The Politics of Exclusion: Joining Multiple Streams Framework (MSF)
and Social Construction Policy Design (SCPD)
to Examine U.S. Immigration Policy

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Abstract

This dissertation seeks to contribute to the literature on Policy Process, Multiple Streams Framework (MSF), Social Construction Policy Design (SCPD), U.S. Immigration Policy, and Race. It does so by marrying two Policy Process theoretical frameworks. The theoretical frameworks that have been joined are MSF and SCPD. They were joined to create three different Immigration case studies. Each case study results in an analytical contextualization. This dissertation asserts that the two theoretical frameworks are complementary and jointly they enhance our understanding of U.S. Immigration Policy. Moreover, it argues that jointly they are useful analytical contextualization tools, that help us better understand both a policy decision and design, at times revealing hidden messages. Further, their joint analysis revealed that race and or ethnicity were central to each case study and each policy discussed design. Together, they demonstrate inclusion or exclusion to and from the U.S, which was and continues to be dependent on politics and the biased values held by many in congress. This dissertation is novel as it produces some of the first case studies joining Herweg, Zahariadis, and Zohlnhӧfer's (2018) contemporary conceptualization of MSF with both Schneider and Ingram's 1993 SCPD typology and their 2019 extended SCPD framework focused on anticipatory and deceptive policy design.

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Dedication

I would like to dedicate this dissertation to my family and friends. First and foremost, I dedicate this to my mother Maria Renee Samuels, and my grandmother Elane Ruth Haugen, who are both always with me in spirit and memory. Then my dad, who raised me, Eugene Arnold Samuels, as he always believed in my potential and expected greatness of me. And to my grandfathers, Thomas Gabriel Samuels who stressed the importance of academic excellence, and Curtis Haugen who was always on my side and protected me. I know they are all proudly watching over me and protecting my journey.

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I dedicate this to all of my aunties and uncles, that have been there to support me in different ways throughout my lifetime. And to all my friends that have witnessed and been a part of my transition through higher education. I further, dedicate this to my recently discovered biological father and paternal family members, as I am proud to know that I have lived up to the legacy of education and Black excellence handed down from our ancestors. Finally, I dedicate this dissertation to the Creator, because only through the Creator all things are possible.

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Chapter 1: Introduction

Many pundits suggest that the Trump administration had racist restrictive anti-immigrant immigration policies (Blitzer, 2020). However, in this dissertation, I argue that race and ethnicity are, in fact, central to immigration policy decisions and designs. Furthermore, I posit that the politics and preferences of political elites perpetuate the exclusionary and, in some cases, inclusionary characteristics of American immigration policy.

Joining Multiple Streams Framework (MSF) and Social Construction Policy Design (SCPD), this dissertation attempts to analytically contextualize three different U.S. immigration policies with the use of three case studies. Each case study relies on Herweg, Zahariadis, and Zohlnhöfer's (2018) contemporary conceptualization of MSF, as well as Schneider and Ingram's (1993; 2019) SCPD typology and their extended framework with MSF. Together they complement each other and provide a theoretical framework that enhances our understanding of each case. I argue that jointly these two theoretical frameworks aid in our understanding of policy designs and decisions.

The second chapter of this dissertation briefly highlights the case selection, while the third chapter outlines the theoretical groundwork employed in this dissertation. The third chapter begins by giving a brief introduction to policy process research. Then, it identifies the theoretical frameworks selected. Next, the chapter gives a more in-depth description and illustration of the theoretical frameworks that are used to analytically contextualize each case study. Finally, the chapter concludes with a discussion on joining MSF and SCPD. The fourth chapter of this dissertation is the first case study, which details the Naturalization Act of 1870 (First Congress. Sess. II. Ch. 3, 103. March 26, 1790).

This was a monumental piece of legislation as it granted Black people the right to naturalize (Wong, 2017; Guskin and Wilson, 2017; Navaro, 2009; Chomsky, 2007; Johnson, 2007; Zolberg, 2006; Briggs, 2003). For decades, naturalization was reserved for Whites only (Wong, 2017; Guskin and Wilson, 2017; Navaro, 2009; Chomsky, 2007; Johnson, 2007; Zolberg, 2006; Briggs, 2003). MSF and SCPD jointly enhance our understanding of why Blacks were targeted for the benefit of naturalization while increasing our understanding of how the final policy was designed to exclude Indigenous and Asian people. This case study begins with an introduction that details naturalization and the 1870 Naturalization legislation. Next, it provides a background synthesis of the legislative policyscape. After this, I use the theoretical frameworks identified in the theory to contextualize and analyze the case study. The contextualization demonstrates that Senator Sumner originally attempted to amend a Republican-sponsored Immigration Fraud Bill to strike the word white from the legislation. (Rundquist, 1975) As a result of post-emancipation, post-Civil War, and Reconstruction many Republicans supported the notion of Blacks gaining civil rights, yet many members of Congress were opposed to removing the word white. They felt it would embolden other races to attempt naturalization. Thus, they designed the policy to include only Black people and White people, while excluding all other races. Finally, the chapter ends with a discussion of how utilizing the frameworks jointly appeared insightful, as it demonstrated that race influenced both why and how the policy was designed.

The second case study (and fifth chapter) examines the 1965 Immigration Act (Public Law 89-236-Oct. 3, 1965) which was a pivotal moment in immigration history as the legislation appeared to embrace the Civil Rights Movement. Despite the pivotal appearance, the policy was intentionally crafted to maintain the status quo of the discriminatory and

exclusionary national origin quota system that it was set to replace. The chapter concludes with a discussion that suggests restrictionists and nationalists who designed and or supported the legislation, now condemn the legislation because their design failed to exclude those they had attempted to target for exclusion. The chapter similarly demonstrates the centrality of race.

The third and final case study (chapter six) analyzes President Trump's use of an executive order to build a border wall that had been under construction for years before his presidential campaign. Following the introduction, the case first attempts to illustrate President Trump's articulated vision of the border wall and its purpose. Then, the chapter provides a legislative policyscape description that demonstrates the border wall has been in the works and under construction since the late 1980s and early 1990s. (Bear, 2019; Hattam, 2016; Wong, 2017; Guskin and Wilson, 2017; Navaro, 2009) Next, the chapter contextualizes the case similarly to the other chapters utilizing the same theories. The contextualization demonstrates that Latinos have been framed as a threat to the U.S. and thus they should be excluded by a border wall. It reveals the border wall has been a contentious long-held debate with much opposition. Further, the contextualization depicts how the Trump campaign used the wall to galvanize his base. Finally, the chapter concludes with a discussion that argues race is central to the border wall legislation and that restrictionists continue to maintain control of Congress; while implying that Trump's executive order was a strategic ploy to gain future support from his base.

Finally, this dissertation ends with a discussion and summary of the findings. The summary begins by reiterating the complexities of a policy's interactions, actors, events, outcomes, and context. Then, it offers a summary of each case study. Then it discusses the

centrality of race among the cases examined, concluding that race has always been central to the politics of immigration and immigration policy designs. After which there is a brief discussion joining the theoretical frameworks. In the end, I conclude that jointly, the theoretical frameworks performed better, as they are useful tools that help us better understand both the decisions surrounding the policy, the policy's design, and ultimately the hidden messages.

This dissertation is novel in multiple aspects. First as already identified this dissertation relies on a contemporary understanding of MSF, unlike past applications of MSF. Similarly, each case study attempts to contextualize all five structural elements of MSF, unlike the majority of previous case studies. Further, this dissertation endeavors to deliver on Tosune and Workman's (2018) prompt to marry MSF, while also answering Michners call to imbed race in policy process research by joining MSF with the SCPD frameworks indicated above and described in greater detail within Chapter 3.

Chapter 2: Case Selection

Introduction

To begin, I chose the Institution of Immigration policy as I have been intrigued with it for many years. Growing up in Northern Idaho on the Nez Perce Reservation, in a predominantly White logging town, I always heard people expressing anti-immigrant sentiment. As a mixed White and Black female raised in an Indigenous home, I found the anti-immigrant sentiment amusing. I was amused by the irony, that the descendants of immigrants who had invaded my stepfather's homelands and wreaked havoc on the Indigenous peoples and cultures throughout America, would complain about other immigrants.

Every spring, migrant tree planters would come into my hometown to plant trees in the surrounding mountains. The townspeople would go crazy about the guys not speaking English and them supposedly taking jobs. Eventually, in 2001, I married one of the tree planters. He had come to the U.S., as many do, on a guest worker permit from Mexico. Thus, I spent two years working with him in the migrant tree planting fields of Idaho, Washington, Montana, Wyoming, Oregon, and Louisiana in the winter. Through that experience, I have witnessed many injustices.

In 2004, I started my journey in academia. And around 2006 I became a participant in the Robert E. McNair Scholars TRIO program. The program exposes students historically not represented in their field to research and prepares them for graduate school. When I joined the program, I hoped that I could research immigration for my project, but I could not find a professor interested in doing an immigration research project with an undergraduate student. Yet, I was able to find a Law professor that agreed to guide me in performing research on an

organization that utilized a power of attorney to assist Haitian immigrant families to navigate the unfamiliar U.S. public education system. Thus, When I entered graduate school, I knew my dissertation would be related to U.S. Immigration policy.

Case Study One

The 1870 Naturalization Act went into effect 80 years after the original Naturalization Act designated naturalization rights to "free white" persons (Guskin et al., 2017 p.753; Wong,2017; Navarro, 2009; Johnson, 2007; Zolberg, 2006; Briggs, 2003). We chose this case as the literature demonstrates that the Act was the first inclusionary peace of immigration legislation that extended citizenship to non-Whites (1870 Naturalization Act). Interestingly enough only 13 years prior the Supreme Court's Dread Scott decision affirmed that "only white people" could naturalize, and Blacks could not (Guskin et al., 2017, p. 254).

We sought to understand Congress's sudden shift after the Supreme Court's affirmation that supported and reaffirmed 80 years of their legislation. The historical record is clear that leading up to and after the public policy was enacted, sentiment had hardly changed toward Blacks, as Zolberg (2006) vividly describes that U.S. policymakers were actively designing a "White Anglo nation" by explicitly restricting the naturalization of "inferior races" (p.181). Further, we were interested in it as I had done the research for one of my graduate classes on inclusionary immigration policies and Sanctuary Cities.

Case Study Two

The second case study we chose to contextualize was the 1965 Immigration and Nationality Act. According to the literature on U.S. Immigration, the 1965 Act also known as the Heart-Celler Act, marked a drastic shift in U.S. Immigration policy. Every immigration policy book reviewed for this dissertation either implicitly or explicitly attributes some kind

of policy feedback effect from the Heart-Cellar Act (Guskin et al., 2017; Wong, 2017; Navarro, 2009; Johnson, 2007; Zolberg, 2006; Briggs, 2003). Some imply negative effects on the U.S. For example, Zoberge (2006) described it as a "radical modification" and charged the legislation with exacerbating a social crisis, adding a burden on the welfare state, increasing illegal alien presence in the U.S., and chain migration (p. 338; see also Briggs, 2003). Yet others like, Navaro (2009) seem to express appreciation that it "profoundly impacted" the United States' ethnic composition and ended the "national origins quota system" that favored the migration of Northern and Western Europeans (p. 90). Thus, We chose this case to gain a better understanding of the conflicting rhetoric surrounding the legislation.

Case Study Three

In 2017, Trump appeared to press an aggressive anti-immigration agenda, while the judicial system and political actors appeared to resist his directives (Percie and Selee, 2017). An impasse over funding Trump's border wall partially shut down the U.S. Federal government "from December 2018 to January 2019," resulting in a compromise (Wong et al., 2019, p. 2). Wong explained that following the $1.4billion compromise, Trump secured his building expenses by "declaring a national state of emergency" and redirecting $8 billion to construct a border wall. Wong (2019) further emphasized that Trump's plan to build a wall has raised both social justice and environmental concerns throughout the borderlands. In the years since Trump's 2016 campaign, contention around the border wall continues to stay in the news. Many of the news headlines today continue to depict the border wall as Trump's wall. Thus, we chose this case to better understand the U.S. border Wall debate and Trump's true relation to it.

Chapter 3: Theoretical Foundations

Theories of The Policy Process

Emerging as a field around 1950, scholarship on policy processes "integrates research on politics and government around a policy orientation" (Weible, 2018, p.2). Drawing on Lasswell and others, Weible explains that "policy processes refer to the interactions that occur over time between public policies and surrounding actors, events, contexts, and outcomes" (Weible, 2018, p.2). In Weible's view, public policies are "deliberate decisions" of action or nonaction of a specified authority toward a "specific objective" that ranges from "procedural to substantive and from symbolic to instrumental" (Weible, 2018, p.2). Similarly, he articulated that, public policies can be understood as laws, statutes, regulations, decisions, programs, or rules that structure situational behavior such as the bureaucratic delivery of public services or who may become a citizen and the process to do so. Sabatier (2007) said "in the process of public policymaking problems are conceptualized and brought to the government for" a solution (p. 3). He elaborates that alternatives are formulated and then solutions are selected, implemented, evaluated, and revised.

Acknowledging the complexity of the policymaking process, Sabatier (2007) suggests that analysts must simplify the situation to understand it. He explains that perceptions and presumptions have a critical function, helping observers identify crucial factors and define phenomenal categories. Weible (2018) echoes Sabatier, suggesting that the policy process can best be "imagined as a complex phenomenon of continuous interactions" and that "theories have been, and continue to be, essential" in studying the policy process (p. 363). These continuous policy interactions involve actors, their beliefs, their values, and their networks among other things.

According to Weible (2018), interactions take place within the context of conditions like culture, socioeconomic conditions infrastructure, and more. Weible (2018) explicates that some may confuse policy process research with the "policy cycle" which only serves to simplify "the policy process by delineating the stages of decision making" policies traverse like formulation, adoption, implementation, and termination (p.2). While crediting the policy cycle for its useful archetype, he critiques its utility as simplistic and inaccurate suggesting that it misguides researchers into believing key interactions in the process are the cycle, thus forcing theories into stages while ignoring important questions. Questions like: to what extent do policymakers consider race when designing legislation? Further, he clarifies that amongst interpretations the word "process in policy process research" can be understood as "ongoing interactions" surrounding a policy (Weible, 2018, p.3). Through simple examples like stimulus checks for stimulating the economy during Covid-19, social movements, and natural disasters, he illustrates how context and actors influence and shape a policy's process.

The field of policy process research has multiple theoretical frameworks to choose from, as Porta and Kesting (2008) suggest that "different forms of analysis" are appropriate "for different forms of information" while emphasizing the importance of clarifying the underlying assumptions of each" (p 4). Each theoretical framework is a tool developed "for a particular scope that includes" the range of questions, designs and contextual settings (Weible, 2018, p. 365). Weible asserts that "theoretical fit matters and applying a single theory to all" inquiries and situations is flawed, yet he also acknowledged that lessons can be learned from applying theories outside of their original scope. Similarly, he offers that the various theories in policy process research can "offer additional portrayals of interactions in a policy's processes" (p.4). He further describes that some theories of the policy process

examine the interactions that occur throughout the policy cycle that make it likely to pass or fail while others focus on outcomes like the short-term and long-term consequences and or the policies' impacts on society. Moreover, Weible (2018) contends that a singular theoretical framework offers a particular depiction of the complex process; while suggesting that the best strategy "is to explore and utilize multiple theories of the policy process" (p. 1).

<u>Theoretical Selection</u>

As suggested above, there are various theories to choose from. Multiple Streams Framework (MSF) was selected because Heikkila and Cairney (2018) identified that it provides a system-level of analysis and its scope of analysis attempts to understand policy choice under ambiguity, which is common in immigration policy. By offering the metaphor of zooming a telescope in and out, Heikkila and Cairney (2018) attempted to depict the level of analysis, thus demonstrating that theoretical frameworks examine processes anywhere from the action or individual, to the venue, network, subsystem, or system level. For example, the innovation and diffusion model (IDM) was not selected because they categorized its' level of analysis as being at the policy-making venue, adding that it examines how a newly adopted policy diffuses across states and/or jurisdictions. According to Heikkila and Cairney (2018), MSF's qualitative case study approach investigates agenda setting and how policymaking occurs under ambiguity and thus underlies this dissertation's inquiry into federal U.S. immigration policy.

At the same time, scholars like Tosune and Workman (2018) note the need to marry MSF specifically, while others suggested the need to integrate or marry multiple theoretical frameworks in general. This dissertation integrates MSF with Policy Feedback Theory (PFT), which is identified by scholars as having originated in Historical Institutionalism (HS).

Moreover, Heikkila and Cairney (2018) assert that PFT and MSF both explore policy

systems without much attention to system "boundaries", thus they appeared compatible and

were initially selected (p. 307). However, Béland and Chlagar (2019), in their examination of

PFT, identify multiple subfields of PFT. PFT's subfield of Social Construction and Policy

Design (SCPD) was chosen as it is a framework that has been occasionally used to analyze

immigration policy, as will be discussed later in this chapter. It allows us to view who the

policies were designed to benefit, thus embedding race and ethnicity into MSF's analyses of

U.S. Immigration Policy. The theories selected allow this dissertation to contribute to the

existing literature on SCPD and immigration policy, while simultaneously answering the call

to marry MSF.

As alluded to above, Tosune and Workman (2017) suggest the marriage of policy

process theoretical frameworks, as they further credit Howlet et al. (2015) for advancing the

argument that combining "MSF with other policy process theories would increase its"

comparative fit (p. 344). Moreover, Sabatier (2007) suggested not just marrying two

theoretical frameworks but potentially "applying several in empirical research" (p.330).

Amongst the varieties of PFT, the SCPD frameworks focus more on policy design (Heikkila

and Cairney, 2018; Béland and Chlagar, 2019; Pierce et al., 2014), adding depth to MSF's

analysis. Specifically, Schneider and Ingram's theoretical framework has been selected for

marriage with MSF, thereby enhancing MSF's analysis by embedding SCPD and its

extended framework into each case study. The extended framework goes beyond SCPD's

initial contextualization of bestowing benefits or burdens on target populations, by adding

contextualization to how policies are designed to mitigate anticipated feedback. In doing so,

this dissertation not only marries MSF with PFT; but also takes Sabatier's recommendations

to apply or combine multiple theoretical frameworks in empirical research by integrating MSF, SCPD, and SCPD's extended framework.

Further, in a meta-review of MSF applications, Jones et al. (2016) identified 311 applications of MSF and, of those studies, only 83 either integrated or compared MSF to other theoretical frameworks. Although the review identified many of the different policy process frameworks integrated with MSF, it made no mention of Schneider and Ingram's SCPD, nor any other version of PFT. Moreover, it identifies that the majority of comparisons or integrations of MSF involve Punctuated Equilibrium Theory (PET) or Advocacy Coalition Framework (AFC). Thus, this dissertation's attempt to integrate MSF with SCPD and its extended framework is among the first applications.

