Reframing Immigrant Crime: Perpetrators, Victims, and Paths to Comprehensive Immigration Reform

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Once again comprehensive immigration reform is on the agenda of a new presidential administration. Although the Obama administration and its critics agree that "the immigration system is broken," political consensus as to how to fix it remains elusive at best. For some, fixing the system entails approaches weighted towards more restrictive immigration policies, for others the answer lies in more expansive measures.[1] In June 2009, following a meeting with congressional leaders, President Obama pointed to four dimensions of comprehensive reform: the need for a solution addressing enhanced border control, employers that mistreat illegal workers and use them to "drive down wages," the status of the estimated 12 million "undocumented workers" in the United States, and improving the efficiency and transparency of the "legal system of immigration."[2]

While proponents of restriction and those of expansion have tended to come closer together on issues of border control measures and administrative reforms for legal immigration, the issues of employment of illegal workers and amnesty for those illegally residing in the United States remain especially divisive. Acknowledging that congressional consensus on the appropriate responses to these four issues had yet to emerge, the president announced that he was appointing the Secretary of the Department of Homeland Security (DHS), Janet Napolitano, to work with congressional leaders "and those with relevant jurisdiction" to facilitate the reform process. In the meantime, the president noted that his administration would continue to engage in administrative steps within the existing framework of U.S. immigration policy to address legal immigration backlogs and focus on "unscrupulous employers." In contrast the president made no mention during his remarks of the ongoing and high profile efforts by Secretary

* This paper draws on a larger cross-national project exploring the politics and impact of arguments linking migration and crime. I am grateful to the Wilson Center Fellowship Program for financial support for the U.S. portion of the project.

[1] The restrictive /expansive distinction is drawn from Tichenor (2002)
[2] Remarks by the President after Meeting with Members of Congress to Discuss Immigration, June 25, 2009, http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-after-meeting-with-members-of-Congress-to-discuss-immigration/

Napolitano to shift the focus of immigration enforcement away from broad crackdowns against illegal immigrants and towards more selective targeting of violent criminal aliens.

Scholars seeking insights into the evolution of U.S. immigration control policies have pointed to an array of causal factors including the pressures exerted by organized societal interests, path dependent institutional constraints on legislative and judicial processes, and an array of broader political, economic, and social contextual dynamics shaping public opinion (e.g., Tichenor 2002; Ngai 2004; Kanstroom 2007; overview in Hollifield 2007). Policymakers in these contexts have both responded to and sought to influence the political climate for immigration reform. From the mid-1800s Chinese exclusion to post-September 11 Muslim incarceration and current debates over illegal immigration, arguments linking immigration and criminal threats to public safety and social order have played an integral role in efforts to sway the political climate in favor of restrictive immigration control policy.

In this paper I take a different tack exploring the ways in which proponents of *expansive* immigration reform have reframed immigrant criminality. The paper's first two sections offer brief overviews of the central arguments linking immigration and crime used by proponents of restrictive and expansive immigration reform. I argue that expansionist reframing has taken two primary forms: narrowing the focus of the immigrant-crime issue to those who commit serious offenses; and broadening the focus to include immigrants as victims of criminal predation. The remainder of the paper briefly illustrates how administration and congressional officials employed these patterns during deliberations over expansive reform in the 1965 and 1986 immigration acts. The final section suggests that the Obama administration is following a similar path in its efforts to expand the political space for comprehensive reform.

Immigration and Crime: A Restrictionist Primer

Since the 1700s, advocates of limiting immigration to the United States have turned to arguments linking immigrants and criminality. It is important to note that the term 'immigrant' is used loosely in these arguments typically blurring differences between those who seek entry in order to remain in the United States as eventual citizens and others who do not.[3] Characteristics of concern also vary, with threats including: immigrants in general; immigrants from specific regions or countries; immigrants of specific ethnicities, religions, or cultures; immigrants of legal or illegal immigration status. The term 'criminality' is also elusive, with arguments at times broadly pointing to overall criminal offenses (including expanding categories of deportation-mandated offenses) and at other times focusing on specific categories of offenses such as drug-related, violent felonies (e.g., homicide, rape), or property crimes.

[3] In this paper I follow the convention of such arguments and refer to immigrants, or aliens, in an inclusive manner. Moreover, such arguments tend to use the descriptive "illegal" for those persons who have entered, work, or remain in the country by violating legal channels. In contrast, supporters of expansive immigration are more likely to eschew the term 'illegal" as unduly pejorative and use "undocumented" in its place.

Two basic arguments cut across these variations.[4] The first holds that immigrants commit criminal offenses. The second is that immigrants are more likely than non-immigrants to commit criminal offenses. Although both arguments are often buttressed with highly publicized statistics, data limitations—on population sizes and attributes, crime reporting, arrest, and incarceration patterns—have made the relative criminality argument more vulnerable to challenge. Given the fact that some immigrants do commit criminal offenses and that some of these offenses are particularly heinous, the first argument is a common fall back. Official statistics provided by enforcement agencies and the details concerning cases of high profile immigrant crime attract media attention, facilitating the ability of restrictionist groups and their congressional and administration allies to narrowly define the political space for immigration reform.

