the anti-discrimination amendment but remains “adamantly opposed” to the Senate bill’s agricultural worker program. The agricultural worker program proposed by the Senate nearly causes another failure in 1986, but Chuck Schumer’s amendment rescues the legislation.

The fact that there was so much leadership activity among both party’s leaders, negotiations were already mostly complete. Chuck Schumer efforts on dimension 3 of coalition building were the only prominent ones during the 1986, which becomes embraced by those playing a leadership role (dimension 1). As Chuck Schumer introduces his amendment that ultimately saves IRCA, he is leading *through* negotiation. At times, leadership and negotiation are very distinct, but in instances such as Schumer’s,

we observe a very nuanced form of leadership. It is important to distinguish between the two dimensions as the negotiation dimension allows for a more focused analysis of the key moments that push legislation toward success.

**Figure 7: Actor Debate & Negotiation in 1986**



The role that Charles Schumer plays in 1986 is arguably the most important in creating IRCA. After years of debate, the main divide among both houses and parties was over agricultural workers. The growers stand firmly against IRCA due to a desire to continue using cheap and exploitable labor. As a result, the Senate Republicans included a special program for agricultural workers so that the farmers could have support. The House Democrats stand firmly against the program due to fear of discrimination and exploitation. Schumer, knowing the bill is trending toward failure once again, devises a plan to appease the farmers while maintaining protections for the employees. The “special agricultural worker” (SAW) program granted then temporary and eventually permanent status to anyone who had worked in the agricultural sector for at least 90 days in the 12 months prior to May 1, 1986 (Sen. Simpson, 1986). This compromise,

negotiated by Schumer, provides a middle ground for the growers who claim they need laborers, but also aims to mitigate exploitation of undocumented people by granting them a form of residency.

### **Learning From IRCA**

The coalition that formed around IRCA in the early 1980s is not unique, but it is rare. In 1996, another sweeping immigration reform bill the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed under the Clinton administration. The IIRIRA, however, was widely restrictive and represented partisan agreement on enforcement rather than immense compromise. Aside from the 1996 bill, there have been no successful bipartisan immigration reform bills since IRCA.

Nearly 40 years in 2023, after the IRCA was ratified as law, we see similar partisan divides, ideological gaps, and an inability to achieve comprehensive reform to those that we observe in the early stages of IRCA. Moreover, the Democrats control the Senate and the Presidency while Republicans control the House of Representatives, a situation similar to that of the Reagan era. Due to the similar circumstances that existed in the 1980s and now, there are important lessons to be learned from this study and applied to the present moment. The lessons from IRCA are more important now than ever.

There are various immigration reform bills that have been introduced in recent years that are reminiscent of the ideological divides that plagued IRCA in its early years. The Dream Act of 2023 (S.365), introduced by Democrat Richard Durbin on February 9, 2023, proposes lawful permanent status for DACA recipient and minors who entered the United States as minors (Sen. Durbin, 2023). The Senate bill represents a similar desire to



the amnesty provision included in IRCA. The House bill, known as the Border Safety and Security Act (H.R.29), is a proposal sponsored by 71 Republican representatives.

Introduced on January 9, 2023, just a month prior to The Dream Act, HR 29 seeks to expedite removal processes and allows the Department of Homeland Security (DHS) to suspend entry of non-U.S. nationals who approach the border without proper documentation to achieve ‘control’ of the border (Rep. Roy, 2023).

The American two-party system has integrated complicity as a necessity for comprehensive reform, requiring that both parties work toward a middle-ground on policy. This sort of balanced compromise sounds good in theory, but it is not necessarily making progress towards some middle-ground. IRCA’s amnesty provision was temporary and opened no pathway for future migration under refugee, asylum, or immigration law. Instead, the more permanent change achieved by IRCA was the creation of stronger immigration enforcement regime, through employer sanctions.

Comprehensive reform can easily lead to complicity and imbalance. While big sweeping reforms are often viewed as the best and only path to congressional action, there are other ways in which we can approach policies. One way to address policy needs without such sweeping reforms is through a piecemeal approach. Rather than trying to solve the issue all at once, which usually is a combining of conflicting provisions together, coalitions can focus on one issue, one community, and one policy solution. Enacting multiple policies over time might build up towards a more justice-oriented approach to immigration. There is tremendous value in pushing for a Dream Act solution, as a first step, rather than combined a Dream Act with new measures to strengthen border control and interior enforcement.

If comprehensive reform is possible, then it is crucial to learn from IRCA by ensuring that legalization is not simply a temporary one-time opening of America's doors to welcome a group of immigrants. The Democratic Party can be less complicit in building an enforcement regime by strongly pushing for new pathways to future legal migration to occur and ensuring that these pathways are open to previously excluded and marginalized migrant communities, like those fleeing Central America or coming from Mexico. These progressive aspects of reform should be just as permanent as the enforcement sides.

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