Finally, the theoretical frameworks were also chosen for integration because of their methodological approach. Heikkila and Cairney identify (2018) that both MSF and PFT generally use mostly qualitative case studies. Herweg et al.(2018) assert that "systematic testing is not" limited to quantitative research inquiries and emphasize the importance of producing case studies. Thus, the Multiple Streams Framework (MSF) and the SCPD framework and its extension were selected as they both afford us a system level of analysis and similarly both mostly utilize qualitative case studies in their methodological approach. Further, we believe the SCPD frameworks enhanced MSF's ability to consider race and ethnicity in the analysis. Moreover, we believe together the above frameworks provide a multi-dimensional analysis, as the frameworks combined act as a systematic analytical tool. Jointly, they analytically model and contextualize policy processes while illustrating racial dimensions, allowing us to develop three qualitative systems-level case studies, suited for comparison across time and context.

<u>SCPD, MSF & Immigration Policy</u>

Within policy process research, there is a growing field of literature that examines the social construction of immigration policy utilizing Schneider and Ingram's (1993) framework (Streeck, 2017; Godenau, 2014; Piearce et al., 2014). However, the applications of Schneider and Ingram's (2019) extended framework are more limited, as it is relatively new. Moreover, the extended framework incorporates anticipatory and deceptive policy design. At this time applications of the extended framework appear to be limited to Schneider and Ingram's analyses of multiple Arizona public policies, like its state tax credit bills and its attempted state-sanctioned immigration policies.

Similarly, other theories of the policy process, like multiple streams, are rarely applied to U.S. immigration policy at the federal level. The most recent application I could find drew upon Kingdon's 1995 model of MSF to demonstrate how congressional deadlock regarding U.S. immigration reform could potentially be alleviated through "legislative change on the state level or via" presidential executive order—tactics that have seemingly become more familiar in recent years in the domain of U.S. immigration policy (Zaun at el., 2016, p.1590). Unlike Zaun et al. this analysis relies on Herweg, Zahariadis, and Zohlnhȍfer's 2018 reiteration of MSF. Moreover, this dissertation attempts to examine the interactions that have been and are occurring between U.S. immigration policy and actors, events, contexts, and outcomes, by applying the policy process theoretical frameworks identified above jointly to various policies within the federal institution of U.S. immigration policy.

In this dissertation, the frameworks are utilized to investigate the problem(s) that prompted the formulation of each U.S. immigration policy. Moreover, it asks, of the policies

analyzed, why were the specific policies selected, and how were they implemented, evaluated, and revised? At the same time, how did social constructions color the policies and processes? It also questions what feedback policymakers anticipated with the policies designed and if the policy was or is deceptive. It is done by examining the ongoing interactions between the actors, context, and policy by incorporating the theoretical frameworks identified above.

<div align="center">Multiple Streams Theory</div>

Most authorities on MSF identify its origins as stemming from Cohen, March, and Olsen's (1972) garbage can model (Herweg, et al., 2018; Kingdon, 2011; Zahariadis, 2007). Daft (2010) articulates that the garbage can model attempts to illustrate organizational decision-making in uncertain conditions. He refers to the "highly uncertain conditions" as an "organized anarchy" and used university settings as an example, contending that "problematic preferences" among other things can be a result (Daft, 2010, p.471). Herweg et al. (2018) insist Kingdon was "inspired" by their model and put forth MSF. Zaharidis (2007) asserts that "the basic outline" of MSF was in the "tradition" of the garbage can model, yet Kingdon's (1995) adaptation sought to model "policy output by the U.S. Federal Government" (Zaharidis, 2007, p.66-77). However, as suggested by Jones and Carny (2016) researchers should use a more current understanding of MSF than Kingdon's articulation. Thus, this dissertation's analysis relies on Herweg, Zahariadis, and ZohlnhÖfer's (2018) conceptual framework instead, unlike most prior applications of MSF.

Structural Elements Overview

Herweg et al. (2018) identified the major structural elements of MSF as 1) Problem Stream, 2) Policy Stream, 3) Political Stream, 4) Policy Window, and 5) Policy Entrepreneurs. Zahariadis (2007) explains that the Problem Stream is made up of "conditions" that demonstrate to policymakers that an issue needs to be addressed. Zahariadis (2007) describes the Policy Stream as a "soup of ideas" generated by policy community specialists "that compete to win acceptance" (p. 72). Finally, Zahariadis (2007) identifies three sub-elements of the Political Stream: national mood, pressure group agenda, and legislative or administrative turnover. They will all be described in greater depth below.

Zahariadis (2007) contends that Kingdon labeled Policy Windows as opportune moments when the three streams converged "for advocates" to push "pet solutions" or garner attention for "special problems" (p. 73). Additionally, he clarified that policy entrepreneurs were more than advocates and stated that they are "power brokers" who manipulate "problematic preferences" (p. 74). Eventually, the three streams come together and briefly open a Policy Window for a policy to be enacted. Clarifying that, simultaneously, policy entrepreneurs maneuver and couple proposals into the Policy Stream, they suggest policies are adjusted and manipulated to gain support and make them a viable alternative for the policy decision made in the Policy Window.

Problem Stream

According to Herweg et al. (2017), many policymakers argue policies respond to problems. They define problems as conditions that deviate from an individual's "ideal state" and public problems refer to those that are seen as needing a government intervention "to resolve them" (p. 21). Utilizing the perception of unemployment benefits being seen as too

low by some or too high by others as an example, they demonstrate that how a person interprets a problem is generally related to the individual's reality and perspective. Thus, while "indicators, focusing events, and feedback" can garner policymakers' attention it must be framed as a problem that needs government intervention (Herweg et al., 2018, p. 21).

Herweg et al. (2018) clarify that while there are many relevant indicators like budgets and crime rates, indicators "only inform about conditions" and it takes actors to define or frame them as a problem. They argue that it can be difficult to frame a "condition as a problem" if it was not previously a concern and that framing it is easier if indicators change "for the worse" (p. 21). Herweg et al. (2018) then explain that policymakers and the public are simultaneously alerted to focusing events, which are both rare and sudden while suggesting that focusing events may not "lead to agenda change" but may increase the likelihood of policy change (p. 21). Finally, they contend existing policies or programs cause feedback effects that may be framed as a problem if goals are not attained, costs are too high, or unintended effects occur. Thus, problems are "social constructs" and in the Problem Stream, someone must frame the problem in a specific manner to receive attention from policymakers (Herweg et al., 2018, p. 22). Framing is important because "how a problem is defined" affects the potential solutions (Herweg et al., 2018, p. 22). They further add coupling the Problem Stream should not be challenging as policy entrepreneurs frequently frame conditions as problems to be coupled with pet proposals.

<u>Policy Stream</u>

As suggested above, the Policy Stream is made up of policy alternatives competing for acceptance. A policy community generates policy alternatives and is made of experts, ranging from civil servants to academics or interest groups (Herweg et al., 2018). Within the

Policy Stream, the alternatives go through a "softening up" where community members advocate, discuss and modify ideas (Herweg et al., 2018, p. 23). While there are many policy alternatives initially floating around the stream, softening filters many of them out. The process is influenced by the structure of the policy community, the selected alternative must meet some criteria like being technically feasible, coinciding with the values of the policy community, not meeting too much protest from the general public, and being financially viable to survive. Herweg et al. (2018) note that coupling is more likely if the proposal is in alignment with the majority of the members. They specify that the stream is ready for coupling when one alternative "meets the criteria of survival" (Herweg et al., 2018, p. 24).

<u>Political Stream</u>

Herweg et al. (2018) note that, in the Political Stream, the national mood is the most "elusive" of the three elements identified above leading "some researchers to dismiss it as an analytical category" (p. 24). They explain that the mainstream individuals in a country think similarly and that their points of view occasionally shift. If policymakers can sense national mood shifts and promote agenda items accordingly, then policymakers' perceptions and interpretations of national mood have a strong influence. Herweg et al. (2018) clarify that scholars should not confuse the national mood with a public opinion poll, as polls lack the policymakers' perceptions. Still, more contemporary scholarship utilizes "poll results for operationalization" in conjunction with the perception of policymakers as they are the most pertinent actors in advancing alternatives in the Political Stream (Herweg et al., 2018, p. 25).

Similarly, the government and its legislatures are influential elements in the Political Stream. Turnover and changes in the composition of governments and legislatures constitute ideological changes and affect the alternatives that rise to the agenda. Not only the

perceptions of elected officials but also those of administrators, as perceptions of programmatic outcomes and jurisdictional "turf battles" can be relevant (Herweg et al., 2018, p. 25).

The final element identified was pressure group agendas and is what Herweg et al. (2018) refer to as interest group campaigns. They contend it is evident that opposition by powerful interest groups can at times make a policy alternative less likely to make the agenda. Thus, they note that MSF allows interest groups to impact policies in both the Political Stream and the Policy Stream. Interest group campaigns in the Political Stream are launched in opposition to a policy alternative, which is different than participating in the proposal of policy alternatives and influencing the softening process, as described in the other stream.

It is more difficult to determine when this stream is ready for coupling. Herweg et al. (2018) explain that the literature is not explicit about which element takes precedence in the Political Stream and that all three do not have to be in alignment. Some suggest collapsing the elements into a single variable while others argue that "government and legislatures are the most relevant actors" in the stream as they "adopt a policy change" (Herweg et al., 2018, p. 25). Furthermore, they suggest that policymakers can ignore both "interest group campaigns" and "the national mood", as reelection may be "influenced, but not determined" by ignoring them (Herweg et al., 2018, p. 25).

Agenda/Policy Window

From the onset of Herweg et al.'s (2018) discussion on Policy Windows, they announce that even if the streams appear "ready for coupling" change may not be automatic, rather it may become more likely at certain "points in time" (p. 26). After alluding to

Kingdon's definition of a Policy Window Herweg et al. (2018) pose that the term is generic and lacks nuance; while highlighting that some suggest refining the terms into "agenda windows" and "decision windows" to distinguish between opportunities to advance an issue onto the agenda and the opportunity to adopt a specific policy (p. 26). Similar, to them this dissertation, briefly touches on the terms but keeps "the term policy window for more generic use" (Herweg et al., 2018, p. 26).

Herweg et al. (2018) explain that Agenda Windows can be both "predictable" and "unpredictable" while at the same time they are both rare and fleeting (p. 26). They can open in either the Problem or the Political Stream. New members in the legislature or a government's shift in partisan composition can open an Agenda Window in the Political Stream, as incoming actors may be open to novel proposals. An Agenda Window can similarly be opened by significant shifts in national mood, which, as discussed earlier, involves perceptions or interpretations of mood on the part of policymakers. Yet, the Agenda Window is opened in the Problem Stream by focusing on events like terrorist attacks and disasters or by dramatic indicators like crime and deficit increases.

Herweg et al. (2018) suggest coupling differs "depending on the stream in which the window opens" while stating that "in the Political Stream we expect to see doctrinal coupling or problem-focused advocacy" and surmise that the "task is finding a problem for a solution" (p. 27). Herweg et al. (2018) contend it is not difficult to find a problem, as it is possible to frame conditions as problems—for instance, a newly elected government eager to prove it delivered upon campaign promises will look for a problem to solve with a resolution that "is already in the manifesto" (p. 27). Coupling that takes place in the problem stream is referred to as "consequential coupling or problem surfing" and differs from coupling in the Political

Stream because the window is open for a shorter time and the resolution must fit the problem

that has risen to the agenda (Herweg et al., 2018, p. 27). They further indicate that the link

between problems and solutions may not be strong regarding both consequential and

doctrinal coupling. Alternatively, they offer commissioning as a third mechanism for

coupling. Commissioning is different in that policymakers do not wait for policy

entrepreneurs to shop their policy proposals. Commissioning attempts to capture how

policymakers react to Policy Windows by demonstrating their active selection of what they

see as an appropriate remedy for "changes in the problem or political stream" (Herweg et al.,

2018, p. 27).

Herweg et al. (2018) contend that "some agenda windows are predictable" like

budget negotiations or elections, yet some are "less predictable" such as a terrorist attack

because it possesses an analytical problem in the empirical application as "it is usually only

identified ex-post" (p. 27). They suggest it can be difficult to decipher if an event like

terrorist attacks or school shooting "constitute an agenda window" as it requires being

"construed by problem brokers" due to a congested agenda (Herweg et al., 2018, p. 27-28).

Indeed, those types of events can be leveraged during elections or around electorally salient

issue areas.

Policy Entrepreneurs

According to Herweg et al. (2018), any related policy actor may "become a policy

entrepreneur," which is a key element of MSF (Herweg et al., 2018, p. 28). These individuals

or actors have no defined formal position other than pushing "their proposals" into the

"Policy Stream" and adapting and manipulating them to find support and "make them viable

alternatives" (Herweg et al., 2018, p. 28). Once the alternative is in the Policy Stream, the

entrepreneur tries to couple the streams and seize the opening of a window, or they will have to wait for the next Agenda Window to open. They are advocates who must be persistently skilled couplers, with the ability to manipulate problematic preferences and unclear technologies, by attaching "problems to their solutions" and finding receptive like-minded politicians (Herweg et al., 2018, p. 29). Some are more successful than others, as access to policymakers and resources like money, time and energy have been identified as increasing success. Ultimately, there is a variety of instruments Policy Entrepreneurs leverage, like framing and using symbols.

<u>Theoretical Assumptions</u>

Herweg et al. (2018) summarize that MSF's six basic assumptions deal with 1) ambiguity, 2) time constraints, 3) problematic preferences, 4) unclear technologies, 5) fluid participation, and 6) stream independence. First, MSF does not assume problems are solved rationally and that due to "ambiguity" multiple solutions "to a given problem exist" (Herweg et al., 2018, p. 18). They suggest ambiguity refers to having multiple ways of thinking or understanding circumstances or phenomena, but, unlike uncertainty, collecting more data does not reduce ambiguity. Moreover, it seems that vague problem definitions and shifting principles add to the possible solutions and ambiguity.

Another assumption is that policymakers do not have "the luxury" of taking their time making decisions (Herweg et al., 2018, p. 19). Time restraints are further complicated as humans are serial processors and events in a political system are typically occurring simultaneously. Moreover, the urgency to resolve the issue immediately can constrain the number of policy alternatives to select from. Additionally, problematic preferences emerge in the face of both ambiguity and time constraints. Problematic preferences emerge because

policymakers typically have no clear policy preference, except when it comes to election outcomes and candidate preferences.

Herweg et al. (2018) then differentiate MSF's unclear technology from the Garbage can model that referred to processes and outputs. In MSF, unclear technology refers to things like fuzzy "jurisdictional boundaries" that can at times ignite agency or departmental turf conflicts (Herweg et al., 2018, p. 19). Adding that technological clarity is further clouded by "fluid participation," constant change, and turnover in administration and lawmakers. The final assumption is that the three major streams that were discussed above "develop mostly independently of each other" (Herweg et al., 2018, p. 20).

Critiques and Application Objectives

Although Jones et al. (2016) critiqued MSF as having a disjointed research agenda, they praised it for "unparalleled empirical richness" (p. 31). They further contend its applications have "been trending upward" (p. 27). Additionally, they explain that it focuses "on how and why policies receive attention" and do or do not come to fruition (p. 13). Thus, one objective for using MSF in this dissertation is to examine what specifically about the policies selected garnered attention. In particular, I argue that exclusion often draws attention to immigration policy, thereby drawing support among various actors for the policy.

Jones et al. (2016) concede that MSF "has proven to be a very productive and analytically useful way to study public policy" (p. 30). Moreover, they describe that it is applied "at the systems level, modeling context to understand specific policy decisions" (Jones et al., 2016, p. 14). This dissertation sought to observe how each policy was framed, what were the policies designed to fix, and why was the final policy alternatives selected. As

described, this dissertation will develop three case studies and apply MSF as an analytical

tool to model the policy process and contextualize three federal U.S. immigration policies.

Herweg et al. (2018) questioned whether MSF is "clear enough to be proven wrong"

as its linguistically metaphorical approach posed problems because unclear definitions

limited its core concepts (p. 40). Attempting to address the critique, they offer a "conceptual

groundwork" that they claim, "permits more precise analysis" (Herweg et al., 2018, p. 41).

For example, they describe that the Problem Stream contains an interpretive element, as

individuals' ideals and realities vary. Moreover, they explain that some policy problems

garner no political attention until an event occurs or specific feedback catches policymakers'

attention. Through their discourse, they identify that when using MSF, the problem is not

necessarily an "objective fact" rather, it is a construct framed expressly to receive

policymakers' attention and that the framing can impact the available solution (p. 21). Thus,

one of our goals was to test the utility of Herweg et al.'s (2018) contemporary version of

MSF.

Further, Jones et al.'s (2016) meta-review indicated that only 1/3 of MSF applications

apply "all five of the major concepts" (p. 24). Carney and Jones (2016) suggest researchers

should attempt to clearly define the process and concepts and how their findings potentially

modify, affirm, improve or "alter existing" understandings of MSF (p. 52). They recommend

not relying solely on Kingdon's MSF, but rather utilizing a more current version of MSF.

Based on their suggestions and recommendations, all three case studies apply all five major

concepts as analytical tools to contextualize each policy's process and interactions as

suggested above. Further, the cases proceed from a contemporary understanding of MSF by

relying on Herweg, Zahariadis, and Zohlnhӧfer's (2018) conceptual framework.

Social Construction Policy Design

Schneider and Ingram (1993) posit that the value and meanings associated with target

populations, like the elderly, children, and businesses, shape the policies themselves, the

debate around those policies, and the policy agenda itself. Specifically, Schneider and Ingram

(1993) develop a typology with two dimensions, as can be seen in Figure 3.1.

	Described positively	Described negatively
Powerful	*advantaged*, treated positively in public and receiving benefits publicly	*contenders*, treated negatively in public but negotiating benefits privately
Powerless	*dependents*, treated positively in public but unable to mobilise to negotiate benefits	*deviants*, treated negatively in public and punished by policy

Figure 3.1 Schneider and Ingram's Social Construction Typology

As can be seen, the first dimension is power, and the second dimension is a social

construction. Along the power dimension, target populations—those who are considered the

primary beneficiaries of a policy—can be categorized as weak or strong. Along the social

construction dimension, target populations can be considered deserving or undeserving.