In the history of the United States, Asian and Irish migrants were the primary targets of restrictionist arguments linking immigration and crime during the 19th century. For an array of reasons including shifting immigration patterns, the focus shifted to Italian, other southern European, Eastern European, and Mexican migrants in the early 20th century. Illegal aliens—implicitly and explicitly conceptualized primarily as Mexican migrants and to a much lesser extent those who are 'Other Than Mexican'—have been the primary focus of arguments linking immigration and crime since the 1960s, with Muslims also emerging as a group of concern in the aftermath of the terrorist attacks of September 2001.

For restrictionists the ramifications of immigrant crime are clear. Criminal aliens pose threats to public safety, social order, and the national security of the United States. Moreover, the extent of the challenge reflects the failure of Federal authorities to meet their statutory obligations to implement immigration control policy. As a result Federal legislation and its implementation must be strengthened. Those immigrants who have committed crimes elsewhere must be excluded from entering the country. Those who have committed crimes while in the United States must be severely punished for their offenses, detained and deported upon completion of sentence, and punished even more severely if they seek reentry.

Potential criminal aliens also must be addressed. Those immigrants who are prone to becoming criminal aliens due to the characteristics of their origin/ethnicity must be excluded, and those already within the country should not be allowed to stay. In addition, those who are prone to criminality as a result of the pressures and limitations of their illegal immigration status or as evidenced by their very willingness to engage in illegal immigration in the first place, must be deported.

The specific policy imperatives stemming from the restrictionist linkage of immigration and crime include calls for: strengthening border controls; enhancing internal enforcement efforts by local, state, and especially federal authorities; the identification

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[4] This discussion, and that in the following section on expansionist arguments, draws on the historical analysis/literature explored in the larger project as well the work of scholars including Mears (2001), Tonry (1997), Freilich and Guerette (2006), Martinez and Valenzuela (2006), Freilich and Newman (2007), Kanstroom (2007).

and deportation of illegal immigrants; and ultimately limits on the extent of legal immigration.

Immigration and Crime: An Expansive Response

Proponents of expansive immigration reform face clear challenges in responding to restrictionist arguments linking immigration and crime. Relative criminality claims can be challenged by calling supporting data into question, but the debates often degenerate into each side drawing on broadly or narrowly focused arrest or incarceration statistics to back up their position all the while keeping the issue of criminality in the media spotlight. Rejecting or ignoring the basic argument that immigrants commit criminal offenses is politically untenable in the face of even flawed crime statistics and media attention, and fails to address what can be real challenges to public safety. Reframing immigrant criminality has been a more successful approach in creating political space for expansive immigration reform.

Two prominent arguments have gained traction since the 1960s. The first holds that although most immigrants are decent and hardworking individuals that come seeking the American dream, some immigrants do commit serious crimes and must be dealt with appropriately. Immigrants that have committed serious crimes must be excluded from entry through appropriate strengthening of regulations and border controls that do not cause undue hardship for other immigrants. Those immigrants that commit serious crimes post-entry must be punished. Depending on the severity of the offense and when it was committed, they should also be deported following appropriate principles of due process and opportunities for appeal and review.

This approach rejects criminality as an inevitable outgrowth of the immigrant's country of origin or ethnicity, and as stemming from the legality of their immigration status. In dealing with post-entry criminality, this argument instead looks towards the economic and social opportunity structures faced by immigrants of first and subsequent generations and argues for expanding paths of incorporation. Embracing the argument that some immigrants commit crimes also allows expansionists to co-opt the 'failure of Federal policy' critique of restrictionists by arguing for a refocusing of Federal efforts on those immigrants that pose the greatest threats to public safety.

The second approach to reframing the linkage between immigration and crime argues that rather than being perpetrators undocumented immigrants are often victims of criminal predation. Reluctance to approach law enforcement authorities out of fear of being deported for immigration offenses makes the undocumented easy targets for exploitation by natives as well as other immigrants. Immigration reform efforts therefore should avoid policies that lead to further isolation of this shadow population from enforcement authorities, with particular caution being necessary in programs that integrate local law enforcement agencies into federal immigration control bureaucracies. More broadly, immigration reform that includes regularization of status offers the means to bring the undocumented population out of the shadows. Regulation in turn reduces the threat of

criminal victimization and offers the potential to enhance cooperative relations between immigrant communities and law enforcement authorities.

The Path to Hart-Celler: Reframing Immigrant Criminality

In 1965, 44 years after the introduction of national origin quotas and 13 years after their reaffirmation in the McCarran-Walter Act, the United States shifted course. The Immigration and Nationality Act of 1965 replaced the national origin system with hemispheric quotas and country caps, and introduced a preference system for visa allocation privileging family reunification and worker skills (Tichenor 2002, 191-192, 215-216; Wong 2006, 44, 48, 53-54).[5] Prominent explanations for this shift point to changes undermining racial, economic, and cultural opposition to immigration. The civil rights movement, economic growth, and evidence of successful integration of prior migration waves altered the political climate in favor of reform. Scholars also point to the impact of institutional shifts in the composition and influence of congressional committees and membership as empowering liberal Democrats and moderate Republicans (Gimpel and Edwards, 1999, 100; Tichenor 2002). I take a narrower focus here and explore the ways in which members of Congress and the Johnson administration reframed arguments linking immigration and crime that for decades had been used to introduce and retain the national origins system.

The culmination of the push for immigration reform took place in the context of a broader national debate over rising crime. Republican presidential candidate Barry Goldwater had raised the issue to the national political agenda in fall 1964 attributing the country's rising crime and the "breakdown of law and order" to the failures of the Johnson Administration (Anderson 1964; Geremia 1964; Strout 1964, Lardner 1964). National media reports pointed to a 10 percent increase in crime rates according to FBI trend data and warnings by J. Edgar Hoover that the nation was at risk.[6] Minority crime rates, especially arrests of blacks in economically weak urban centers, attracted particular attention (Anderson 1964, see also La Free 1995, 180; Russell 2003, 81). In a national address before Congress in March 1965 on the issue, Johnson stressed that "no right is more elemental to our society than the right to personal security and no right needs more urgent protection" (Text 1965).

Despite the presidential campaign rhetoric on crime, reference to the threats posed by immigration were strikingly absent even as conditions appeared ripe for restrictionist arguments. Immigration was rising and increasingly concentrated in urban centers.[7] Proposals for ending the national origins system also had raised fears of new migrants from Asia, Africa, and the Americas, including the newly independent and what restrictionists portrayed as the predominantly black countries of Trinidad, Tobago and

[5] The hemispheric approach was dropped in favor of an overall cap in 1978 (Reimers 1992, 87; Tichenor 2002, 238).
[6] For example, see the *New York Times* (Major Crime 1964), *Washington Post* (Serious Crime 1964), and *Los Angeles Times* (Anderson 1964)
[7] From 1954 to 1964, approximately 3.0 million immigrants had been admitted to the United States of which 2.0 million were nonquota immigrants. *Congressional Record—Senate*, September 17, 1965, 24226.

Jamaica.[8] A June 1965 Harris Survey noted that 58 percent of the America public opposed Johnson's proposals to change immigration law "to allow more people into the United States as immigrants" (Harris 1965).[9] Yet, neither Rockefeller in 1964 nor Johnson in 1965 drew explicit linkages between immigration and crime.[10]

Although arguments linking immigration and crime emerged during the 1965 congressional deliberations over immigration reform, their appearance was relatively limited compared to testimony during the McCarran-Walter hearings. Institutional shifts, as well as personnel transitions, had weakened the influence of restrictionists in the House and Senate (Tichenor 2002, 206-214). New immigration subcommittee members favoring expansive reform aggressively challenged testimony suggesting that immigrants were relatively prone to criminal activity or simply ignored such claims.[11]

Beginning in the 1964 subcommittee hearings, Johnson administration officials also took a preemptive approach on the crime issue. On March 4, for example, Attorney General Nicholas Katzenbach assured members of the House immigration subcommittee that H.R. 2580 (The Hart-Celler bill) "would retain all present security safeguards and other restrictions in the immigration laws designed to exclude undesirables, such as those with criminal records" (US Congress 1965a, 11).[12] In short, the administration position was that while the national origin system needed to be changed, other portions of the McCarran-Walter Act would remain intact.

The May 20, 1965 testimony of John B. Trevor Jr., chairman of the Immigration Committee of the American Coalition of Patriotic Societies offers the best illustration of the shifting support in Congress.[13] Trevor had been warmly welcomed by the House immigration subcommittee chair Michael Feighan (D-OH) as a source of "guiding principles" on reform. Feighan, a supporter of restrictive immigration, noted that Trevor's father had founded the Coalition and his ideas had been instrumental in the national origins system suggesting that these guiding principles Trevor would offer would run counter to the broader push for expansion (US Congress 1965a, 237-238).

In his testimony Trevor warned the subcommittee of the risks of expansive reform, quoting in detail the 1959 conclusions of Dr. John M. Radzinski, a "distinguished specialist of neurology and psychiatry." He highlighted Radzinski's arguments as to how immigration had already resulted in "excessive homicide, treason, juvenile delinquency,

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[8] For example, see US Congress (1965a, 283, 443-444; 1965c, 904)).
[9] Opponents of reform referred to this poll in their congressional testimony (e.g., US Congress 1965c, 704, 711, 775). For a July Gallup poll favoring a shift away from the national origins system, see US Congress (1965c, 847-848).
[10] Unlike past counterparts, the Presidential Commission on Law Enforcement and the Administration of Justice established by Johnson in July 1965 also did not include immigration as one of its issue mandates (for example see LBJ Renews 1965).
[11] For examples of the latter, see US Congress (1965a, 157-162, 309-311).
[12] Administration officials, such as the head of the INS, the Federal Bureau of Narcotics, and the FBI, all of which had played instrumental roles in raising the immigrant crime issue in past reform deliberations, either did not appear or did not point to immigrant criminal threats.
[13] The coalition was comprised of "approximately 100 associated civic, patriotic, and fraternal organization, with a membership approaching 3 million persons" (US Congress 1965a, 237-238).

and other crimes with their tremendous costs in suffering and treasure" and that liberalization would lead to further "confusion and lawlessness" (US Congress 1965a, 241-242). Peter Rodino (D-NJ) aggressively rejected these arguments interrupting and leading Trevor into a series of defensive statements that at first supported and then backed away from relative criminality claims, and eventually turned to a general indictment of the risks of excessive multiculturalism. Despite the warm welcome, Feighan did not come to Trevor's defense. By the Senate immigration subcommittee hearings later in the summer Trevor sent an assistant to testify, and the assistant dropped all arguments linking immigration and crime (US Congress 1965a, 249-257; US Congress 1965c, 739-751).[14]

As legislation on immigration reform moved to the floor in both chambers, arguments linking immigration and crime were relatively absent in the House compared to the Senate. An array of groups, ranging from the League of Christian Women to the Baltimore District Foreign Legion had made the linkage during their Senate subcommittee testimony. The representatives were thanked for their statements by Edward Kennedy (D-MA), who was chairing the hearings and leading the proponents for expansive reform, and the arguments were ignored (US Congress 1965c, 761-762, 800-808).