Target populations with more power and a deserving social construction are classified as

'Advantaged'. Examples of those in the 'Advantaged' group include veterans. Target

populations with less power and a more deserving social construction are labeled

'Dependents,' which includes children and the poor. Target populations with more power,

but an undeserving social construction are classified as 'Contenders,' which oftentimes

includes big businesses or corporations. Finally, target populations with little political power

and an undeserving social construction are labeled as 'Deviants,' which oftentimes includes

homeless people or criminals. Schneider and Ingram (1993) contend that it is in the best

interest of policymakers to produce policies that benefit the powerful and positively constructed advantaged groups and punish the weaker negatively constructed deviant groups.

At the same time, Schneider and Ingram (2019) contend that increasingly researchers are utilizing various methodologies and tools to validate their assertions. Therefore, one methodological tool this dissertation also attempts to leverage and better understand is Schneider and Ingram's (2019) more recent framework that extended SCPD to investigate anticipatory feedback and deceptive policy designs. Schneider and Ingram's (2019) extended framework asserts that policies may be designed in ways that "carry embedded messages" through their design and implementation (p. 207). They contend that some leaders attempt to design policies that garner positive feedback and prevent negative feedback. Some policies are crafted to solve a problem in a manner that ensures a positive reaction from who the elected leader believes is influential to re-election. They also assert some policymakers engage in deceptive policy designs that obscure the intended policy outcomes or policy's "progression in the legislature" (p. 215) Thus, each application attempts to contextualize the feedback effect policymakers anticipated. Further, we sought to contextualize if the policymakers were deceptive in designing each policy, or was each policy's passage process deceptive. Moreover, we sought to contextualize and decipher any embedded messages that may be within the design or implementation regarding the allocation of benefits or burdens of target populations.

SCPD and Immigration

According to Mettler and Sorelle (2017), feedback effects provide insight into how policies shape attitudes, behaviors, institutions, and interest groups, thus impacting subsequent policy processes. They describe that we live in a policyscape laden with policies

that shape many aspects of our current political environment influencing the agenda, framing

new issues, alternatives, governing operations, resources, constraints, and configuration

among other things. As introduced above, a subfield of PFT literature is SCPD. Pierce et al.

(2014) articulate that past applications of SCPD have 10 percent of the time been applied to

the policy domain of immigration, and that immigrants are among those most frequently

categorized as deviant.

  If immigrants have generally been identified by SCPD as deviant, are all immigrant

populations deviant or are some immigrant populations seen as more deserving than others?

Michener (2019) notes race is a prevalent issue that should be considered while agreeing with

Smith and King (2008) that any decision not to consider race requires justification. At the

same time, Michener (2019) declares "race is arguably always central to policy processes"

(p. 427) while noting the challenge in producing research that reflects the centrality of race.

This dissertation attempts to provide a more in-depth examination of the social construction

of specific immigrant populations that have been targeted to receive benefits or burdens due

to the specific policy identified for each case study. Thus, each case study will attempt to

synthesize, analyze, and understand the role of social construction and policy design within

MSF. By identifying the target population of the policy and identifying what benefit or

burden was bestowed upon the population, we hope to gain a better understanding of the

varied social constructions of different racial and ethnic immigrant communities. At the same

time, the extended framework adds insight into the policies' design by contextualizing what

was anticipated.

The Joining of MSF and SCPD

Through historical accounts and document analysis, applications of MSF's broad concepts present the prospect of offering results that are both comparable and suitable for knowledge accumulation. Since SCPD and its extended framework are considered a subfield of PFT, they can similarly be described as a qualitative analytical tool with the ability to illustrate how policies shape opinion and behavior, thus affecting policy design and development. We used MSF to contextualize each policy's process and interactions as it traversed through the policy cycle. Broadly speaking, we sought to examine the role of social constructions when coupling the Problem Stream, Policy Stream, and Political stream and how Policy Entrepreneurs and other actors have used social constructions to design three U.S. immigration policies, which were ultimately enacted.

For example, within the Problem Stream, we employ SCPD to contextualize the social construction of what was perceived to have deviated from the ideal state and caused concern for federal legislation. The intention is to highlight how both social construction and anticipatory policy design were used to frame the problem and couple it with a specific solution. At the same time, the Policy Stream contains numerous potential policies that go through a softening process that aligns the enacted policy with the policy community's values. Values are social constructs and, as was described above, policies are less successful if they do not align with the policy communities' values. Thus, SCPD permits us to contextualize how social construction and policy design influences the Policy Stream. The contextualization of the Policy Stream enhances our understanding of each policy's underlying value or what the policy community valued, by adding the contextualization of

what the policy community anticipated through the policies design, concerning specific racial and ethnic immigrant communities.

Similarly, I will use SCPD to probe the Political Stream by attempting to contextualize the social constructs influencing the three core elements of the national mood, interest group campaigns, and the federal government broadly, as well as the legislature more specifically. SCPD may add to our understanding of which element takes precedence in the Political Stream as "MSF literature has not been explicit" and some suggest that the latter is the most relevant while the other two are influential but not determinative and thus they should all be collapsed into party politics (Herweg et al., 2018, p. 25). Joining SCPD to MSF enhances our understanding of all three streams, it can also help us to contextualize and gain a deeper insight into what took place in the Policy Windows. The contextualization seeks to demonstrate the influences of social construction and anticipatory policy design on the final decision made within each window, especially concerning various racial and ethnic immigrant communities. Finally, joining the two frameworks to contextualize each policy will further our understanding of the relationship between Policy Entrepreneurs and social construction and anticipatory policy design.

Further integrating SCPD into the analysis of MSF helps us identify the target populations of each policy and whether the policy allocates a benefit or burden upon the community. Examining the policies selected offers us a better understanding of the contextualization capacity of both MSF and SCPD jointly; while offering a more in-depth understanding of U.S immigration policy. Immigrants are generally identified by SCPD as deviants. However, we anticipated social construction amongst immigrant populations would vary. Ingram et al. (2007) explain that the framework does not imply social constructions are

uniform, rather they are created used, and manipulated to generate policies. Further, the

integration of the extended framework enhances our understanding of each policy by also

illustrating the feedback effect anticipated by policymakers, and whether deception was used

to mitigate the anticipated effect, thus shedding light on any hidden messages within the

policy design.

Chapter 4: Sumner's Attempt, An Analysis of the 1870 Naturalization Act

Introduction

Naturalization is the process and appointment of an immigrant to the "position and privilege of native-born citizen" (Rundquist, 1975, p. 1). After decades of limiting naturalization to Whites, the U.S granted naturalization rights to Black people in 1870. Applying MSF, SCPD, and SCPD's expanded anticipatory design framework to this case study seeks to model and contextualize the 1870 Naturalization Act's process. As Weible (2017) described, process refers to the policies' interactions regarding things like actors, events, and outcomes. Utilizing the previously identified theories to contextualize the 1870 Act, we sought to enhance our understanding of both the policy and the theoretical frameworks' joint utilization.

Although the 1870 Act predates both MSF, SCPD, and SCPD's expanded anticipatory design framework they prove seemingly insightful, given the uniqueness of the case. MSF was initially conceptualized in the 1980s by Kingdon to model and examine more contemporary policy processes, while Schneider and Ingram first articulated SCPD in 1993 and expanded it to include anticipatory design in 2019. Though the theoretical frameworks are contemporary, we were unable to find an application of MSF to a case from the 1800s. Moreover, we were unable to find the theoretical frameworks applied jointly. Thus, this application is somewhat unique, as the policy significantly predates the frameworks. Ultimately, applying the above frameworks to the Act offered added insight regarding both the policy and the frameworks utilized.

The frameworks contextualize the historical record by relying on multiple immigration policy texts, including Guskin and Wilson's *The Politics of Immigration:*

Questions and Answers, Zolberg's book *a Nation by Design,* and Rundquist's (1975) dissertation among others. To aid in the contextualization we further relied upon the congressional record as well as other scholarly texts like Foner's *Reconstruction American's Unfinished Revolution* and Painter's *Creating Black America*. This chapter first begins with a summary of the 1870 Act. Followed by a short background description. After which you will find the theoretical contextualization. Finally, the chapter will end with a discussion and conclusion.

<div align="center">The 1870 Naturalization Act</div>

The 1870 Naturalization Act went into effect 80 years after the original Naturalization Act designated naturalization rights to "free white" persons (Guskin et al., 2017, p.753; Wong, 2017; Navarro, 2009; Johnson, 2007; Zolberg, 2006; Briggs, 2003). The 1870 Act was a significant piece of U.S. immigration legislation, as it was the first to extend naturalization rights to non-Whites but only those "Aliens of African nativity and persons of African descent " (1870 Naturalization Act). The extension was given just 13 years after the Dred Scott case, in which the Supreme Court affirmed: that "only white people" could naturalize, and Black people, among others, could not (Guskin et al., 2017, p. 254). Painter (2007) maintained that the 1857 court declared "no one of African descent, slave or free, could ever be a citizen" of the U.S. (p. 85).

What then made policymakers nullify the Supreme Court's support after 80 years of discriminatory legislation, during a time when negative sentiment towards Black people was openly accepted? The historical record is clear that leading up to and after the public policy was enacted, the sentiment of Black people being undesirable had hardly changed for many policymakers. Zolberg (2006) vividly describes how U.S. policymakers were actively

designing a "White Anglo nation" by explicitly restricting the naturalization of "inferior races" (p. 181). And although the legislation came about during what historians refer to as the time of "Congressional (or Radical) Reconstruction," segregation and Jim Crow Laws would soon follow, demonstrating how deep-rooted the sentiment was that Black people were still undesired (Painter, 2007, p. 140). Further, Painter (2007) contends that 3,446 Black people were lynched by "mobs acting outside the law" between 1880 and 1882 some ten to twelve years after enactment of the legislation; while making it clear more were lynched for infractions like "talking back and insubordination" to whites (p. 180-181). By the 1870s, Reconstruction ended "and white supremacist Democrats took back the reins of power through violence and intimidation" (Painter, 2007, p. 150-151). As W. E. D. Du Bois desbribed in his 1935 book on Black Reconstruction, Whites eagerly joined the KKK to intimidate and maintain superiority (Du Bois and Mack, 2017, p. 117)

Utilizing MSF, SCPD and the extended SCPD framework this case study analytically contextualizes the Naturalization Act of 1870. Within the Problem Stream, we sought to identify the problem the 1870 Naturalization Act was addressing, as well as the function of social construction or anticipatory design. Similarly, we attempted to model the Policy Stream and observe the role social construction and anticipatory design played in the softening process of the 1870 Naturalization Act. Simultaneously we endeavored to illustrate the impact of social construction and policy design within the Political Stream. Further, we attempted to contextualize the influence of social construction and anticipatory policy design within the Policy Window. Simultaneously, we tried to analytically illustrate any correlation between Policy Entrepreneurs of the time and social constructions or anticipatory policy

designs that may have influenced the 1870 Naturalization Act. We begin with a brief background first.

Background

What triggered the U.S.'s earliest Naturalization Acts? Zolberg (2006) explains that Naturalization acts were triggered and or "emerged" as protection from "undesirable immigrants" (p. 86). Subsequent Acts became tougher like adding minimum residency time requirements, restricting the poor from naturalizing, and literacy tests to protect the U.S. from undesirable immigrants. Moreover, both the 1790 and 1795 Naturalization Acts were specifically tailored with the objective to create a nation of free White citizens. Zolberg (2006) notes that the word "free" was meant to exclude "white immigrants bound to temporary servitude," while illustrating that white "constituted a retreat from" inclusivity "inscribed in the Northwestern Ordinance," adding that "the provision excluded not only" Blacks and mulattos, "but also American Indians" (p. 86). Zolberg (2006) further explains that the specification "of satisfactory character" was intended to exclude convicts, felons, and paupers. Thus, the Naturalization Acts of 1790 and 1795 were triggered in part to protect the U.S. from undesirable immigrants, by barring poor people, servants, Black people, mulattos, and American Indians from becoming citizens. Moreover, those Acts targeted free White people to receive the benefit of naturalization, while socially constructing poor people, servants, and Black people as undesirable citizens.

Painter (2007) notes the first "recorded" arrival of "Africans" or Black people, in what would become the U.S., in 1619 in Jamestown, Virginia. Kidnapped and transported across the Atlantic, most Black people remained enslaved in the South for many generations. Although some Black people "had always been free," between 1790 to 1810 the percentage

of free Blacks in the U.S increased from "8 percent to 13.5 percent" (Painter, 2007, p. 77). Indeed, being a free Black person in the U.S. did not make them citizens, protect them from mistreatment, nor "gain them entry into public institutions," rather it afforded them the ability to earn wages, move, or marry among other things (Painter, 2007, p. 87).

According to Zolberg (2006), the 1857 Dred Scott case not only supported the previous naturalization legislation, but the case also set a federal precedent disenfranchising some Black people. It is to be noted that some states had been more liberal with recognizing free Black people as citizens. Thus, some Black people exercised citizen rights before the Supreme Court's ruling (Painter, 2007). As Rundquist (1975) described, at the time, state citizenship was possible without having U.S. citizenship, as states afforded naturalization, but other states were not "bound to recognize that citizenship" (p. 15).

Multiple events influenced the policy process of the 1870 Naturalization Act. It is obvious throughout the literature that the Civil War, Emancipation Proclamation, and the ratifications of both the 13th & 14th amendments made their impact on the policyscape and heralded both the 15th amendment and the development of the 1870 Naturalization Act. At the same time, Rundquist (1975) vividly recounts a "one-person crusade" attempting "to remove all references to racial color and the word white from statute books" while other lawmakers fearing the potential of Chinese and Indigenous people naturalizing, pushed back through congressional debate impacting the final policy outcome (p. 48; Wong, 2017; Zolberg 2006). Briggs (2003) describes that naturalization was extended to Black people due to "legislative and constitutional changes" guaranteeing "citizenship to native-born blacks" in the wake of the Civil War (p. 30). Thus, below you will find a historical account of the 1870

Naturalization Act's contextualized utilizing MSF joined with SCPD and its extended framework.

<center>Analytical Contextualization</center>

Problem Stream

As illustrated in the theory chapter, Herweg et al.(2018) suggest problems in the Problem Stream are conditions perceived and framed as deviating from the ideal state. As pointed out previously, a loan Republican sought to remove the word "white" in regards to race from statute, as he felt all races should be seen as equal. Rundquist (1975) further describes how Republican leaders previously made it their "mission" to require states to ensure "Negroes" civil rights "or face federal intervention," while suggesting removing naturalization barriers was an extension of that mission (p. 20). Herweg et al. (2018) Explained that the perception of a problem is dependent on the individual, and it takes individuals to define and frame the problem. Thus, while some perceived reserving naturalization rights for a specific race as a problem, others perceived not affording equal rights to Blacks as the problem. According to Rundquist (1975), known abolitionist Senator Sumner from Massachusetts took his chance at striking the word "white" from naturalization legislation by attempting to amend "a naturalization fraud bill" pushed through by Republicans, which caught Democrats outnumbered and "by surprise" (p. 45).

Rundquist (1975) clarified that after Senator Sumner amended the bill in committee to strike the word "white" from the legislation, Republicans reconsidered their position, recalling previous debates on race and election outcomes. Some lawmakers feared that removing the word "white" from the bill could hypothetically open naturalization to other undesirables like Chinese and Indigenous people (Rundquist, 1975). This suggests that other

policymakers feared a negative impact on future election outcomes. Moreover, those that did

not support the amendment anticipated a potential problem with the amendment—socially

constructed undesirables may attempt to naturalize, or political backlash would fall upon

those that allowed such a thing to happen.

Thus, a Republican Reconstructionist Senator Warner from Alabama suggested the

bill be amended again to read "that the naturalization laws are hereby extended to aliens of

African nativity and persons of African descent" (Rundquist, 1975, p. 53). This amendment

allowed for the fraud bill to be passed, while superficially addressing the problem of Black

people being afforded the equal right to become naturalized U.S. citizens. At the same time,

the bill reinforced the social construction of race by utilizing it as a qualifying characteristic

for naturalization. The bill continued to target White people for naturalization and extended

the benefit to Black people, while simultaneously temporarily silencing the heavily debated

problem of Chinese and Indigenous peoples attempting to naturalize.

Policy Stream

The Policy Stream is a "soup of ideas," with policies floating around the stream

generated by the policy community. Initially, Republicans did not move to remove

naturalization barriers because of "local and regional political considerations" (Rundquist,

1975, p. 20). Herweg et al. (2018) clarified policies are softened or modified by community

members through advocacy, discussion, and debate to align with the policy communities'

values so that they do not receive too much protest or pushback. As alluded to above,

Republican Senator Sumner was initially successful in committee at amending a

"naturalization fraud bill" that's passage already had been secured by a "unanimous consent

agreement" (Rundquist, 1975, p. 46). After unsuccessfully introducing three other bills of a

similar nature, he observed an alternate route to achieving his goal. Thus, he made his move amending or modifying the naturalization Fraud Bill to strike the word "White" from the bill whenever it referred to race or color (Rundquist, 1975, p. 48).

However, another Republican from Oregon moved to further amend Sumner's amendment by excluding the Chinese specifically. To some, the word "person" was vague enough to possibly include Chinese and the "Hot in Totton" naturalizing, which was problematic as the "Chinese problem" had been at the heart of previous debates and discussions (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5121-5177). Some lawmakers felt Sumner's amendment posed a new question and thus invalidated the agreement (Rundquist, 1975). According to the Congressional Globe and Rundquist (1975), one senator offered an amendment that specifically excluded Africans, Asians, and Indigenous peoples. The amendment was ultimately rejected. Another Senator from Nevada announced his opposition to barring Chinese people and threatened to violate the unanimous consent agreement, as did others for various reasons.

Rundquist (1975) illustrates that in an attempt to preserve the agreement and uphold the party's mission without garnering too much political fallout, Senator Warner offered an amendment. The amendment specified those of African nativity and descent be allowed to naturalize. Although Sumner's goal to eliminate race from the law was not achieved, the party's goals were achieved. Moreover, the bill appeared to align with the majority of their values. While the Republican Party had attained some progress in realizing the rights of Black people, they simultaneously reinforced the notion that the social construction of race could and should be used to determine which target populations would be afforded benefits or burdens.

Political Stream

Herweg et al. (2018) recognize the three elements of the Political Stream: national mood, pressure group agendas, and legislative or administrative turnover. National mood refers to the idea that a large constituency of the country has a similar view regarding a particular issue. Thus, policymakers influence the national mood through their interpretation or perception of what they believe their constituents want, making it somewhat elusive. What is not elusive is that the one man who made it his mission to remove the White racial preference from naturalization legislation found little support amongst his colleagues. Moreover, the majority of policymakers felt that it was debatable if non-Whites should be able to naturalize, and if so, which races should or should not be allowed to naturalize.

The literature is clear that, through the softening process, policymakers interpreted the national mood to be in opposition to extending naturalization to both Chinese and Indigenous people. While historians debate the cause of the anti-Chinese sentiment, the literature is clear that the Opium Wars chronicled in the press, job competition, and cultural habits contributed to the dislike and mistrust of this specific group (Rundquist, 1975). Described by Navarro (2009) as "yellow journalism," news and propaganda warned of an incursion of "an Asian army of immigrants" (p. 25). Rundquist (1975) further describes how illustrations of savages killing missionaries, similarly, flooded the news. At the same time, some policymakers felt the Chinese were above Africans "in every respect" (Rundquist, 1975, p. 53). However, the majority of policymakers perceived the anti-Chinese sentiment and Anti-Indigenous sentiment to be politically influential, as Californian Democrats had been victorious by exploiting the anti-Chinese sentiment. (Rundquist, 1975)

Historically, multiple pressure groups hoped to maintain the status quo, while others were bidding for change and equality. Herweg et al. (2018) identified interest groups as the second element of the Political Stream, describing how the opposition of multiple powerful interest groups can kill an idea. Indeed, interest group representatives can be lawmakers whom both participate in proposing and softening ideas. Two major pressure groups to be noted in the written record that directly impacted the final legislative outcome were the Republican and Democratic Parties. Following the amendment to the immigration fraud legislation, a group seemingly formed that mounted a campaign against the amendment to remove the word "white" from the legislation. Although not specifically identified as an interest group, the record is clear regarding how specific legislators, both Republicans, and Democrats campaigned against the amendment.

Their campaign exploited and played on the fear that some lawmakers held regarding Chinese and Indians either attempting to become citizens or potentially jeopardizing future electoral prospects. Thus, the previously agreed upon Fraud Bill almost failed because it was amended to remove the word "white," until it was rescued by a subsequent amendment that essentially specified only White and Black people could become citizens. Instead of simply removing race and ethnicity as a categorization criterion for citizenship, they reinforced race as a fundamental eligibility criterion. More precisely a group of lawmakers felt it was in their interest to identify and specify what races were eligible for the benefit of citizenship.

Legislative or administrative turnover also influenced the Political Stream. The 1870 immigration Fraud Bill and Sumner's amendment were presented during the 41st Congress that took place from 1869 to 1871. The U.S. government's History, Art & Archives website identifies that based on election day results the congressional party profile was made up of 67

Democrats, 171 Republicans, and 5 Conservatives. According to the website, Republican President Grant was "freed to implement his Reconstruction program" and the first African Americans were among the congressional profile (https://history.house.gov/Congressional-Overview/Profiles/41st/). Moreover, the 41st Congress took place during what many historians refer to as Radical or Congressional Reconstruction (Painter, 2007; Foner, 1988; Roediger, 2008). Herweg et al. (2018) note that the changing composition of lawmakers can impact outcomes, as party ideologies can be divergent. They further suggest that both agenda items and outcomes are also impacted by which lawmakers are present. Rehnquist (1975) describes that the Democrats were caught both outnumbered and surprised. At the same time, Foner (1988) notes "in February 1870" Hiram Revels "became the first black to serve in the United States Senate" (p. 352). Moreover, when all of the amendments described above were proposed and debated Republicans held the majority present at the time and Blacks were becoming legislators and lawmakers.

The record further illustrates that the initial amendment to remove the word "White" from legislation jeopardized an agreed-upon Republican piece of legislation. Moreover, certain Republican legislators anticipated that its removal could embolden other undesired races to apply for citizenship, thus negatively impacting the best interest of their constituents and their political self-interests. In sum, the Political Stream was influenced by the majority of individual legislators present at the time, perceptions of the national mood in conjunction with their ideological desire to reinforce equality for Black people, and the pressure applied by some lawmakers to reinforce that not all races should be eligible to be U.S. citizens.

Policy Window

Zahariadis (2007) contends that Kingdon labeled Policy Windows as opportune moments when the three streams converged "for advocates" to push "pet solutions" or garner attention for "special problems" (p. 73). The unanimous consent agreement on the immigration Fraud Bill was seen as an opportunity by Senator Sumner to incorporate equity for all people into immigration legislation. He attempted to push an amendment he thought would eventually ensure equal access to citizenship for all races and ethnicities. The record shows that Sumner specifically proposed the Fraud Bill be "amended by striking out the word 'white' wherever it occurs, so that in naturalization there shall be no distinction of race or color" (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., July 3, 1870, p. 5121).

Sumner's amendment caught the attention of his party and highlighted a special problem, as it was the Republican Party's mission to ensure equal civil rights for former Black slaves. However, the Republican senator from Oregon anticipated that Sumner's amendment to strike the word "white" would become a problematic naturalization invitation. Thus, he proposed to insert into the Fraud Bill the following language: "But this act shall not be construed to authorize the naturalization of persons born in the Chinese empire" by adding it to the end of Sumner's amendment (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., July 3, 1870, p. 5121). Both separately and jointly the amendments jeopardized the Policy Window opened by the unanimously agreed upon Fraud Bill. A third Republican offered a solution that addressed the anticipated problem; while addressing the special problem highlighted by the initial amendment to strike the word "white." Thus, Senator Warner presumed and remarked that there was less objection to the naturalizations of

Africans and offered an amendment "that the naturalization laws are hereby extended to aliens of African nativity and persons of African descent" (p. 5176).

As Herweg et al. (2018) suggest that there are certain opportune times to adopt a specific policy or to advance an issue to the agenda by opening either a Decision Window or an Agenda Window. The Fraud Bill's unanimous consent agreement among Republican lawmakers provided an opportune time for Senator Sumner to advance the issue of equitable immigration policies for all people. Herweg et al. (2018) explain that windows are rare but predictable, and they generally open in either the Problem Stream or the Political Stream. They suggest that Agenda Window openings in the Political Stream are influenced by "partisanship composition" and "shifts in national mood," while focusing events or dramatically deteriorating indicators stimulate openings in the Problem Stream. As previously illustrated, Democrats were caught outnumbered by Republicans suggesting partisanship composition forced the issue to rise to the agenda.

Moreover, we established that Sumner unsuccessfully proposed three separate pieces of legislation aimed at immigration equity for all. Herweg et al. (2018) advised coupling differs depending on the stream the window opens in; while distinguishing that "we should expect doctrinal coupling or problem-focused advocacy" when the window opens in the Political Stream (p. 27). Sumner's proposed amendment pointed out a specific problem. The Fraud Bill specified only White persons could be citizens, which was in direct conflict with the Republican Party's mission to guarantee civil rights and citizenship to Black people in the US, thus opening the Policy Window and encouraging action.

Policy Entrepreneurs

According to Herweg et al. (2018), "any policy-relevant actor" may be a policy entrepreneur by pushing legislation into the Policy Stream and adapting it to gain support (p. 28). Entrepreneurs then must take action to seize the opportunity of an Agenda Window. They imply this indicates that entrepreneurs are persistent and skilled at coupling or attaching "problems to their solutions" and finding support (Herweg et al., 2018, p. 28). In this case, Sumner was a Policy Entrepreneur that seized the opportunity of an Agenda Window by attempting to amend the Fraud Bill by highlighting the problem identified above and resolving it by removing the word white. A second Policy Entrepreneur Senate Republican Williams from Oregon found the amendment removing the word white problematic and suggested it should be addressed with language specifically excluding Chinese. (Rundquist, 1975)

Herweg et al. (2018) contend that Policy Entrepreneurs are not always successful. Policy Entrepreneurs are not only advocating at times "they are also problematic manipulators of problematic preferences" (p. 28). Rundquist (1975) indicates that the third policy entrepreneur was a Republican newer to the radical Republican movement. Attempting to strike a blow and move the Republican agenda forward, Senator Warner appeared to applaud his Senate colleagues for wisely rejecting Sumner's amendment and proposed his amendment extending naturalization to only Blacks. His amendment was approved as it generally aligned with the majority of Republican values and their equity mission for Blacks, yet it became a performative gesture that proved problematic for other races later.

Joining MSF, SCPD & Anticipatory Design

Schneider and Ingram (1993) suggest value and meanings associated with target

populations shape policies, the debate, and the agenda. During the inception of the United

States, all historical records demonstrate that White populations were exclusively targeted for

U.S. citizenship and socially constructed as the one race worthy of it, the rest were

undesirable. As was illustrated throughout the application, Sumner took advantage of an open

opportunity in the Political Stream. His attempted amendment to target all persons for the

benefit of citizenship impacted the unanimously agreed upon Fraud Bill, and invigorated

debate, thereby temporarily hijacking and jeopardizing the agenda. His simple suggestion to

strike the word "white" and leave the Fraud Bill's text to read persons, shifted the agenda

from immigration fraud to a debate and judgment on who is worthy of being a citizen. As

Senator Stewart stated, the Fraud Bill they originally agreed upon "was simply a proposition

to regulate naturalization among the persons now entitled to naturalization. The proposition

introduced by the Senator from Massachusetts is to extend naturalization to a different class

involving a different subject" (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d

Sess., p. 5122)

Schneider and Ingram (1993) contend that people are described positively or

negatively and that both can be powerful or powerless. The two dimensions result in

advantaged people, contenders, dependants, and deviants. While both advantaged and

dependents are described positively publicly, the latter has less power and struggles to

mobilize around negotiating benefits. At the same time, contenders and deviants are both

described negatively publicly, but contenders have more power to negotiate for benefits. As

is illustrated early on in this chapter, both Chinese and Black people were described

negatively publicly in the media, debate, and court of law. But in this case, we see Chinese people had less power than Black people because of Reconstruction and the radical congressional Reconstruction that followed emancipation and the Civil War. Moreover, not only did the first Black person get elected to the U.S. Senate in 1870; but Painter (2007) contends the 15th amendment was added: "giving freedmen (not women) the conditional right to vote" (p. 158). Further, Foner (1998) describes how Black families gained "power" as a result of emancipation, such as the power to negotiate higher pay and education for their children (p. 140).

Thus, the policyscape resulting from emancipation, Reconstruction, and Black suffrage temporarily elevated Black men to the station of negatively constructed contenders, as some had begun serving in legislative positions of power at the national, state, and local level. At the same time, other freedmen began to exercise political power by voting (Foner, 1988). Similar to Chinese people, White women held no legitimate political power and were still considered the property of their husbands, fathers, and brothers, although they had been struggling to negotiate the right to vote since before the Civil War. But unlike Black and Chinese people, their positive social constructions as white women lead us to consider them as dependent rather than deviants, based on Schneider and Ingram's (1993) framework.

Meanwhile, the Chinese were relegated to the station of powerless deviant, as policymakers feared various forms of political backlash, even though some felt that the Chinese were superior to those of African descent. Senator Tipton worried that the removal of the word "white," could potentially lead "Christian civilization" to be "sacrificed or brought into competition" with paganism or the Chinese belief systems (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5124). At the same time, Senator Stewart

suggested that the Chinese would have an understanding similar to "the wild beast of the forest" if allowed to naturalize (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5125). He further questioned "Do you want to have the Chinese slaughtered?" insinuating that if the bill was passed it would take up to two years before "a Chinaman could be naturalized" and that those that believed the Chinese were unfit for naturalization would form an overpowering mob that sought "to exterminate the Chinese" U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5125).

Before Stewart's ominous prediction, Senator Casserly suggested that if lawmakers from the pacific region permitted the Chinese to naturalize, they would "be as dumb sheep before the sheering" (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5122). Senator Williams addressed the Republican Party specifically: "Let me tell you my friends directly not to be disappointed if this bill passes enfranchising the Chinese, if, at the next election, the black and white laborers of the country should combine to crush the party which invite competition with their labor from China; and if that combination shall be made, there will not be representatives enough of the Republican party" (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5158). Further, Senator Corbett contended that the Chinese superseded "every species of employment that is pursued by the weak" while labeling Chinese woman as deplorable and lewd (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5163). He further argued that they were being "imported in such numbers as to degrade and demoralize our people" and were causing honest laborers to become corrupt (U.S., Congress, Senate, Congressional Globe, 41st Cong 2d Sess., p. 5163).

Schneider and Ingram (1993) assert that it is in the interest of lawmakers to construct policies that benefit the positively constructed groups and the powerful groups; while

punishing the weaker negatively constructed deviant group. Although the amendment was originally sought to strike the word "white" and potentially open citizenship to all, the limitation was reasserted while adding the negatively socially constructed Black contender. Thus, the final legislation benefited both the powerful positively constructed White community and the seemingly powerful negatively constructed Black community. The policy further punished the negatively constructed powerless Chinese community by not identifying them as eligible for citizenship.

Schneider and Ingram (2019) argue that policies carry messages through their design and implementation. They affirm that legislation is crafted to solve a problem. Many times, they are also designed to ensure a positive reaction from those deemed influential to their re-election, by anticipating the potential feedback. They further claim that lawmakers employ deceptive policy designs to deliberately obscure intended policy outcomes. As described throughout the MSF application above, the amendment specifically identified Whites and Blacks for benefit, while simultaneously denying the powerless negatively socially constructed Chinese. As previously articulated, some Republicans rejected the amendment to exclude Chinese or even the potential of their inclusion, and thus threatened to withdraw their support from the unanimous agreement.

To secure passage of the Fraud Bill and avoid any anticipated repercussions alluded to above, the final version of the Fraud Bill considered the general concerns of the Republicans present. It demonstrates their values, reflects their interpretations, and was adapted to mitigate their anticipations. Race and or ethnicity were central to the policy's design. The bill specifically named who they agree should be a citizen and covertly excluded those that were undesired. Moreover, it was designed to preemptively mitigate political

backlash, while thoughtfully obscuring the intended outcome that both Chinese and Indian populations would be understood as ineligible for citizenship by not acknowledging them in the text.

Discussion and Conclusion

Some courts used the 1870 legislation to deny Indigenous peoples citizenship in their lands. This is supported by an 1880 court case that denied the application of naturalization to a half American Indian, half White person because he was not White. Instead, he was considered half Indian (In Re Camille Circuit court, D. Oregon. November 2, 1880). The 1880 court was explicit in its opinion regarding the negative social construction of Africans and those of African descent. It noted that the "red man and yellow man" are "much-better-qualified" for citizenship than the African or persons of African descent.

Guskin and Wilson (2017) illustrate that five years after naturalization was extended to Africans and their descendants, the 1875 Immigration Act or Page Act barred immigration from "China, Japan or any Oriental country" (p. 255). Thus, it subsequently became codified into legislation that the Chinese community was unworthy of citizenship. Moreover, although the amendment to exclude Chinese from citizenship was originally rejected, the policy was expanded to exclude all persons of Oriental lineage and successfully reintroduced five years later. Similarly, Jim Crow laws subsequently began targeting all negatively constructed non-White populations to receive burdens, including Black people, while securing advantages for White populations.

In sum, the contextualization demonstrated that congressman Sumner attempted to take advantage of an opportune moment by amending the Fraud Bill. As a Policy Entrepreneur, he hoped to potentially open naturalization to all. Instead, his amendment

highjacked the agenda and resulted in a determination of what races would be targeted for the benefit of naturalization. The amendment reminded Republicans of their vow to ensure civil rights for Black people; while inciting fear for others. The contextualization highlights that the party strategically crafted the final legislation to make good on their vow to secure civil rights for Black people; while addressing anticipated feedback or the potential repercussions of Sumner's prosed amendment. It further suggests that the final policy was designed to essentially obscure the intended outcome, which was to ensure Chinese and Indian populations were to remain barred from citizenship because of their supposed inferior race and ethnicity. Thus, race influenced both why and how the policy was designed.

Finally, utilizing MSF, SCPD, and SCPD's expanded anticipatory design framework jointly prove seemingly insightful. Although the 1870 Act predates the frameworks utilized to contextualize the policy's process by over a century, they appear to be useful analytical tools. Jointly they seem to complement each other and add depth to the historical contextualization of the 1870 Naturalization Act.

Chapter 5: Family First, An Analysis of the 1965 Immigration Act

Introduction

According to Johnson (2007), the 1965 Immigration Act "is a watershed in U.S. History," as it supposedly embraced color blindness and "eliminated the discriminatory national-origins quota system" (p. 51). Indeed, some people are worried and concerned about the Act's impact on "maintaining the American way of life" and its "national identity," as well as its "impact on labor markets and wages" (Johnson, 2007, p. 51). Thus, this second case study will contextualize the watershed 1965 Immigration and Nationality Act utilizing both MSF and SCPD.

Using MSF and SCPD as theoretical frameworks allows the reader to examine the underlying conflict of the Act, thus enhancing our understanding of the true nature of the continued complaints waged against the Act. Using Herweg, Zahariadis, and Zohlnhӧfer's (2018) conceptual framework and Schneider and Ingram's SCPD typology (1993) and framework (2019), we can better explore the legislative design and intent. Similarly, this case study challenges us to understand the feedback effects that are debated throughout the literature due to the 1965 Act. Finally, this examination endeavors to highlight the social constructions embedded within the final policy, while illustrating the anticipatory feedback of the initial policy proposed.

Together these two theoretical frameworks provide us a clear understanding of the Act's actual process; while highlighting the hidden messages—Europeans were the preferred immigrant stock. Simultaneously shedding light on the hidden message that African and Asian immigration was never truly desired, despite the Civil Rights movement and a national mood supporting social justice. Congress and multiple pressure groups continued to hold

deep-rooted biases toward Blacks and Asians despite the Civil Rights movement and Civil Rights legislation. Indeed, I argue that maintaining the American way of life and its national identity has historically meant keeping the U.S. predominantly Anglo-Saxon or White. Thus, race and ethnicity are central to this case study.

Although this policy predates the conceptualization of both theoretical frameworks, together they were a useful contextualization tool. This chapter's case study begins with an introductory discussion about the 1965 Immigration and Nationality Act. Then it provides a brief background about immigration policy leading up to the Act. This chapter then uses MSF and PFT to contextualize the policy's process. Finally, it ends with a brief discussion and conclusion.

The 1965 Immigration and Nationality Act

According to the literature on U.S. Immigration, the Hart-Celler Act (or the 1965 Immigration and Nationality Act) marked a drastic shift in U.S. immigration policy. Most authors either implicitly or explicitly attribute some sort of outcome to the Hart-Cellar Act (Wong, 2017; Guskin and Wilson, 2017; Navaro, 2009; Chomsky, 2007; Johnson, 2007; Zolberg, 2006; Briggs, 2003). Indeed, some scholars connect negative outcomes to the enactment of the legislation (Zolberg, 2006; Briggs, 2003). For example, Zoberge (2006) described it as a "radical modification," while suggesting that it exacerbated a social crisis, created a burden on the welfare state, increased the number of illegal aliens, and incited chain migration (p. 338). Yet others, like Navaro (2009), seem to express appreciation as the Act "profoundly impacted" the United States' ethnic composition and ended the "national origins quota system" that favored the migration of northern and western Europeans (p. 90). Wong (2017) similarly boasts of the Act dismantling the national origins system while noting the

legislation's ability to remain in common immigration discourse. Gjelten (2015) implies that nativists and restrictionists see the 1965 Act as the impetus for "the immigration wave that followed" (p. 130).