In the floor deliberations, while senators such as John McClellan (D-AK) and Allen Ellender (D-LA) pointed to the criminal threats from the "new hordes", [15] Robert Byrd (D-WV) offered a more nuanced critique. Byrd explained his opposition to the bill in terms of the adverse effects on urban social crises including crime. "The great bulk of immigrants in recent years have settled in these metropolitan areas," he noted. "I would not claim that, generally speaking, immigrants as a class are especially prone to criminal conduct, but I should think that their increased migration into the cities would add to the problems that are already there."[16] Kennedy responded by noting that the percentage increase in immigration with the reform would be "infinitesimally small" and that the new immigrants would easily "assimilate into our society." Kennedy pointed further to surveys that he had requested from immigrant assistance agencies to track the impact of those that had "arrived since the late 1940s." In these results, Kennedy argued, "I have found only five case[s] of criminal complaints involving immigrants in our studies of many thousands."[17] Bryd's rejoinder was to enter into the record five West Virginia newspaper articles commending him for his opposition to immigration reform, three of which briefly noted the issue of immigrant crime.

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[14] Karl Spiess representing the Arlington Homeowners Association did explicitly draw on the Radzinski crime arguments. When questioned further he acknowledged that he was a member of the Coalition. His remarks on criminality were ignored by the subcommittee (US Congress 1965c, 785-794).
[15] *Congressional Record—Senate*, September 21, 1965, 24556-24557.
[16] *Congressional Record—Senate*, September 14, 1965, 23794-23795.
[17] *Congressional Record—Senate*, September 17, 1965, 24228.

The Path to Simpson-Mazzoli: Protecting Victims and Removing Perpetrators

Although Senator Kennedy had assured the country that immigration would not significantly increase with the 1965 reforms this was not the case. The shift away from the national origins system when combined with the end of the Bracero Program and demand for low-wage Mexican labor resulted in an expansion in illegal immigration (Tichenor 2002; Ngai 2004).[18] By the early 1970s, Immigration and Naturalization Service (INS) officials were estimating that 1.3 million immigrants were illegally in the United States located in areas far beyond traditional gateway cities in the southwestern states. Estimates surged during the 1970s to between 4 and 12 million immigrants, and by the mid-1980s these figures had fallen back slightly to between 2 and 8 million (Chapman 1973; Meyer 1975; Mouat 1975; Nevins 2002, 63-64; Ngai 2004, 266).

Scholars have traced the path of comprehensive immigration reform from Rodino's initiatives in the early 1970s to the 1986 Immigration Control and Responsibility Act (IRCA) revealing the importance of disputes over issues including employer sanctions, enhanced border controls, and regularization of status (Jacobsen 1996, 55; Gimpel and Edwards 1999, 113-124; Tichenor 2002, 229-239). This literature points to institutional shifts in Congress as well as the rising political clout of Latino advocacy groups as increasing the complexity of reform efforts and the political costs of adopting restrictionist policy provisions (e.g., Tichenor 2002, 229-239, 258). Exploring arguments linking immigration and crime in this context helps to explain their shifting political salience. More than in the mid-1960s, however, proponents of expansion turned to reframing arguments of immigrant criminality.

Victims and Amnesty

As illegal immigration surged during the 1970s, law enforcement, the media, and political officials pointed to increasing crime challenges by illegal immigrants especially in states bordering Mexico. Latino advocacy groups and their supporters countered restrictionist arguments by criticizing discriminatory enforcement practices and police participation in immigration raids and detention policies (Maxwell 1974, Del Olmo 1974e; Castro 1975; Barber 1976; Maxwell 1976). In Los Angeles and San Diego, police and political officials emphasized the challenge of cross-border crime gangs as well as illegal aliens victimized by Mexican and U.S. criminals. By 1977, San Diego Mayor Pete Wilson had turning to emphasizing victimization in appeals to President Jimmy Carter for federal assistance "to help stem the 'intolerable incidence of crime along the international border" (Jones 1976; Kendall 1977a; Kendall 1977b quote; Hazlett 1977; Del Olmo 1977).