While each author associated various divergent outcomes with the Act, the literature also suggests that the 1965 amendment was strategically crafted to appear as if it embraced the spirit of the Civil Rights Act, by symbolically disposing of the national origin quota system. Wong (2017) describes that the Act replaced the quota system, making family reunification a priority and denouncing discrimination "in the issuance of an immigrant visa" (p. 35). Individual policymakers succumbed to pressures to abandon the quota system, yet policy designers promised that the United States' established demographic makeup would not be disturbed if family reunification was prioritized (Gjelten, 2015). Moreover, Guskin and Wilson (2017) explain that the Act amended the 1952 Immigration and Naturalization Act by terminating the "quota system as of 1968," while barring discrimination based on sex, race, or origin (p. 236). They contend that the legislation's preference was "mostly based" on family ties with some advantage for those with special skills or who are professional. The policy further redefined refugees, excluded sexual deviants, and lifted the ban on epileptic immigrants. At the same time, the policy formally limited immigration from the Americas. Gjelten (2015) described the 1965 Act as officially a string of amendments adjusting the McCarran-Walter Act of 1952.

Background

According to Johnson (2007), the U.S. did not have a "comprehensive federal immigration law" until the late 1800s (p. 52). It was not until an amendment to the 1870 Immigration Fraud Bill that naturalization was extended to include anyone beyond free

Whites. Preceding the Fraud Bill, states generally regulated immigration or imposed naturalization barriers themselves, like requiring fourteen years of residency before eligibility, for ethnically diverse White peoples in their territory (Johnson, 2007).

Johnson (2007) explains that "racism and nativism" have profoundly impacted U.S. immigration legislation, as waves of exclusion and deportation "dominate the history of immigration law and its enforcement" (p. 48). Systematically restricting immigration by explicitly integrating race and ethnicity into law helped to maintain the country's demographics historically. Laws like the Chinese exclusion laws and the National Origins quota system followed the 1870 Fraud Bill amendment that specifically targeted Whites and Blacks for naturalization to stealthily reinforce the notion that Chinese and Indigenous people were ineligible, as described in the first case study.

1875 marked the beginning of "comprehensive federal immigration" regulation— among those first excluded from entering were "Chinese, the poor, criminals, prostitutes, and the disabled" (Johnson, 2007, p. 53). Before 1875, the federal law targeted only free White people for naturalization, while, in general, naturalization enforcement was left to individual state discretion. However, the 1870 Fraud Bill was intended to address naturalization enforcement fraud, that had allegedly impacted election outcomes, resulting from alleged inconsistencies amongst the individual state enforcement protocols. The legislation resulted in Black people gaining naturalization privileges. Moreover, specific language regarding the addition of Black people was incorporated to both preemptively prohibit the naturalization of Chinese and alleviate constitutional contradictions concerning the newly freed Black population, who had been temporarily empowered politically, as described throughout the first case study.

Five years after the Fraud Bill, came the Page Act which was enacted to further

address the issue of Chinese which was a major focal point in the 1870 Fraud Bill debates,

similarly demonstrated in the first case study (Wong, 2017; Guskin and Wilson, 2017;

Navaro, 2009; Chomsky, 2007; Johnson, 2007; Zolberg, 2006; Briggs, 2003). According to

Guskin and Wilson's (2017) timeline, the 1875 Page Act was the first law to specifically

prohibit entry based on "nationality or ethnicity" and the intent was to prohibit "single

Chinese women from migrating" and birthing "U.S.-born children," which then could

potentially be recognized as citizens under the 14th amendment (p. 225), per the Civil Rights

Act of 1866, and further supported by the common law practice of "the principle of jus soli"

(Briggs, 2003, p. 25). A series of exclusionary acts followed the Page Act, like the 1882

Chinese Exclusion act that banned all newly arriving Chinese laborers from entering the

country for ten years and provided for the deportation of those who unlawfully entered.

Subsequent acts expanded deportation and "excludable foreigners" (Guskin and Wilson,

2017, p. 257). Johnson (2007) declares that "national identity was the justification for those

measures," as the U.S. struggled to maintain "its predominantly white, Anglo-Saxon,

Protestant roots" (p. 51).

Then in 1924, Congress enacted the National Origin Act, also known as the Johnson-

Reed Act, in response to the Dillingham Commission report. In 1907, the Dillingham

Commission was established and assigned to examine who was immigrating to the U.S.

(Gjelten, 2015). The Commission produced a forty-two-volume report "distinguishing

between more and less desirable ethnicities" grounded in eugenics (Gjelten, 2015, p. 85).

The report argued for discriminatory immigration legislation that favored northern and

western Europeans, by establishing a biased immigration quota that benefited immigrants

from those nations (Gjelten, 2015; Briggs, 2003). The National Origins Act was meant to restore the country's demographics to its 1890 composition of mostly northern Europeans, as too many racially inferior "southern and eastern European immigrants" had immigrated to the U.S (Johnson, 2007, p. 53). In 1924, President Coolidge signed the quota system into law reinforcing the importance of race and ethnicity regarding naturalization eligibility.

Subsequently, in 1951 the subcommittees on immigration "launched joint hearings" to reconsider the law, yet the congressional mood "still favored strict limits on immigration" (Gjelten, 2015, p. 92-93). At the same time, the Civil Rights movement of the 50s and 60s slowly brought about change in the national mood. Gjelten (2015) clarifies efforts to remove the bias during the 1950s failed as the 1952 McCarran-Walter Act was signed into law despite President Truman's veto. As a result, the 1952 Immigration and Nationality Act or the McCarran-Walter act was passed preserving the most crucial structure of the 1924 quota system (Briggs, 2003; Gjelten, 2015). Essentially the McCarran-Walter legislation perpetuated the quota; while eliminating the Asian exclusion and offering a "small annual quota" to the no longer excluded region (Briggs, 2003, p. 111). Thus, the legislation continued to enable the naturalization of specific populations and hinder others, as the legislative intent "was to preserve the sociological and cultural balance of" the U.S (Briggs, 2003, p.93).

Gjelten (2015) further illustrates that the quota system or National Origins Act's ethnic bias had long been a concern of the Kennedy family when JFK became president. Eventually, pressure from the administration and the national mood led Congress to symbolically remove ethnicity and race as naturalization criteria. As described above the 1965 Immigration Act was a series of amendments to the 1952 McCarran-Walter Act.

Briggs (2003) suggests that immigration was redesigned by "replacing social goals with political goals" (p. 119).

<div align="center">Analytical Contextualization</div>

Problem Stream

Herweg et al. (2018) define problems as conditions that deviate from an individual's "ideal state" and public problems refer to those that are seen as needing a government intervention "to resolve them" (p. 21). According to Briggs (2003), President Truman viewed immigration reform as imperative because of our supposed global leadership position. In 1952, Truman proclaimed immigration was "hampered and stifled by the dead hand of the past" (Briggs, 2003, p.119). Like Truman, both the Eisenhower and Kennedy administrations were unsuccessful in securing immigration reform. They desired to replace the quotas that hampered immigration into the U.S. from southern and eastern Europe. The Dillingham report had for decades socially constructed southern and eastern Europeans as inferior immigrant stock in comparison to northern Europeans, thus their quota limit was lower and was problematic to some.

More precisely, it was not until Lyndon Johnson assumed the presidency after Kennedy's assassination that it became Johnson's objective to terminate the national origins admissions quota system (Gjelten, 2015). As already stated, multiple presidents had long felt that the problem of the quota system needed to be addressed legislatively. While Truman indicated the quota system was problematic and counter to the U.S.'s perceived international role; others found that the quota system was problematic, as it hampered immigration from southern and eastern European countries, because of the Dillingham report's immigrant desirability rating. Further, Gjelten (2015) claims that by 1965 the majority of restrictionists

had reconsidered the desirability of white eastern and southern Europeans and had determined them to be a more acceptable immigrant source while vocalizing opposition to "more distant populations" (p. 120).

Herweg et al. (2018) suggest that focusing events can lead to change. Gjelten (2015) credits the Civil Rights movement for shifting the 1965 congressional sentiment regarding immigration reform. He claims that a bipartisan coalition working on both voting rights and civil rights finally overcame conservatives who had "for years" been blocking "meaningful civil rights" legislation (Gjelten, 2015, p. 114). As a result of civil rights legislation, it became unacceptable to discriminate based on a person's race or color. Moreover, the idea of judging immigrants based on their ancestry became unsustainable and incompatible with the Civil Rights movement and non-discrimination legislation. Therefore, the quota system also became a problem that needed to be addressed legislatively, as it discriminated by limiting naturalization from all non-northern European countries based on the stereotypes depicted in the Dillingham report.

Yet, many opposed rescinding the quota system like the American Coalition of Patriotic Societies and their spokesperson John Trevor, Jr. whose father "was credited with providing the basic thinking" underlying the quota system (Gjelten, 2015, p. 118). In congressional testimony in 1964 and 1965, Trevor argued to preserve the racial and ethnic character of the U.S., as the "Kennedy/Johnson reform bill" eliminating the quota system could potentially prompt "new seed" or "foreigners whose ancestry didn't match" (Gjelten, 2015, p. 119). Moreover, organizations like the Daughters of the American Revolution protested that eliminating the national origins quota systems could result in "nonassimilable

aliens of dissimilar ethnic backgrounds" and cultures breaking down the "moral and spiritual values" of the U.S. by overwhelming the country (Gjelten, 2015, p. 119).

<u>Policy Stream</u>

The Policy Stream is made up of policy alternatives competing for acceptance. Intending to "complete what Kennedy began" President Johnson "oversaw the enactment of civil rights and voting rights legislation, the creation of Medicare, urban renewal, financial assistance for higher education, war on poverty, plus immigration reform" (Gjelten, 2015, p. 108). Uninformed on immigration policy, Johnson was persuaded by "former Kennedy advisers" that to eliminate racial "discrimination and oppression" it was necessary to eliminate the national origin quota system (Gjelten, 2015, p. 109). After publicly suggesting that our country was built for immigrants, Johnson demanded we should be asking prospective immigrants what they have to offer our nation, rather than inquiring about where they come from. While televised, he requested "legislative leaders to cooperate" as he put forth Kennedy's 1964 immigration reform proposal (Gjelten, 2015, p. 110).

Kennedy's reform proposal didn't "call for any significant" immigration increase, rather it proposed replacing origin quotas with "a system" prioritizing skilled immigrants in relation "to our needs" as their birthplace "should not matter" (Briggs, 2003, p. 124). It called for the abolishment of the origins quota system and sought to immediately eradicate discrimination against Asian immigration. More specifically they proposed replacing the origin system with one that reserved 50% of the visas for immigrants with "skills and work experience" sought by our economy (Briggs, 2003, p. 125-126). While the rest would be allocated to immigrants with familial ties to "citizens or permanent residents" already in the

U.S., thus insuring an immigrant pool reflective of the U.S.'s perceived ethnic and racial demographics (Briggs, 2003, p. 126).

Exposing deep racial prejudices against non-Whites the 1965 legislative debates centered on prospective African and Asian immigrants (Gjelten, 2015). Some questioned why the countries of Africa "should be placed on the same basis as" the "mother countries" from Europe (Gjelten, 2015, p. 121). Texas' Democratic Representative Fisher objected to the proposed reform; while suggesting it could potentially shift the country's immigrant population source away from Europe and toward Asia or Africa (Gjelten, 2015). Gjelten (2015) suggests that Arkansas Senator McClellan questioned and implied the proposed reform bill could lead to "more ghettoes," riots, and violence (p. 121).

The Johnson administration denied that a potential shift away from Europe could take place, instead of challenging "the prejudicial" views that supported the negative social construction of "Asian and African immigrants" that garnered concern from some quota supporters (Gjelten, 2015, p. 121). Gjelten (2015) implies the Johnson administration avoided challenging those prejudiced views to not appear overtly liberal. Similarly, he even contends Kennedy initially promised that his 1964 reform proposal would "not upset" the U.S.'s "ethnic mix" (Gjelten, 2015, p. 121). Further, a Justice Department fact sheet assured that the U.S. would not become overwhelmed with Asians and Africans as "90 percent of all immigrants" coming in under the proposed system would predominantly be White or "Caucasian" Europeans, as White people had been consistently socially constructed as the preferred immigrant population (Gjelten, 2015, p. 122).

In the Policy Stream, proposals go through a softening in which policymakers discuss and modify ideas (Herweg, 2018). Essentially the clash to abandon the quota system was

mostly secured during the summer of 1965. Recognizing the quota system "was doomed," longtime supporter of the quota system, House Congressmen Feighan, perceived that the "same demographic result could be achieved by making family unification" paramount (Gjelten, 2015, p. 125-126). Responding to pressure groups like the Daughters of the Revolution and the American Legion that historically opposed the abolishment of the quota system, Feighan's reprioritization of family gained support (Briggs, 2003).

Insisting on two primary modifications, Feighan, agreed to support the administration's agenda to reform immigration (Gjelten, 2015, p. 125). Gjelten (2015) clarifies that Feighan's first legislative modification was to place a limit "on immigration from the Western Hemisphere" or countries, like Mexico, Canada, and Guatemala, that previously had no ceiling (p. 125). His second modification was to "reverse" the proposal's priorities to favor family reunification rather than occupation and skill. Feighan's amendment to Johnson-Kennedy's proposal additionally "set aside up to three-quarters of available visas for family members" (Gjelten, 2015, p. 125).

Political Stream

The three elements of the Political Stream are as follows: national mood, pressure group agenda, and legislative or administrative turnover. National mood implies that a sizable portion of the citizenry holds similar views regarding a particular issue, which can shift at times. According to Gjelten (2015) "though the U.S. mood had changed" from 1924 to 1952, "it still favored strict limits on immigration" (p. 93). Moreover, even as late as 1964 advocates for immigration reform were "downbeat about their prospects" as "there was no groundswell of popular support for reform" (Gjelten, 2015, p. 112).

Herweg et al. (2018) indicate that shifts in the national mood allow policymakers to promote agenda proposals. Congressional sentiment toward immigration reform "shifted dramatically in 1965" as what seemed hopeless became possible (Gjelten, 2015, p. 114). Gjelten (2015) credits the Civil Rights movement, for alerting Americans to the "hatred of white supremacy" through seeing peaceful protesters attacked by police and dogs, Black students walking "a gauntlet of racist jeers," four little girls being bombed in a church and more on TV (p. 114). He conveys that Democrats and Republicans "joined forces" as it was becoming intolerable to discriminate. Gjelten (2015) recognizes Vice President Humphry for declaring that since the 1964 Civil Rights Act had removed second-class citizenship from the law, "We must in 1965 remove all elements in our immigration law which suggests there are second-class people" (p. 114).

As discussed in the previous chapters, interest and pressure groups also impact the Political Stream. Herweg et al. (2018) explained that opposition by multiple powerful interest groups makes a policy alternative less likely to make the agenda, by extension that would seem to suggest that support by those same groups would enhance the possibility. Furthermore, they can impact policies in both the Political Stream and the Policy Stream (Herweg et al., 2018). According to Gjelten (2015), in February 1965, Congressmen Feighan gave a convincing speech to the American Coalition of Patriotic Societies (ACPS). He continued that in Feighan's speech, it was suggested that families should not be "split and divided by peculiarities of the law rather than free choice," thus immigration policy ought to be devoted to family reunification (Gjelten, 2015, p 126). Agreeing with his logic, Gjelten (2015) asserts that the leaders of ACPS declined to oppose "the elimination of the national

origin quota, as they had previously" mounted attacks on all immigration legislation that sought to upend the quota system (p. 126).

Moreover, Herweg et al. (2018) contend interest group campaigns in the Political Stream are launched in opposition to a policy alternative, which is different than participating in the proposal of policy alternatives when they influence the softening process, as described in the Policy Stream. Supporters of the quota realized blocking reform was no longer feasible, thus they attempted to superficially change the admission criteria, instead of tangibly changing the criteria (Gjelten, 2015). Gjelten (2015) alleges groups like the American Legion shifted from vigorous defenders of the quota systems to supporters of Feighan's revised bill priorities, thus opposing Johnson-Kennedy's original priority prioritization.

Representatives of the organization praised Feighan for having invented a naturally functioning origins system as "nobody is quite as apt to be of the same national origins of our present citizen as are members of their immediate families" (Gjelten, 2015, p. 126). Thus, those that had typically launched opposition to reforming the quota system, opted to oppose the Johnson-Kennedy priorities and support Feighan's reprioritization. They hoped to replace the doomed quota system with a naturally operating origin system that would favor Europeans over Africans and Asians. Moreover, groups like the Japanese Americans Citizens League protested against Feighan's reprioritization stating "it would seem that, although the immigration bill eliminated race as a matter of principle, in actual operation immigration will still be controlled by" the origin quota system for years to come (Gjelten, 2015, p. 127). Similarly, the cap on immigration from nations in the western hemisphere drew the criticism of being unneighborly from the Johnson administration. But as Briggs (2003) suggests the

administration yielded to Congress and approved Feighan's reprioritization of family reunification.

The third and final element influencing the Political Stream is identified as legislative or administrative turnover. Legislative and administrative actors present impact policy, through their perceptions, interpretations, beliefs, values, and anticipations. Lyndon Johnson assumed the presidency in 1963 following the death of JFK, and in 1964 the U.S. citizens supported his bid to remain president. With his win grew the Democratic majority, with an increase of 36 seats while retaining a two-thirds majority in the Senate (https://history.house.gov/Congressional-Overview/Profiles/89th/). According to Briggs (2003), agreeing to end explicit racism was fairly easy, while finding common ground was more difficult. Although overt racism was out, as demonstrated above, many people still felt Africans and Asians were less worthy of citizenship and their priority was to maintain the supposed same racial and ethnic demographics of a predominantly White Anglo-Saxon nation (Zolberg, 2006). Thus, the negative social construction remained deeply embedded toward non-Whites in immigration policy.

The Judiciary Committees in Congress were controlled by political conservatives that established the "legislative framework" (Briggs, 2003, p. 126). Democratic Representative Feighan was not only a member of the House Judiciary Committee, but he was also chairman of the subcommittee which managed immigration matters (Briggs, 2003). As stated above, the House Judiciary committee believed Feighan's reprioritization would maintain "the same racial and ethnic priorities," as the overtly discriminatory national origins quota system (Briggs, 2003, p. 128). Congress made it clear to the Johnson administration that their proposed legislation would be altered (Briggs, 2003, p. 126).