Through the 1970s this relative shift in the reframing of the illegal immigrant as criminal victim rather than perpetrator played out in national level deliberations over immigration reform. State officials were more likely to raise linkages between immigration and crime than top Federal enforcement officials in appearances before the congressional

[18] This growth intensified further with the introduction of western hemispheric country caps set at 20,000 persons in 1976.

immigration subcommittees.[19] In public, Federal officials often took an opposite tack. For example, in October 1974 Attorney General William B. Saxbe during a border patrol tour in Texas called for a new wave of mass deportations to address the criminal and other threats posed by illegal immigration. The resulting political backlash by Latino groups hastened the end of his career as Attorney General.[20]

The reaction in the House immigration subcommittee to restrictionist arguments linking immigration and crime was less punitive. The arguments typically were ignored. For example, California State Assemblyman Dixon Arnett testifying before the House immigration subcommittee in 1971 noted that based on information received from the INS "illegal entrants are a major source for the entrance of illicit narcotics into this state." Subcommittee members ignored this argument and focused more on getting Arnett to agree to the need for criminal sanctions against employers (US Congress 1971, 151, 154). In subcommittee hearings during 1975, B. F. (Bernie) Sisk (D-CA) pointed to economic, criminal, and social welfare challenges in his San Joaquin Valley district to illustrate that illegal immigration was "out of control" (US Congress 1975, 148-149, 159 quote). In contrast, George E. Danielson (D-CA) from California's 29th district, and a former law enforcement officer, emphasized in his testimony the vulnerability of illegal immigrants. "Illegals," he noted, "do commit some [crimes] now and then" but due to their illegal status are afraid to come forward to the police and thus are often the victims of violent as well as nonviolent crimes. Subcommittee members ignored Sisk's criminality argument and praised Danielson for calling attention to the issue of victimization (US Congress 1975, 244 quote, 248-249).

This theme of 'immigrants at risk of criminal predation' extended beyond the House immigration subcommittee. At the State level concerns with the impact of immigrant vulnerability on crime reporting were encouraging shifts in police practice. In September 1975, speaking before the police commission Los Angeles Police Department Chief Edward M. Davis noted that since taking over as chief in 1969 he had stopped the practice of arresting immigrants for illegal entry. Enforcing immigration laws, the chief noted, was the Federal government's job. The chief made these remarks as he introduced a community outreach project in East Los Angeles to encourage people victimized by crime to report incidents to the police (Reich 1975).[21]

Concerns with vulnerability appeared prominently in presidential and congressional commissions exploring responses to illegal immigration. For example, the 1976 report of the Ford administration's Domestic Council Committee on Illegal Aliens observed that illegal immigration had created a vulnerable "underground" population. Those "underground cannot be protected from abuse on the job or from landlords, discrimination, disease, or crime" all issues that have ramifications for "long-range implications for education, housing, criminal justice planning, and other important areas

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[19] For example, see testimony by INS Commissioner Raymond Farrell (US Congress 1971, 6-25) and discussions in Calavita (1992, 144, 160-163) and Tichenor (2002, 228).
[20] His successor, Lawrence H. Silberman, avoided similar arguments See Ostrow (1974a); Del Olmo (1974b-d); US Congress (1975, 26-35, 335-365).
[21] Such arrests in the past the chief noted had accounted for about "25 percent of all felony arrests."

of primary state and local government responsibility" (US Domestic Council 1976, 213).[22] While calling attention to criminal vulnerability, no specific mention was made of illegal aliens themselves as criminal threats.

Similarly, the 1981 report of the Select Commission on Immigration and Refugee Policy (SCIRP), noted the threat of criminal predation while devoting little attention to illegal immigrants as criminal perpetrators. Illegal immigration, SCRIP Chairman Father Theodore Hesburgh observed, had created a "fugitive underground class" with adverse economic and social effects (US Select Commission 1981, 11).[23] In illustrating these effects, the commission report mentioned the "fact that illegality breeds illegality" but rather than expanding this comment into a discussion of immigrant criminality turned instead to the potential victimization of illegal immigrants by smugglers as well as "unscrupulous employers" (US Select Commission 1981, 42).[24]

The commission recommended enhanced border controls and employer sanctions as means to address these threats of victimization as well as future illegal immigration. Moreover, as the report noted, such steps offered more politically viable and humane alternatives than mass deportations and local police enforcement of immigration laws (US Select Commission 1981, 11, 14, 46, 61, 209-216, 243). [25] Selective amnesty the commissioners argued offered the means to deal with the existing underground population in ways that would yield economic and social benefits, acknowledge U.S. culpability in "the creation of the problem," and offer insights into the dynamics of illegal immigration. Consistent with the reframing of criminality as predation, the report's discussion of eligibility criteria for amnesty focused on date of entry or illegal presence and made no mention of non-immigration criminal offenses as precluding consideration (US Select Commission 1981, 11 quote, 82- 85).

As the pace of congressional hearings on immigration reform intensified during the 1980s, the vulnerability of illegal immigrants to criminal predation remained a prominent theme. Alan Simpson (R-WY), chair of the Senate Judiciary Subcommittee and a former member of SCRIP, and Romano Mazzoli (D-KY), "who agreed to chair the [House] Judiciary Subcommittee at Hesburgh's urging," drew on the commission's recommendations in their proposals for immigration reform (Gimpel and Edwards 1999, 134-135; Tichenor 2002, 253q). Both men reaffirmed the call for selective amnesty for illegal immigrants to address the challenges of a vulnerable underground population.

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[22] Tichenor (2002, 230) argues that the report's emphasis on protections for the "vulnerable" illegal alien population, rather than aggressive enforcement reflected "post-1960s notions of nondiscrimination and individual rights" as well as the political realities of the growing power of Latino groups (Tichenor 2002, 230).

[23] For background on SCRIP and its subsequent impact on IRCA, see Gimpel and Edwards (1999, 135); Tichenor (2002, 239).

[24] Other references to criminality are limited. The report contains a brief discussion of sentencing thresholds for deportation in light of arrests of nonimmigrant Iranians for street protests, and a brief discussion of reforming grounds for exclusion under the INA to omit non-heinous crimes (US Select Commission 1981, 230-231, 276-283, 348-351).

[25] The report noted the rise of "ethnic community organizations" and alien rights organizations" and the resulting potential for "community and ethnic hostility" as precluding intrusive steps (US Select Commission 1981, 209-215).

However, both also introduced legislation that excluded from consideration immigrants convicted of criminal offenses.

In seeking to facilitate immigration reform, Simpson and Mazzoli embraced arguments that acknowledged some immigrants as criminal threats and others as victims. As discussed below, growing concerns with the legacy of the Mariel boatlift and drug trafficking provided the context for the shift. On March 17, 1982, Simpson and Mazzoli introduced A Bill to Revise and Reform the Immigration and Nationality Act and Other Purposes in their respective chambers (S.2222 and H.R. 5872). Title III of the proposed legislation required immigrants seeking legalization of status to demonstrate that they had not been convicted of criminal offenses that would exclude them from entry under the existing provisions of Section 212 of the Immigration and Nationality Act. In addition, those seeking legalization had to demonstrate that they had not been convicted of any felonies or three misdemeanors in the United States.[26] On May 27, 1982, Mazzoli tightened eligibility further with provisions in H.R. 6514 prohibiting the Attorney General from waiving certain provisions of Section 212 when considering legalization of status including those relating to criminals and drug offenses. Simpson introduced comparable legislation in the Senate as part of S. 529 on February 17, 1983 and incorporated the provisions again into S. 1200 in 1985.[27]

Although successfully reaching the final version of IRCA,[28] these steps attracted little attention in subsequent subcommittee hearings and floor debates. While preemptive in the sense of Katzenbach's assurances to Congress in 1965, neither Simpson nor Mazzoli emphasized the measures. Still these steps did appear to a have a preemptive effect in that restrictionists made no mention of the potential threat of illegal aliens with criminal records gaining legalization of status. Opponents of amnesty such as Senator Jessie Helms (R-NC) argued that legalization of status would simply encourage new illegal immigration, rather than linking those already in the country with a nascent or real criminal threat (Gimpel and Edwards 1999, 153). Responding to Helms in 1983, Simpson returned to the vulnerability theme arguing that amnesty provisions in S. 529 were necessary to address the "'fearful subculture of human beings in the United States, who, according to the information received at hearings in the subcommittee, for fear of being discovered, fail to report crimes against their property, their person, or their family;" and do not seek "medical help" or complain about workplace exploitation (Gimpel and Edwards 1999, 156).

By the June 1985 Senate subcommittee hearings on S. 1200, Father Hesburgh was reiterating the SCRIP position that legalization of status was necessary to bring people out of the shadows freeing them from criminal predation and the fear of coming forward

[26] This second provision set a higher bar than deportation provisions for criminal offenses that had been introduced in 1952. See Title III of S.2222 and H.R. 5872, 'A Bill to Revise and Reform the Immigration and Nationality Act and Other Purposes," 97th Congress.
[27] See Title III of H.R. 6514 and S. 529, 'A Bill to Revise and Reform the Immigration and Nationality Act and Other Purposes," 97th and 98th Congress.
[28] US IRCA 1986, Section 201.

to cooperate with the police (US Congress 1985a, 6-7).[29] This theme also appears in the July 1986 final report of the House Committee on the Judiciary on H.R. 3810, the Immigration Control and Legalization Amendments Act. Legalization of status, the report noted, offers the best path to address the "large undocumented alien population" living "in fear, afraid to seek help when their rights are violated, when they are victimized by criminals, employers, or landlords or when they become ill" (US Congress 1986, 49).[30]

Perpetrators and Victims

As the congressional debate ebbed and flowed over the question of amnesty, the legacy of the 1980 Mariel boatlift and frustration with the Reagan administration's war on drugs revitalized restrictionist arguments linking immigration and crime. Two major demands emerged from these concerns. The first focused on Federal reimbursement to States for the costs of incarceration. As congressional support increased for incorporating amnesty into comprehensive immigration reform, these demands became embedded in broader calls for full Federal reimbursement for the economic and social costs of the transition to legalization of status. The second demand focused on Federal deportation of criminal aliens and illegal immigrants more broadly.