Policy Window

        As identified in our theory chapter, a Policy Window is an opportune moment when the three streams converged for advocates to push "pet solutions" or garner attention for "special problems." The 1964 election of Lyndon B Johnson solidified his constituency's approval. Johnson had committed to immigration reform, although initially, he had no specific legislation in mind. It was JFK's advisors that advocated for and prompted Johnson to put forth the deceased president's immigration proposal to reform the quota system. Some suggest splitting Policy Windows into "agenda windows" and "decision windows" to distinguish between opportunities to advance an issue onto the agenda and the opportunity to adopt a specific policy. Immigration reform had become Johnson's priority and JFK's advisors had sold their solution to Johnson.

        Only one year prior the same legislation was struck down. An Agenda Window can open in either the Problem Stream or the Political Stream. New members in the legislature or a government's shift in partisan composition can open an Agenda Window in the Political Stream. Congressional membership and partisan shifts were rather insignificant in this case study, as Johnson was president in 1964 and Democrats had been the majority. However, an Agenda Window can similarly be opened by significant shifts in the national mood. As demonstrated earlier perception or interpretation of mood communicated that it was no longer acceptable to overtly discriminate, because of the Civil Rights movement. Moreover, a shift in the national mood interpreted by policymakers suggested overt discrimination was unacceptable and helped open an Agenda Window to replace the overtly discriminatory quota system. However, policymakers hoping to maintain a predominantly White Anglo-Saxon nation anticipated a possible shift away from Europe, and they attempted to

preemptively curtail any influx of immigrant flow from Africa and Asia. Thus, they reprioritized the Johnson-Kennedy proposal to prioritize family reunification over labor market needs, in hopes to maintain a White-Anglo Saxon Nation without appearing overtly discriminatory towards the more negatively socially constructed immigrant communities.

Policy Entrepreneurs

Policy Entrepreneurs have no formally definitive position except nudging "their proposals" into the "Policy Stream" and shaping them to "make them viable alternatives" (Herweg et al., 2018, p. 28). They seek to find an open Policy Window or Agenda Window. In this case, JFK's immigration advisors nudged their immigration policy into the Policy Stream when Johnson made immigration one of his agenda items despite having no real legislative preference other than dismantling the national quota system.

Policy Entrepreneurs leverage a variety of instruments like framing and using symbols. They must be skilled at manipulating problematic preferences and unclear technologies, by connecting problems to their resolutions. In this case, Feighan more successfully framed family reunification as the less overtly discriminatory option to the national origins quota system. Those that supported the Johnson-Kennedy proposal were less successful at framing labor workforce needs as the best viable alternative to national origin quotas.

Joining MSF, SCPD & Anticipatory Design

In this instance, we can see that the target population identified as deserving to receive a benefit are family members. More specifically, family members of Europeans already in the U.S. Since the quota system had historically favored Europeans over Africans and Asians, it was assumed that Europeans would be the primary beneficiaries of

naturalization. This final amendment prioritization of family reunification was an attempt to covertly maintain the bias and satisfy specific interests, as the sentiment remained that Blacks and Asians were a deviant population that would disturb the social, cultural, and racial make-up of the U.S.

Although policymakers sensed a shift in national mood that grew out of the Civil Rights movement, some policymakers and powerful interest groups clung to the negative social constructions of Blacks and Asians handed down for generations. For example, the Daughters of the Revolution, the American Legion, and the American Coalition of Patriotic Societies feared the possibility of shifting the presumed ethnic and racial demographics of the U.S away from European origins. Schneider and Ingram (2019) assert that lawmakers try to design policies that will receive positive feedback while averting negative feedback. Further, they suggest that some laws are designed to resolve an issue in a way that secures a positive reaction from those who influence their re-election, like interest groups or pressure groups.

Similarly, lawmakers engage in deceptive policy designs that obscure the intended policy outcomes. Clinging to deep-rooted bias, Feighan and others anticipated that Johnson-Kennedy's proposal could potentially shift the immigrant pool. Fearing the shift could increase the naturalization flow of negatively constructed unassimilable aliens, Feighan demanded that family reunification should be the reform's priority. Although national mood would no longer tolerate the overt bias of a national origin quota system, it would seem that covert bias was allowable, as many intentionally sought to replicate the national origin system.

While some supported the embedded message, others conceded to the ideology and were satisfied with the appearance of ridding the nation of an overtly discriminatory national origins quota system. Others deciphered the message, Briggs (2003) mentioned that Asian American groups protested Feighan's reprioritization. Similarly, Congressman Cellar pointed out in the debate that Asians and Africans had fewer relatives in the U.S., thus only a limited number would be able to immigrate as they had fewer family ties to the U.S. (p. 120). The embedded message was that European family members were the preferred immigrant stock targeted for naturalization. Thus, race and social constructions impacted the design of the 1965 Immigration Act despite its appearance to eliminate racial and ethnic bias.

Discussion and Conclusion

Utilizing MSF, we see that, an Agenda Window opened for immigration reform. The Johnson Administration had decided immigration was an agenda priority. Similarly, the U.S.'s national mood had shifted because of the Civil Rights movement that impacted the policyscape with the 1964 Civil Rights Act, making overt discrimination unacceptable and prioritizing an agenda to rid legislation of ethnic and racial bias.

Social constructions of target populations shape policies, the debate, and the agenda. Originally naturalization was a privilege reserved for free White people. The positive social construction of White people was further codified in the Dillingham report, as was the negative and deviant social construction of Blacks and Asians. This socially constructed codification resulted in a national origins quota system that favored naturalization from Europe for decades.

Moreover, the abandonment of the National origins quota system by some lawmakers and multiple powerful interest groups was a ruse. They shifted their support from the doomed

national origins quota system and to Feighan's reprioritized amendments. As described above they believed Feighan had designed a naturally working national origins quota system. They believed his system would covertly maintain the European preference and restrain the naturalization of the negatively constructed deviant Black and Asian immigrant populations.

Thus, this policy created negative feedback, as it failed to do what the designers hoped. As Briggs (2003) puts forth that "aside from making nepotism the dominant attribute of the legal immigration system, family reunification was based on the nefarious belief that it would perpetuate past discrimination into the future but under a more politically acceptable mantle" (p. 129). Gjelten (2015) illustrates the dramatic increase in Asian immigration because of the 1965 legislation. He explains that before the legislation: "Asian countries were allocated only about a hundred quota-based visas per year, the demand far exceeded the supply" the new legislation "made an enormous difference" (p. 139). Further he suggests the Act unknowingly committed the U.S to "accept newcomers on a nondiscriminatory basis" and the expanded "allocation of family visas made it easier" for non-Europeans to gain residency (Gjelten, 2015, p. 138). As described by Zoberge (2006), the legislation exacerbated a social crisis and incited chain migration. We must ask would that be their contention if the legislation had worked as the designers had intended and continued to favor Europeans.

Chapter 6: Fake News, Trump Border Wall

Introduction

Wong et al. (2019) explain that in the U.S. building a border wall is an old debate. Wong (2017) notes that walls are among "one of the most controversial components of contemporary" immigration policy (p. 63). Certainly, the wall between the United States and Mexico has become a recent political issue in the United States, as Trump campaigned on the issue in 2016 and repeatedly pushed for budget allocations to fund the project during his term. More recently, Miroff (2022) implied that despite Biden halting construction on the border wall last year, Biden plans to "put his own stamp on Trump's pet project" while ignoring activist calls to remove and recycle the existing steel structures. Miroff (2022) further reminds us of Biden's not "another foot" promise, while highlighting the president's inability to keep that promise by revealing that "his government" just added 13 miles and plans to spend millions on "border wall remediation" which will include closing miles of unfinished wall gaps. Garcia (2022) contends that, despite Biden's request to cancel wall funding, Congress has not. Thus, building a U.S. /Mexico border wall remains controversial and in the news.

This case study contextualizes "Trump's Border Wall," as over the years many articles have been written referring to the U.S.-Mexico border wall as "Trump's wall." Even Garcia (2022) refers to the U.S.-Mexico border wall as Trump's wall multiple times throughout the article; while suggesting Trump could run for President in 2024 "with chants of finish the wall." First, we attempt to illustrate Trump's relationship to the border wall. Next, we briefly outline the legislative background behind the U.S.-Mexico border wall. Then we apply MSF, SCPD, and its 2019 extended framework to contextualize Trump's

attempt to capitalize on the border wall policy. Finally, this case study argues that immigration restrictionists remain in control of Congress and have framed the U.S.-Mexico border as a problem. Moreover, they have socially constructed Latino immigrants entering from our southern border as undesired immigrants that pose a potential threat, while embedding the hidden messages that immigrants entering from our northern border along with the newly arriving Ukrainians on our southern border, as more preferred immigrant stock.

<div align="center">Trump Border Wall</div>

Some would argue Trump won the 2016 election because of his stance on constructing a border wall. Rodgers and Dailey (2019) describe the border wall as the 2016 Trump campaign "rallying cry." They explain that in the 2016 election, candidate Trump initially promised to build a 2,000-mile border wall. Hansen (2022) argues that Trump's border-wall promise boosted him to a win in the 2016 election. As suggested, some believe his border wall platform was instrumental to his successful election.

Yet, upon his election, feelings toward the border appeared mixed. On January 16, 2019, Pew Research Center released the results of a representative survey just days before which suggested 58% of Americans "oppose substantially expanding the border wall", while only 40% of Americans supported Trump's proposed wall agenda. Rodgers and Dailey (2019) contend some congressional representatives along the Mexico border have maintained that extending the wall would not improve border security and opposed further construction. Moreover, many Democrats have argued that the wall is a waste of tax dollars and that the crisis was manufactured (Rodgers and Dailey, 2019).

In 2017, to accomplish Trump's campaign promise he signed an executive order to begin the construction of a border wall to protect the American way of life (Meckler, 2017). In Trump's campaign speeches he communicated goals of keeping out criminals, drug smugglers, terrorists, and undocumented workers. By excluding our Canadian border from the conversation and focusing exclusively on our Mexican border all U.S. border legislation implies that the U.S.- Mexico border poses a greater risk despite the U.S. southern border spanning a shorter distance and already having significantly more security (Jones, 2012). For instance, according to the executive order:

"Border security is critical…. Aliens who illegally enter……present a significant threat to national security and public safety……It is the policy of the executive branch to: (a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drugs and human trafficking, and acts of terrorism…" (Executive Order: Border Security and Immigration Enforcement Improvements 2017)

Reportedly, Trump's first order of business on January 25, 2017, was to start building a wall on the southern border (Meckler, 2017). Meckler (2017) quotes Trump as saying, "A nation is not a nation without borders" and on that day the U.S. would begin to regain "control of its borders" (Meckler, 2017). He claims that at the time the White House had yet to offer a cost estimate. However, Trump had "repeatedly insisted Mexico would pay for the wall" and even suggested taxpayers could front the construction and then would be reimbursed from Mexico (Meckler, 2017).

This presented an international conflict with Mexico. The following week it was reported that a "diplomatic standoff" had ensued, as the Mexican President canceled his meeting with Trump (Ahmed, 2017). Ahmed (2017) also notes that, when Mexico's president canceled the meeting with Trump, he declared Mexico would not pay for the border. Mexico's President Pena Nieto further stated he disapproved of the U.S.'s decision to continue building a border wall, as "Mexico does not believe" in them (Ahmed, 2017). Ahmed (2017) further articulates that Trump reacted to the Mexican president's cancellation by "firing back" and "accusing Mexico of burdening" the U.S. with criminals and undocumented immigrants. By that afternoon, a spokesperson for Trump said the wall would be paid for by imposing an import tax.

In 2017, Trump struggled to press an aggressive anti-immigration agenda, beyond the initial executive order, as the judicial system and other political actors attempted to resist his directives (Percie and Selee, 2017). Consequently, an impasse over funding Trump's border wall partially shut down the federal government in late 2018 and early 2019 resulting in a compromise (Wong et al., 2019). Rodgers and Bailey (2019) describe that a funding standoff for the president's promised wall had caused the longest government shutdown ever. They suggest that Trump's strategy was to continue the government shutdown until he received the funds to address the Mexico border crisis. Wong explained that following the 1.4 billion dollar compromise, Trump procured additional funds for building expenses by "declaring a national state of emergency" and redirecting 8 billion dollars to construct the wall. Wong et al. (2019) further emphasize that Trump's plan to build a wall had raised both social justice and environmental concerns throughout the borderlands.

Rodgers and Bailey (2019) conveyed that Trump initially estimated the costs of building half of the wall between 8 to 12 billion dollars. They note that 654 miles of border barriers or fencing already existed along the southern border before the Trump administration took office. Further, they estimate that the 650 miles of barrier constructed under the Bush administration cost 7 billion dollars. Indeed, Trump continued to promise a big, beautiful, powerful, and tall wall (Rodgers and Bailey, 2019). This was confounded by the fact that his conception of the wall continued to evolve. For instance, Trump's early descriptions of the wall make it clear that he intended to build it from concrete, but once in office, he shifted his description to a steel barrier that agents could see through. The cost estimates for the concrete wall ranged from 12 to 70 billion dollars.

Following the government shutdown, Congress was notified that the Trump administration planned to divert another $3.8 billion (Booker, 2020). Altogether congressional appropriations "previously diverted" funds equaling around 11 billion dollars had already been allocated to build approximately 500 miles of barriers along the border. The administration felt that diverting funding to build a wall was necessary and a priority to deter smuggling and unlawful entry as DHS had allegedly suggested: "additional physical barriers" were needed. Similarly, Rodgers and Bailey (2019) note that a large portion of the 15 billion dollars appropriated to build the wall came from defense funds, as Congress refused his enormous funding requests through traditional legislative budgetary processes.

By the time President Biden took office, Trump had only been able to erect 458 miles of new wall (Hansen, 2022). At the same time, Radio host Jim Lafferty suggested that Trump's last-minute attempt to build more miles of the wall was to not be outdone by the amount of wall built by Obama. Moreover, rebuilding old barriers accounted for most of the

miles built under Trump, and only "15 miles" had been added, "where no barricade existed" (Rodgers and Bailey, 2020). Further, the construction of the wall was ultimately funded on U.S. tax dollars and in some places cost nearly "$46 million per mile" (Hansen, 2022).

This case study on the Trump border wall is slightly different than the previous case studies. As has been alluded to and is further demonstrated throughout this case study the border wall had already been under construction before Trump came into power, yet the application continues to focus on Trump's performative executive order. When we look at his January 25 executive order it begins by sighting both the 1996 and 2006 border wall legislation, which is highlighted in the background section. This application highlights a continuation of failed racially motivated immigration policy manipulated to garner support. As acknowledged in our Theory Chapter lessons can be learned from applying theories outside of their original scope.

Background

The U.S.-Mexico border was not a reality pre-colonization and has only begun to materialize as a physical reality over generations. Bear (2009) posits that the U.S-Mexico border was initially outlined through a series of surveys resulting from "the signing of the Treaty of Guadalupe-Hidalgo" (p. 1). The new border produced uncertainty for decades (Railton, 2019). Bear (2009) explains that, in 1853, the boundary was lengthened resulting from the purchase of Arizona and portions of New Mexico, although Jones (2012) claims the purchase was finalized in 1854. Bear (2009) adds that later adjustments were made around 1970. Markers were positioned along the invisible line running from the "Pacific Ocean to El Paso, where the Rio Grande becomes the boundary" to outline the U.S. southern borderer (Bear, 2009, p. 1).

Despite the markers, the border remained unpatrolled, while people and animals freely crossed the imaginary borderline for generations. Bear (2009) further specifies that U.S. border stations had begun to be constructed and established around 1894, and in 1904 the first 75 border patrol inspectors on horseback were dispatched to the U.S.-Mexico border to capture Chinese immigrants. He explains crossing points were knowingly allowed by both governments, although private ranchers and BLM had randomly placed wire fencing with barbs on the border to separate Mexican and U.S. cattle. Similarly, Railton (2019) noted that the border remained unpatrolled, and citizens of both countries crossed the border freely. He continued that it was not until the 1900s that mounted guards were tasked with patrolling for Chinese people. Moreover, Railton (2019) implies that from inception the mounted guard and border patrol targeted specific communities "defined as undesirable" immigrants.

What we now consider the U.S.-Mexico border wall has been under construction for about 50 years. The U.S. has been engaged in building a border wall since the 1980s, and it has been "one of the largest public works programs in the last 50 years" (Hattam, 2016, p. 27). Yet Bear (2019) notes that, although controversial, the federal government began constructing the border barriers south of San Diego in 1990. The barriers were erected in the area because it was identified as a major point of entry for undocumented persons and drug smugglers (Bear, 2019). Jones (2019) declares that the idea of a physical wall demarcating the imaginary line took hold as border security funding increased in the 1990s. According to Wong (2017) before 1994 the San Diego portion of the wall presented "little physical impediment" as the barriers were made of chain-linked fencing, cables, or barbwire (p. 59).

Some would suggest that Operation Gatekeeper established the standard for our contemporary border policy with Mexico. The 1994 Operation Gatekeeper legislation first

articulated the "strategy of prevention through deterrence" by providing resources for agents, technology and equipment, and a solid fencing system, or building a border wall (Wong et al., 2019, p. 3). Wong et al. (2019) articulate that as a result of the policy, "steel landing mats" were erected along the U.S Mexico border and "set the stage for contemporary border security policy" (p. 4). Like the 1990 effort, the legislation concentrated on the San Diego portion of the border by providing capital for increased personnel, upgraded technologies, and the installation of "steel landing mats" to offer a solid border barrier "starting at the Ocean" (Wong, 2017, p. 59).

Construction of border wall barriers took place during both the Bush and Clinton administration. Navarro (2009) contends that growing nativism led to both administrations militarizing the border during the 1990s. In 1990, border militarization began with President Bush approving the "construction of an eleven-mile-long fence" on the border to combat drugs (Navarro, 2009, p. 128). Pressured by nativist lawmakers and proponents of Californian Prop 187 President Clinton instituted Operation GateKeeper. Subsequently, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was considered and ultimately a component of the Omnibus Consolidated Appropriations Bill in 1997 (Bear, 2009, p. 2).