Reimbursement: In early May 1981, the immigration subcommittees of the Senate and House Judiciary Committees held three days of joint hearings on the SCRIP report. The arguments linking immigration and crime that emerged during the hearings pointed primarily to the failures of Federal refugee policy. For example, Florida Governor D. Robert Graham pointed to the "many known criminals who illegally entered this country with law abiding refugees" during the 1980 Mariel boatlift. The resulting rise in Florida's crime rate from Cuban and Haitian refuges, Graham argued, was the price of Federal inattentiveness" and "failure to enforce the immigration laws" (US Congress 1981, 117-118, 134, 136, 141). By the 1983 Senate floor deliberations over S. 529 in April and May, the focus had expanded beyond the criminality of refugees to that of illegal aliens as evidence of Federal failure and the emphasis turned to demands for recompense. Senator Alphonse D'Amato (R-NY), with 16 cosponsors, introduced an amendment calling for the reimbursement of "state governments for the cost of incarcerating in state prisons illegal aliens and refugees who commit felonies."[31] The amendment passed 55 to 40, but became moot by late 1984 as the House and Senate were "unable to resolve differences" in their versions of the immigration reform bill (US Congress 1986b, 26).

During 1985 as the congressional immigration subcommittees renewed efforts at reform, State officials embedded arguments for reimbursement for incarceration costs in broader

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[29] The final report of the Senate Committee on the Judiciary on S. 1200 released in August 1985 did not address this theme. Crime is absent from the final report's section on the economic and social problems caused by illegal immigration (US Congress 1985b, 4-7).

[30] Echoing the SCRIP report, the House report continued noting that alternative approaches such as "intensifying interior enforcement or attempting mass deportations would both be costly, ineffective, and inconsistent with our immigrant heritage"

[31] McDonald (1998, 267) US Congress (1986b, 26).

appeals for recouping the costs of implementing amnesty.[32] Reagan administration officials, including Deputy Attorney General D. Lowell Jenson, Attorney General Edwin Meese, and INS Commissioner Alan Nelson, were not receptive and dismissed the criminal burden argument in their testimony. Although supporting a block grant program to assist with the costs of legalization of status, Jenson stated "we would have to oppose reimbursement to State and local governments of the costs associated with imprisonment by State and local governments of illegal aliens. We believe this should remain a State and local responsibility, in keeping with their jurisdiction over enforcement of their own laws" (US Congress 1985a, 411).[33]

Leading congressional Republicans committed to immigration reform worked to defuse the issue. In Senate subcommittee hearings, Simpson sought to downplay the controversy by backing away from the issue whenever State officials began to emphasize immigrant criminality as meriting federal funds or by shifting discussions to less controversial funding provisions on enhanced border control (e.g., US Congress 1985a, 331, 450-451). By late July 1985, as S. 1200 having cleared the subcommittee was under consideration by the full Senate Judiciary Committee, Simpson again sought to defuse the issue. Drawing on the D'Amato approach to reimbursement as passed by the Senate in 1983, Simpson successfully introduced an amendment offering reimbursement to States but narrowly defined reimbursement as covering "the costs of incarcerating certain illegal aliens convicted of a felony" (US Congress 1985b, 16, 27).[34]

In the House immigration subcommittee, Dan Lungren (R-CA) also sought to dissuade demands for full federal reimbursement but by arguing that such demands placed reform efforts at risk and no reform would perpetuate the rising costs of illegal immigration. For example, during hearings in September 1985, following testimony by the chairman of the San Diego County Board of Supervisors, Lungren invoked victim and perpetrator arguments to illustrate these costs. Noting that "I don't mean to suggest that the largest numbers or the greatest numbers of illegal aliens are breaking the law," Lungren then turned to San Diego regional crime data describing undocumented aliens as accounting for between 13 and 33 percent of reported felony arrests (US Congress 1985c, 277). He pointed further to Federal funds already going to border task forces "not to catch illegal aliens" but to ensure their safety from predation by "bandits and other illegal aliens."[35] In the past, such arguments would have been used to justify immigration restrictions. For

[32] For example see the testimony of David H. Pingree, Secretary of Florida's Department of Health and Rehabilitative Services, speaking on behalf of the Governors' Association Task Force on Immigration and Refugee Issues ((US Congress 1985a, 313-314, 331).
[33] See US Congress (1985a, 438; 1985c, 5, 11, 29-30) for testimony by Meese and Nelson.
[34] The Senate report notes that, based on CBO figures, the costs of this program would be an estimated $70 million per year beginning in 1989 (the year grants were slated to begin coinciding with the planned end of the application process for legalization of status) (US Congress 1985b, 65).
[35] US Congress (1985c, 276-277). Lungren noted "undocumented aliens accounted for 19 percent of all assaults with deadly weapons, 33 percent of the rape arrests, almost 10 percent of the arrests for officer assault, 13 percent of burglary arrests, 15 percent of auto theft arrests, 15 percent of all felony arrests [and] 14 percent of all misdemeanor arrests reported by the San Diego Police Department" in Fiscal Year 1984-1985.

Lungren, examples of immigrant criminality served as a means to facilitate support for a bill incorporating legalization of status.

The July 1986 report of the House Judiciary Committee on H.R. 3810 reveals that appeals for restraint in calls for federal reimbursement were partially successful. Although recommending 100 percent reimbursement of health and subsistence costs involved in legalization of status, the report proposed narrower language along the lines of the Simpson amendment regarding reimbursement for incarceration costs. Federal assistance under H.R. 3810 only would cover the costs of imprisonment for illegal aliens and Marielito Cubans convicted of felonies by State and local jurisdictions (US Congress 1986, 45, 77). The final language for this provision appearing in IRCA Title V, Section 501, narrowed coverage still further: providing reimbursement, "subject to the amounts provided in advance in appropriation acts," for the costs of imprisonment of illegal aliens and Marielito Cubans convicted of felonies by States (US Congress IRCA 1986, Title V, Section 501). In effect, while multiple misdemeanor convictions would preclude illegal aliens from legalization of status, the costs of their imprisonment would not be reimbursed by the Federal government.