Earnest desire to erect a border wall has spurred some policymakers to devise and enact legislation that offers some of the broadest legal waivers ever, in an attempt to ensure rapid border wall construction. Bear (2009) describes that the Illegal Immigration Reform and Responsibility Act directed the Attorney General (AG) to pursue necessary action to erect additional barriers on the border to deter entry, including wave environmental laws. However, there was opposition from President Clinton and both cabinet and administration

officials, as Immigration and Naturalization Service (INS) took the position that it would not request the AG to utilize the waiver. The September 11th attacks subsequently spurred the transfer of border security to the Department of Homeland Security (DHS), while simultaneously abolishing the office of INS and reassigning the responsibility to the Department of Justice (DOJ) (Bear, 2009). Subsequently, the Secretary of DHS then gained authority to waive "all legal requirements," not only environmental laws to construct border barriers, while jurisdiction was granted to the court to only hear claims that arise out of violations of the U.S. Constitution (Bear, 2009, p. 4). Ultimately, the unprecedented legal waiver was attached to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief and signed in 2005 by Bush. Bear (2009) further suggests that the waiver legislation was secured because the waivers are related to wall construction that is concentrated on our southern border, while overtly implying that people would be more apprehensive about waiving all laws to facilitate the rapid construction of a wall on our Canadian border.

Public Law 109-367 also known as the Secured Fences Act of 2006's goal was to "achieve operational control on the border" by surveillance and infrastructure to prevent unlawful entrance on the southern border with Mexico (Public Law 109-367, 120 Stat. 2638). Section 3 of the Public Law outlines the "construction of fencing" from the Gulf of Mexico to the Pacific Ocean. The section also strikes the specification of "near San Diego, California" as articulated in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Instead, it calls for additional barriers and two layers of fencing to be installed in Arizona, and New Mexico, as well as multiple places in both California and Texas. According to the legislation, a total of 75 miles of fencing was ordered to be

completely erected by May 2008, and an additional 30 miles of fencing be erected in Texas by December of the same year.

Despite supposed opposition, wall construction continued during the Obama administration. Garrett (2010) contends that in 2008 when Democratic presidential candidates toured Brownsville border barriers, Obama communicated that he had not realized how his support of the 2006 Secured Fences Act and building a border wall would impact the region. Both presidential candidates assured locals they opposed the wall and that if elected they would consider the effects and do something. Nicol (n.d.) asserts that locals had a right to be upset as Obama had suggested building a wall on the border would not work and that there was a need to work with the community. After Obama won the 2008 election, Cameron County Commissioners, wrote a letter requesting that the cancelation of the wall be an Obama administration priority (Nicol n.d.). Two years after Obama became president, the article declares that the wall continued "to be built unfettered" regardless of the impact on the community (Garrett, 2010, p.130).

Although the Obama campaign appeared to support an inclusive immigrant agenda, his administration constructed more of the border wall than Trump. Nicol(n.d.) further contends that when Bush left office there was a total of 526 miles of border wall lining the U.S.-Mexico border "with 278 miles of 15-to-18-foot-tall pedestrian fence and 248 miles of" vehicular barriers. Nicol also details how private property condemnation acquisitions initiated by the Bush administration continued under Obama, dispossessing some landowners in 2009 and 2010, the same years the majority of the wall was erected in Texas. Nicol's post then asserted that before Obama the Texas-Mexico border did not have one finished mile of the wall, however, 54 miles had been completed before Obama's first term ended. Lafferty

(2021) notes that the Obama administration urged Congress to pass a 2011 Secured Fence Act and "overs[aw] the construction of an additional 128 miles of border wall." Thus, While Obama erected 128 miles of the border wall Trump only erected 15 new miles of wall.

Analytical Contextualization

Problem Stream

As described in the theoretical chapter and Herweg et al. (2018), how one interprets a problem is related to the individual's perspective. Generally speaking, it is pervasive throughout the literature that historically there have been many attempts to frame U.S. immigration as a problem (Blitzer, 2020; Durand and Massey, 2019; Wong, 2019; Wong, 2017; Guskin and Wilson, 2017; Gjelten, 2015; Newman, 2013; Heyman, 2012; Jones, 2012; Garrett, 2010; Bear, 2009; Navaro, 2009; Chomsky, 2007; Johnson, 2007; Zolberg, 2006; Briggs, 2003). In recent decades our southern border has been framed as a problem that contributes significantly to multiple issues that have been alleged to be plaguing our nation, like undocumented workers or residents, gangs, criminals, and drug smugglers, yet our northern border has not (Blitzer, 2020; Gabriel, 2019; Durand and Massey, 2019; Wong, 2019; Wong, 2017; Guskin and Wilson, 2017; Gjelten, 2015; Newman, 2013; Heyman, 2012; Jones, 2012; Garrett, 2010; Bear, 2009; Navaro, 2009; Chomsky, 2007; Johnson, 2007; Zolberg, 2006; Briggs, 2003).

Along with Herweg et al. (2018), we maintain that it takes actors to interpret problems and frame them as political problems that must be addressed through government intervention. Gabriel (2019) depicts that Representative Steve King, a Republican from Iowa, began framing our southern border with Mexico as a problem presenting a model border wall as a solution, years before Trump forced a shutdown over border wall funding. Gabriel

(2019) suggests that for nearly 14 years before Trump's accusations of blaming Mexico for "exporting criminals" to the U.S., King developed similar ideological framing using deceptive data related to undocumented residents and Latinos to portray the U.S.-Mexico border as a problem and the wall as a solution. After crediting King for ideologically shaping the Republican Party's 2016 and 2018 message, Gabriel (2019) quotes King as suggesting directly to Trump, that his years of market-testing Trump's immigration policy platform "ought to be worth something." Thus, King had been framing the U.S.-Mexico border as a threat and problem, while offering the border wall as a solution years before Trump became a presidential candidate.

Much like Herweg et al. (2018), I argue that when problems are framed in a specific manner, that will impact the possible scope of solutions. Wright (2019) finds that wall supporters believe that building a wall on our southern border is essential for national security. Rooted in Anglo-nativist perspectives, supporters believe that undocumented South American immigrants pose a threat to American children, the economy "and public health and safety related to the drug trade" (Wright, 2019, p. 513). Further, Wright (2019) suggests that wall supporters do not waiver in their support, despite evidence demonstrating the impracticality of the wall in addressing their fears.

By contrast, there appears to be no attempt to frame our border with Canada as a threat to national security or any suggestion that we need a northern border wall. Jones (2012) suggests however that the border wall is being built to protect both our economic privilege and "a particular way of life" for those threatened by those with different values. Jones (2012) suggests that despite the U.S.-Canada border being longer, more porous and under less control, it has not been framed as a threat because Canada's GPD is closer to our

GPD than that of Mexico's. Similarly, Jones (2012) indicates that the fear of Latinos bringing different "social codes" and not assimilating also played "a role in the decision to build" a wall (p. 72). What is evident throughout the literature is that the U.S.-Mexico border has long been framed as a problem, while socially constructing immigrants that enter from our Southern border as posing a potential threat. Moreover, it is clear that our Canadian border has not been framed as a problem and thus those entering from it have been socially constructed as non-threatening to our national security.

<u>Policy Stream</u>

As posited here, the Policy Stream is made of policy alternatives that are softened and manipulated until they are either enacted or filtered out (Herweg et al., 2018). The border wall policy had already been enacted as border security legislation, long before Trump took office. Moreover, the border wall legislation has been furthered by numerous pieces of legislation preceding Trump's candidacy.

Herweg et al. (2018) describe how policy alternatives are filtered out or rise to the agenda for implementation based on criteria like technical feasibility, financial viability, public push back and whether it coincides with the policy communities' values. Much of the literature demonstrates that the wall has been met with public protest, that some areas have proven technically difficult to erect a wall, and that it has been extremely expensive with no real tangible results (Blitzer, 2020; Gabriel, 2019; Durand and Massey, 2019; Wong, 2019; Wong, 2017; Guskin and Wilson, 2017; Gjelten, 2015; Heyman, 2012; Jones, 2012; Garrett, 2010; Bear, 2009; Navaro, 2009; Chomsky, 2007; Johnson, 2007; Zolberg, 2006; Briggs, 2003). This suggests that the wall's continued legislative support stems from its alignment

with the policy communities' values, rather than its cost-effectiveness or feasibility. Their values demonstrate that excluding our southern Latino neighbors is a higher priority.

Political Stream

Previous work establishes that the Political Stream is comprised of pressure group agendas and legislative or administrative turnover (Herweg et al., 2018). We assert that national mood is elusive as it is shifting, and policymakers interpret the mood by sensing the shift and thus promote agenda items accordingly. It could appear that in 2016 the national mood supported Trump's anti-immigrant agenda, as some suggest he won the 2016 election utilizing "Build the wall" as his rally cry.

Yet, Norman (2019) contends that by June 2016 "public opposition to the border wall had increased" to 66%. He explains that the Gallup public opinion polls demonstrate that border wall opposition was at a high of 71% when the question was initially posed in their 1993 poll, then opposition sank to a low of 56% in 2006, but began trending back up and was at 69% just before Trump ended his monumental government shutdown in 2019 (Norman 2019). However, as suggested by our theory, polls can be useless in predicting the national mood or observing the shifts, as they do not account for the policymakers' perceptional influence. Further, we argue that, in this situation, lawmakers ignored the national mood. Still, border wall legislation and construction started before Trump and his anti-immigrant campaign rallies. Thus, referring to the border wall as Trump's border wall is misleading.

Pressure group agendas in the Political Stream refer to interest groups mounting opposition to a piece of legislation, instead of proposing legislation or attempting to soften legislation as they do in the Policy Stream (Herweg et al., 2018). Over the years multiple groups have opposed the border wall. As described earlier, Cameron County Commissioners

wrote President Obama a letter requesting cancellation of wall construction following his 2008 victory, yet it continued unfettered, despite his campaign promise. Indeed, 1,470 U.S. scientists and 610 scientists out of Mexico signed a petition suggesting a call to action by DHS (Peters et al., 2018). The scientist called for DHS to address their concerns related to stakeholders like Indian tribes, wildlife, and the environment; while noting the detrimental effects of building a wall on them. The literature demonstrates that social justice and human rights advocates, animal rights groups, and environmental groups have all unsuccessfully mounted opposition against the border wall over the years (Durand and Massey, 2019; Wong, 2019; Wong, 2017; Guskin and Wilson, 2017; Gjelten, 2015; Newman, 2013; Heyman, 2012; Jones, 2012; Garrett, 2010; Bear, 2009; Navaro, 2009). For example, Right (2019) declares that environmental groups and social justice advocates have formed coalitions and launched "powerful campaigns that have eroded public support" for building a border wall (p. 512). Yet we see that the wall has continued year after year as demonstrated throughout this dissertation. Right (2019) conveys that the coalitions' campaigns have emphasized both the ecological damages wall construction will make and the inefficiency and counter productiveness of the wall at deterring criminal activities and controlling the flow of undocumented immigrants, as the principal source of undocumented immigration results from individuals overstaying their visa. They have also emphasized the racist message conveyed in conjunction with an undetermined price tag to build and maintain the wall while ensuring profits for a limited number of companies. Like national mood, it seems that policymakers may also ignore pressure groups and campaigns, as seen in this case.

Moreover, border wall policies and erection has been supported over the years in various pieces of legislation despite polls, party, or presidential promises. For example,

despite Obama's campaign promise the border wall continued to be erected during both of his terms. Further Miroff (2022) describes how, despite President Biden's promise to not build "another foot" and supposed funding cancelation, the government has continued fixing old portions of the wall, erecting new ones, and has plans to award new contracts over the next few months. Despite Trump's pledge to build a big, beautiful wall, he erected fewer miles of border wall barrier than Bush or Obama, while utilizing the same landing Vietnam mats as wall barriers. This would suggest that presidents have little discretion regarding the erection of the border wall.

Moreover, Blitzer (2020) notes that although restrictionists have not had "access to the White House" in almost 100 years they have had a grip on "Congress for decades." As alluded to in the theory and other chapters legislative or administrative turnover simply implies that the current lawmakers and administrators affect the policy alternatives offered, manipulate the possible policy alternatives, and further define and outline administrative enactment (Herweg et al., 2018). This seems to support the notion that restrictionists are influential actors concerning the border wall and may continue to have a grip on Congress. This further suggests that the border wall is Congress's border wall, rather than any president's, whether that be Trump, Obama, Bush, or Biden.

Policy Window

In our theory chapter, we explain how Agenda Windows are opportunities to advance an issue or problem to the agenda, while a decision window is an opportunity to adopt a specific policy. Generally, they are both referred to as a Policy Window. As we see in this case the issue or problem of a southern border threat has been repeatedly advanced over the years, as described above. While the decision to construct a southern border wall has also

been consistently supported by Congress through repeated adaptations of legislation over the years.

As posited in the theory section, coupling differs based on the stream. In the Political Stream, we expect "doctrinal coupling" or "problem-focused advocacy" and identifying that the "task is finding a problem for a solution" (Herweg et al., 2018, p. 27). As suggested previously Representative Steve King crafted talking points with manipulated information that framed and depicted our southern border as a threat, while he provided the border wall as a solution. Our theory expects that consequential coupling takes place in the Problem Stream and differs as the window is only open for a short time. The repeated legislative enactment over the decades seems to suggest that doctrinal coupling is at the root, and thus the focus has repeatedly been on finding a problem to justify the solution.

 In sum, the U.S. southern border repeatedly gets portrayed as presenting an alleged threat, thus opening the window for a decision. Moreover, the decision window has repeatedly adopted legislation to erect and fund building a border wall along our southern border, despite its non-feasibility or proven ineffectiveness. Further, it could be argued that the only border wall Policy Window or decision window prompted by the Trump administration was a decision on how much in additional funds would and could be diverted from the Pentagon and military budgets to attempt to ramp up construction.

Policy Entrepreneurs

As laid out in my theory chapter, I identify that Policy Entrepreneurs are key actors that push their proposals. I maintain that Policy Entrepreneurs advocate for specific solutions and attach them to problems. While there could be some debate over where the idea of a U.S.-Mexico Border Wall originated, there should be no debate that Trump is not its

architect. In this case study, there are at least two key Policy Entrepreneurs. First, some could argue that Steve King is a Policy Entrepreneur, as he reportedly utilized manipulated data to frame our Southern border as a problem while advocating for the wall as a solution. Second, Stephen Miller appears to have been a key actor who pushed immigration policy proposals within the Trump administration. Indeed, Blitzer (2020) credits Miller for driving Trump's "racist" immigration agenda.

Policy Entrepreneurs must be skilled at coupling the Streams and be able to seize Policy Windows (Herweg et al., 2018). It seems Miller may have seen Trump's campaign as a potential Policy Window. The author declares that Miller's preoccupation to penalize immigrants and "restrict immigration" became the defining characteristic of both Trump's administration and campaign (Blitzer, 2020). Just months after co-authoring a "rebuttal to the Republican Party's 2012 postmortem" on immigration, with his supervisor Jeff Sessions, Miller took leave and joined Trump's campaign (Blitzer, 2020). Thus, Miller was attempting to seize a potential opportunity to elevate both his campaign solutions and his immigration solutions.

The rebuttal seemed to offer the Republican Party a campaign platform solution. It sets the stage by using a quote to imply that protecting our nation's "founding character" is a "central act of government" (Sessions, 2015, p. 4). Then it identifies immigration as an issue that could both motivate voters and elicit strong passion as it "is not vague, abstract, or generic" (Sessions, 2015, p. 15). This was considered a politically opportune moment, where if done properly immigration was an issue that could sway the public for or against either party. It guides the party to adopt the position that puts U.S. citizens at the heart of the immigration debate as it contends much of the rhetoric emphasizes the interest of

undocumented immigrants. Further, it directs the Republican party to define itself as the defender of its people against "the Democrats' extreme agenda of open borders and economic stagnation" (Sessions, 2015, p.16).

Thus, Miller joined the Trump campaign and became a key player. Blitzer (2020) implies that Miller's prior relationship with Steve Bannon resulted in Miller becoming Trump's speechwriter. Indeed, Bannon recounted communicating that Trump needed people with immigration policy experience as it was too important (Blitzer, 2020). Blitzer (2020) asserts that Miller's speeches typically consisted of fearmongering racist rhetoric that suggested countless Americans had died as a result of our lax border policy. That would be followed by a list of policies that attempt to illustrate a vision of serving U.S. interests and U.S. workers. In fact, during the campaign rallies, Miller would often serve as Trump's opening act leading "Build the wall" chants, thus setting the stage for Trump to recite alleged incidents of undocumented immigrants committing crimes (Blitzer, 2020).

Following the 2016 election, Miller wasted no time attempting to couple streams and push his immigration solutions. Blitzer (2020) goes on to describe how Miller and two others drafted Trump's travel ban executive order just days before Trump's inauguration. Moreover, Bitzer (2020) contends that Miller would eventually come to define what the administration identified as a victory related to immigration policy; while declaring that Trump seldom comprehended the entirety of the content. Moreover, early on Miller was a key actor who crafted Trump campaign speeches, an immigration Policy Entrepreneur who helped draft Trump's initial executive order travel ban, and who also became the administration's immigration policy expert.

Although Blitzer (2020) is clear that Trump cared more about building his big, beautiful wall along our southern border, it could be argued that Miller invoked his policy entrepreneurial skills to advocate that Trump and his Border Wall were a solution. Our theory clarifies that an entrepreneur advocates for solutions by attaching them to problems and manipulating problematic preferences to find a receptive audience. During the campaign rallies, Miller found a receptive audience. Miller's "Build the Wall" chants suggested to Trump campaign rally attendees that Trump and Trump's Border Wall plan were the solutions to the problem of undocumented criminals, despite the border wall has been under construction for decades and having been proven unfeasibly ineffective.

Joining MSF, SCPD & Anticipatory Design

Target populations may receive either a benefit or burden based on their social construction. As already established throughout this chapter, Latino immigrant populations attempting to enter from the Southern border have been demonized as criminals, drug smugglers, gang bangers, and terrorists. Thus, they have been socially constructed as undesirable immigrants that have been targeted for exclusion in legislation through erecting a wall on our southern border to primitively keep them out.

Moreover, as suggested in our theory chapter's section on policy processes, Weible (2017) asserts that public policies are "deliberate decisions" of action or nonaction of an authority. Various pieces of border wall legislation take the stance that our borders present a potential threat, and thus these policies seek to gain control and protect our citizens from threats. Throughout the policyscape of border wall legislation, the sanctioning of erecting barriers and a wall has been centralized to our southern border with Mexico. The nonaction

of authority on the northern border implies there is no threat anticipated along the longer more porous northern border within the legislation.

Schneider and Ingram's (2019) extended framework insists that messages are embedded in the policies designed and how it is implemented (p. 207). As pointed out above our Canadian border is under less control and is longer, and thus it could be argued that it potentially poses a similar threat on a larger scale. Thus, deliberate decisions to not secure our northern border embeds an implied message that immigrants entering from Canada are less threatening and more desirable immigrants. Moreover, erecting a border wall to the north has intentionally and repeatedly not been amended into the legislative policyscape over the past few decades since the wall's construction began.

Schneider and Ingram (2019) also contend that some leaders attempt to design policies that garner positive feedback and prevent negative feedback. The authors describe that some policies are crafted to solve a problem in a manner that secures a positive reaction from who the elected leader believes is influential to re-election. As a Policy Entrepreneur, Stephen Miller deceptively crafted Trump's border wall to appear as a solution by obscuring that the wall was already being built and would continue to be built despite Trump's becoming president. Moreover, Miller reframed the border wall as Trump's to ensure a positive reaction from those deemed important to electing and re-electing Trump. The administration thus attempted to increase construction efforts right before Trump's failed re-election. They may have hoped to engage in credit claiming, but to their dismay, they erected fewer miles of new wall, than previous presidents.

<u>Discussion & Conclusion</u>

This case demonstrates that despite Trump's promise to build a border wall, he erected fewer miles of a border wall than both Obama and Bush. Further, Miller was strategic at both manipulating racist preferences and finding a receptive audience, while advocating that immigration policy was the solution for a Republican candidate to be elected. Then he advocated that Trump and his "border wall" were the solution during the 2016 campaign, to the campaign rally crowds. As previously described, some have suggested Miller's "Build the Wall" propelled Trump to a presidential victory, although the wall was already under construction for well over a decade. Essentially Miller rebranded a historically supported legislative policy as Trump's, to motivate passionate supporters and potentially bank on credit claiming for re-election purposes, as border wall construction was sure to be a policy that the administration would make headway on as congressional support has been consistent. I would argue that this rebranding resulted in significantly inauthentic and uninformed headlines as everyone began referring to the U.S.-Mexico border wall as "Trump's Border Wall."

At the same time, Miller and Sessions' rebuttal also hinted at an idea of a strategic campaign to rally the people behind an effort to deny funds to a President. Although it may appear slightly esoteric, after reading the rebuttal and contextualizing this case, it is hard to not wonder if Trump's funding diversions were not a strategic attempt to motivate and provoke the passions of his supporters, while emphasizing his attempt to build the wall to his supporters as Congress appeared to try denying his funding and stop him. Booker (2020) quoted top Republican Representative Thornberry as saying "the wall should be funded, but" funding should come from DHS budgets not "critical military resources." It is evident

throughout this chapter that construction on the wall would have continued despite who became president and despite his enormous funding diversions that produced relatively little results. Moreover, I suggest that Miller targeted military funds as he knew that it would secure some congressional pushback, even from wall supporters, that would result in some leveraging.

Moreover, this case suggests that immigration restrictionists have and continue to remain in control of Congress. It demonstrates that, despite opposition from interest groups, wall construction continues. Similarly, it demonstrates supposed presidential has similarly proven effective at stopping the walls. Moreover, despite pressure, polls, presidential promises, or party control the wall continues to rise on our southern border with Mexico and attempts to exclude those it socially constructs as posing a potential threat and undesirable.

Ultimately, the border wall legislation implies that Mexicans and Latino immigrants entering from the U.S.-Mexico southern border pose a greater threat to U.S. citizens than potential immigrants entering from our Canadian border. Moreover, the wall socially constructs Latinos crossing our southern border as unwanted immigrants that should be excluded from the U.S. by the construction of a wall to keep them out. At the same time, the inaction of building a wall on the northern border embeds a message that immigrants from Canada are welcomed and seen as less threatening and more desirable. Thus, I argue race and ethnicity are also central to our policy of building a southern border wall.

Border walls are ineffective, unnecessary, and expensive, as many would argue that undocumented immigrants pose no significant threat. First, they are ineffective and unnecessary for stopping undocumented immigration as the majority of undocumented immigrants enter legally and then overstay their visas. Moreover, Durdan and Massey (2019)

argue that unauthorized immigration flows have been inflated to appear threatening, as the flow tapered off after 2000 and the overall undocumented population has declined.

They assert that the undocumented Mexican migrant workers that came looking for jobs have been replaced by legal temporary guest workers. Further, they maintain that Latino refugee families fleeing Central America, as a result of the former Reagan Administration's interventions, are being criminalized and "framed as national security" risks (Durdan and Massey, 2019, p.19). Moreover, in recent months the southern walls focused to keep out Latino immigrants seem more pronounced as recent articles have begun to highlight how the newly arriving Ukrainian refugees arriving at our U.S.-Mexico border are receiving preferential treatment and accommodations at the border. (øverlid, 2022; Jordan, 2022; Herbst, 2022; Spagat, 2022). As Caldwell (2022) explains, despite the U.S.-Mexico border being closed to Latin American asylum seekers due to covid-19 restrictions, Ukrainian refugees are being processed for asylum and have been fining the southern border an easier path as FHS has been given discretion.

Chapter 7: Discussion & Conclusion

Policy processes include complex interactions among policy, actors, events, outcomes, and context. While the policy itself is an intentional decision to act or not act, Michener (2019) argues race is central to the policymaking process. Thus, this dissertation attempted to join MSF with SCPD in an attempt to incorporate race into MSF's analyses of U.S. Immigration policy. The three case studies herein reveal that race and ethnicity were central to each case study's central policy. Further, they reveal inclusion or exclusion to and from the U.S was and continues to be dependent on politics and the biased values held by many political elites.

This discussion and conclusion will begin by summarizing each of the three studies individually. After which there will be a brief discussion on the primary findings related to race and its central influence on the three immigration policies. Finally, this dissertation will then conclude with a brief discussion related to the theoretical frameworks used and their joint utility, with suggestions for future research.

Case Study One: Sumner's Attempt, An Analysis of the 1870 Naturalization Act

In case study one, we first identify that naturalization was the process by which one may gain the privileges granted to natural-born citizens. Before the 1870 Naturalization Act, only free White people were eligible to naturalize in the U.S. As a result of the Civil War, Reconstruction, and some Republicans seeking civil rights for Blacks, the Fraud bill or 1870 Naturalization Act affirmed that only Whites, Africans, and those of African nativity were eligible for naturalization. Senator Sumner attempted to take advantage of an opportunity and secure naturalization for all races by removing the word "White" from the fraud bill legislation. However, congressional opposition from both parties anticipated that not

specifying the race would mean that Chinese and Native Americans might then seek

naturalization. Thus, Congress maintained naturalization specifically for Whites and added

language that implied the Black race was also eligible, to preemptively block Native people

and Asian people from naturalizing, as some lawmakers saw them as undesirable immigrants

and others feared political backlash. Ultimately, race influenced the design of the policy.

Case Study Two: Family First, An Analysis of the 1865 Immigration Act

The second case study demonstrates that following the 1870 Naturalization Act,

efforts to exclude immigrants by overtly integrating race and ethnicity into immigration law

grew more targeted. Laws like the Chinese Exclusion Act and the national origins quota

system soon followed. The national origins quota and the Johnson-Reed Act came as a result

of the Dillingham report, which was a racial and ethnic stratification system that outlined

which races and ethnicities were of more preferred or less desirable citizen stock. The quota

system sought to restore the U.S.'s demographics to its 1890 composition of mostly northern

Europeans, simultaneously reinforcing the importance of race and ethnicity regarding

naturalization eligibility. Efforts to discard the 1924 quota system failed until the 1952

McCarran-Walter Act. Although the Act essentially preserved the principal features of the

1924 system it did relax the Asian Exclusion. Moreover, it continued to enable the

naturalization of specific racial and ethnic groups while hindering others.

Then came the 1965 Immigration Act, which has been described as a series of

amendments to the 1952 McCarran-Walter act. After years of presidential administrations

seeking to rid immigration of the quota system, the 1965 Johnson administration put forth

late president Kennedy's immigration amendment proposal. For generations, the Kennedy

family had opposed the quota system hampering immigration from southern and eastern

Europe. Southern and eastern Europeans had been socially constructed as less desirable than

northern Europeans by the Dillingham report, thus their quotas were smaller. Unacquainted

with immigration policy, Johnson was persuaded by Kennedy's former advisers. They

suggested he eliminate the discriminatory and oppressive quota system and replace it with a

prioritization focused on skilled immigrants and U.S. workforce needs, rather than birth

origin.

By 1965, many restrictionists had become more accepting of White eastern and

southern Europeans but continued to oppose allowing greater numbers of Blacks and Asians.

Yet the Civil Rights Movement had shifted the mainstream national mood and assisted in

opening a Policy Window, as opposition realized blocking change was unlikely. Thus, they

sought a way to make the change symbolic rather than real.

Consequently, the 1965 Immigration Act was strategically crafted by Congressmen

Feighan to appear as if it embraced the spirit of the Civil Rights Act, but by maintaining the

status quo. It symbolically disposed of the national origin quota system, and prioritized

family unification, in place of the Johnson-Kennedy proposal of emphasizing skilled

immigrants that could potentially be born anywhere. Feighan promised that the United

States' established demographic makeup would not be disturbed if family reunification was

prioritized. The legislation emphasized family ties, while the policy also formally limited

immigration from the Americas. Feighan was credited for designing a naturally working

quota system at the time. Thus, Congress rejected the Johnson-Kennedy proposal and

implemented Feighan's prioritization of family reunification over labor market needs, in

hopes to maintain a White-Anglo Saxon Nation without appearing overtly discriminatory.

Today the policy is hailed by those that support inclusive immigration policies and deplored

by restrictionists and nationalists. They condemn it for inciting chain and undocumented immigration, which they complain has created a social crisis.

Case study 3: Fake News, Trump Border Wall

Case study 3 begins by explaining that erecting a border wall has been debated for years, thus noting that it is a controversial immigration policy. This demonstrates that the U.S.-Mexico border has been framed as a problem in contemporary American discourse. Wall supporters allege that our borders are threatened by undocumented workers or residents, gangs, criminals, and drug smugglers. Thus, wall supporters have socially constructed Latin Americans as deviant, undesired immigrants that should be excluded from entering with a border wall. Opposition campaigns have been launched by multiple interest groups. The campaigns have emphasized the wall's ecological impact, its ineffectiveness as undocumented immigration generally stems from visa overstays, the wall's costs and inefficiencies, who the wall benefits, and the racist message it sends. The intentional action to not include our Canadian border in the conversation of border security further embeds the message that our Canadian border is not a threat, and our northern neighbors should not be excluded by a border wall. Thus, the border wall is a symbol of both racism and exclusion.

Moreover, this case study was able to contextualize Trump's attempt to capitalize on the status-quo border wall policy, while arguing that immigration restrictionists remain in control of Congress. In this case, we demonstrated that restrictionist Steven Miller became a key factor in the Trump campaign after co-authoring a rebuttal of the Republican party's previous platform. In that rebuttal, he argued that immigration should be central to the upcoming election. This ultimately led to Miller becoming Trump's campaign writer and his rebranding of a historically supported policy as Trump's border wall. He used it to motivate

passionate supporters, while also exploiting the potential for credit claiming during the re-election cycle. Moreover, this case illustrates that border wall construction was a policy that the administration would make headway on as congressional support has been consistent over the years and continues today, despite presidential promises and executive orders.

<u>Centrality of Race</u>

According to Michener (2019) race is a vital factor in "explaining policy development, implementation, outputs and outcomes" (p. 424). She notes that while the overwhelming significance of race is accepted by most scholars, there is a challenge in producing research that acknowledges and reflects it. Michener argues that race has ordered politics that ultimately generates inequality. She contends that race is a fundamental aspect of our experience, understanding, and interpretation of policies, especially given that policies create and reinforce racial inequality and racial stratification. Indeed, this dissertation has revealed that racial stratification and social constructions handed down by the Dillingham report have influenced U.S. immigration policy for generations. The report identified which races and ethnicities made desirable and undesirable immigrant stock. Thus, similar to Michener (2019), we contend that race has always been central to immigration policy processes.

Indeed, we also find that race is central to each case study.   In the first case study, we demonstrate that only White people were allowed to become naturalized citizens. Senator Sumner's attempt to capitalize on an opportunity he hoped would open naturalization for all. Republican promises, the temporary empowerment of Blacks because of the Civil War, and Reconstruction-compelled support for Black naturalization. However, there was fear and anticipation that Chinese and Indigenous people may try to become citizens if race was not a

part of the policy's design. Removing the word "white" from immigration policy was rejected and thus race was confirmed as an eligibility criterion. Indeed, policymakers added those of African nativity or descent to infer Black, thus entrenching race in immigration policy.

The second case study also demonstrates that race is central to immigration policy. Here, we reveal that, in 1924, the Dillingham report submitted a racialized categorization that socially constructed some races as more desirable immigrants than others. The Dillingham report's social constructions and racial categorizations have deeply entrenched race into immigration politics. Despite attempts by multiple administrations to rid immigration policy of the racial bias and discriminatory origins-quota system, it persisted.

The case study demonstrates that, even as the Civil Rights movements and public opinion shifted, restrictionists attempted to preserve the racial bias and ensure immigration from Africa and Asia was minimal. Supporters of the quota system anticipated its inevitable doom, and thus shifted their support from maintaining the quota to supporting Feighan's family reunification priorities in hopes to maintain a predominately Anglo-Saxon nation. Some understood the intent behind Feighan's priorities and voiced opposition. However, the majority conceded as the new priorities superficially appeared to embrace all races. Restrictionists that designed the 1965 Immigration Act now argue for immigration reform, as the legislation did not live up to their hopes. As already implied, they believe the 1965 legislation has incited chain migration from Asia and Africa causing a social crisis in the United States.

In the third case study, we find that the border wall itself is a monument to racism, discrimination, and exclusion. Thus, race has always been central to the politics of

immigration and immigration policy designs. Moreover, we were able to reveal that the border wall had been under construction for years, thus Trump's executive order was a symbolic performance, to appease his supporters. Further border wall construction has continuously been supported and funded by Congress despite feasibility, effectiveness, and significant opposition. The case further suggests that Steve Miller was a strategic Policy Entrepreneur that shopped his immigration platform agenda to both the 2016 Republican party and the Trump campaign. It similarly implies that the congressional funding pushback resulted from Trump's attempt to divert extra funds from the military, rather than true opposition to the border wall by congress.

<p align="center">Joining MSF and SCPD</p>

We establish in the theory section that policy processes are complex, and theories are essential to understanding them. In the field of policy process research, there are multiple frameworks to choose from. Each framework is a tool that has been developed to offer alternative theories in explaining the policy process, as they enhance our view enabling different vantage points like zooming in or out on a microscope. Although they each have their scope, it is important to push a theory beyond its original scope, as we did in the third case study. Similarly, it is not appropriate to always use the same theory for every policy.

This dissertation utilizes MSF because it can provide a qualitative systems-level analysis by analytically modeling context to understand specific policy decisions. Scholars suggest that researchers should not rely on Kingdon's 1995 original version of MSF. Thus, this dissertation relied on Herweg, Zahariadis, and Zohlnhöfer's (2018) conceptual framework, as they suggested it offered a more precise analysis. Thus the three case studies are novel and among the first to utilize and test their conceptual framework. And indeed, we

agree their framework provides an appropriate lens and analysis to enhance our understanding of each immigration policy and the overall institution of U.S. immigration.

As discussed in our theory section, less than one-third of prior MSF analyses utilize all five structural components. Thus this dissertation incorporated all five components in each case study, making its application novel while delivering a more comprehensive analysis. In the Problem Stream, we were able to succinctly contextualize the problem in each case. For example, in the first case study, the word "white" was a problem for Senator Sumner as he sought to open naturalization for all. His amendment highlighted for some a legislative inconsistency that impeded Black peoples' civil rights, while others interpreted his amendment as a problematic naturalization invite for undesirable immigrants. In the Policy Stream, we were able to meticulously view the alternatives that challenged Sumner's amendment in the stream, one of which defeated his proposal and became policy. Then In the Political Stream, we were able to methodically contextualize the national mood, the counter campaigns, and the policymakers present. At the same time utilizing all five components also allowed us to contextualize both the Policy Window and the Policy Entrepreneurs, which enhanced our understanding of the policy choice. The contextualization revealed that Sumner's attempt resulted in multiple Policy Entrepreneurs attempting to push solutions into the window and that the final decision was to not strike the word white and rather to further entrench race into immigration policy. Thus, this dissertation recommends utilizing all five structural components for a deeper understanding and more in-depth analysis.

Scholars also noted the need to marry MSF with other theoretical frameworks, so this dissertation did. Some suggested using frameworks jointly would increase MSF's comparative fit. Schneider and Ingram's (1993) SCPD typology and their (2019) extended

framework were chosen to use with MSF. Their SCPD frameworks do not appear to have been joined with MSF previously. Yet the SCPD frameworks have been used repeatedly to explore immigration policy. At the same time, the SCPD frameworks were selected as they too have a similar methodological approach and can provide a systems-level, qualitative analytical contextualization. Thus making the two frameworks compatible for marriage. In joining MSF and SCPD frameworks, this dissertation uniquely demonstrates their joint compatibility and enhanced analytical power.

Finally, this dissertation chose SCPD as it focuses on policy design—who the policies were designed to benefit or burden, thus embedding race and ethnicity into MSF's analyses as Michener (2019) encouraged. Thus, we see by joining SCPD to MSF in the first case study the other Policy Entrepreneurs anticipated that Sumner's move to strike the word white would spur undesirable immigrants to seek naturalization. Thus, in the Policy Window, they chose to amend the Fraud Bill by adding text to design a policy that achieved both Republican political goals and excluded all races except White and Black. As previously described, she suggests race should be incorporated in policy process research, yet it can be challenging to reflect its centrality adequately. However, joining SCPD with MSF proved adequate in reflecting the centrality of race in this dissertation's immigration case studies. Moreover, by joining MSF with the SCPD frameworks, I was able to contextualize if race impacted each of MSF's five structural components.

Conclusion

In conclusion, this dissertation finds that Herweg, Zahariadis, and Zohlnhŏfer's (2018) theoretical framework was useful for gaining a better understanding of each case and the institution of immigration policy. Joining MSF and the SCPD frameworks allowed us to

analytically contextualize each case. Together they enhanced our understanding of each case study. Jointly they were able to center race and exclusion in each policy's design and why the decisions were made. The case studies revealed that race and ethnicity were central to each case study and the policies' design. Further, they demonstrate inclusion or exclusion to and from the U.S was and continues to be dependent on politics and the biased values held by many political elites.

   While we recommend future joint use of MSF and SCPD, this dissertation does not claim that joining MSF and the SCPD will always reveal the centrality of race. This claim is not made as this dissertation recognizes SCPD seeks to identify the policy's target population, which could mean any number of specific demographics could be targeted to receive benefit or burden, like the elderly. At the same time, these two frameworks demonstrate that race was central to each case and the process of the policy design. Despite the potential that race may not be specifically addressed in subsequent studies, utilizing the theoretical frameworks jointly will enhance the analytical contextualization of the study.

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