Deportation: State and local frustration with the costs of incarceration reflected a backlog in INS identification and processing of those eligible for deportation. As the war on drugs escalated, with expanded enforcement efforts and more punitive sentences, States faced growing numbers of illegal aliens incarcerated for violation of State and Federal drug laws. By the summer of 1986, the United States was in the midst of a moral panic over crack cocaine. Congressional frustration over the Reagan administration's drug control policies sparked efforts by the House and Senate leadership to draft omnibus anti-drug legislation incorporating committee initiatives that had emerged earlier in the year (Shannon 1991, 414-425; Bertram et al 1996, 138-140). Arguments linking drugs and illegal immigration emerged late in the congressional deliberations over omnibus drug bills and later still in deliberations over immigration reform. In both cases supporters of expansive immigration reform did not challenge the linkage between illegal immigrants and crime but focused instead on limiting its restrictive effects.

Deportation was mired in controversy by the mid-1980s. Challenges to INS authority increased as local sanctuary movements emerged around the country offering protection to Central American immigrants, primarily El Salvadorans and Guatemalans fleeing from conflict, despite INS warnings that such steps would fuel illegal immigration (Lindsay 1985; Becklund 1985; Mathews 1986). Reflecting the city's diversity as well as an estimated illegal immigrant population of between 400,000 and 750,000, New York City Mayor Ed Koch instructed city agencies in October 1985 to cease the reporting of illegal immigrants to Federal authorities. Koch defended the step both as a protest against failed Federal immigration policies and to encourage immigrants to seek out city social services including police protection. Law enforcement officials were encouraged to continue cooperation with federal authorities in cases of criminal acts by illegal aliens (Kerr 1985; Schmalz 1985).

Greg Leo, INS director of Congressional and Public Affairs, "denounced the Mayor's actions as 'unpatriotic' and 'troubling'" but quickly backed down as city officials pointed out that overwhelmed INS officials earlier in the year had asked the city to scale back its reporting and assistance requests (Schmaltz 1985). A GAO study on the situation in New York commissioned by D'Amato in July 1985 and released in March 1986, confirmed that the INS was hobbled by a lack of personnel, procedures, and detention facilities necessary to address the numbers of deportable criminal aliens brought to the district office's attention (US GAO 1986, 9-11). By July 30, 1986 the *New York Times* was reporting that the INS had become so backlogged and unresponsive that "law enforcement agencies have given up pressing for the deportation of most aliens arrested for selling drugs in New York City" (Kerr 1986b).

The same day as the *Times* story, INS Western Regional Commissioner Harold Ezell held a press conference in Los Angeles to announce the creation of a new deportation task force and plans to expand cooperation with officials in California's state, county and municipal jails addressing the issue of incarcerated illegal aliens (Ramos 1986; see also McDonnell 1986). Yet less than a month later, the San Diego police department responded to pressure from local community groups and the ACLU and rescinded the practice of identifying "undocumented persons" in the arrest process and announced its intent to review policies of cooperating with INS officials in immigration enforcement (Davis 1986a; Davis 1986b; Hill 1986).[36] Ezell and local INS officials criticized the San Diego steps as facilitating the "invasion" by "marauding bands of illegal aliens," and enhancing "a crime problem involving a small but growing problem of illegal aliens" (Davis 1986c).

Drugs and deportation converged in congressional deliberations in the fall. On September 11 deliberations began on floor amendments to the House omnibus drug bill. Two amendments linking immigration, drugs, and deportation attracted particular attention. In the first, Charles Bennett (D-FL) called for all illegal aliens incarcerated in State and local facilities for deportable offenses, including those "involving controlled substances," to be transfer to the Federal penal system. Supported by other members of the Florida delegation, Bennett justified the amendment as necessary to address the burden imposed by "Cuban illegal aliens who came here during the Mariel boat lift in 1980 and subsequently committed crimes."[37] Bill McCollum (R-FL), relatively silent on criminality issues during the immigration subcommittee hearings, expanded the threat beyond the Marielitos noting the challenge in Central Florida posed by the "number of dealers who are illegal, illegally here, who are dealing in crack…they get convicted, they sit in our jails, they await appeals and so forth, and the Immigration and Naturalization Service will not do anything about that."[38]

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[36] The practice entailed a check off box on the police arrest form. Controversy stemmed in part to determinations of legal status being based on the arresting officer's discretion rather than "proof of residency or citizenship status" (Davis 1986b; Hill 1986 quote). Other communities along the Mexican border, including "Anaheim, Santa Ana, San Jose, San Antonio, and Phoenix" had already halted the practice of "detaining illegal aliens for the Border Patrol" (Davis 1986a).

[37] Congressional Record House—September 11, 1986, 22976-22979.

[38] Congressional Record –House, September 11, 1986, 22977.

Robert Kastenmeier (D-WI) and Neal Edward Smith (D-IA) spoke in opposition to the amendment stressing the adverse impact such as step would have on the already overburdened federal prison system, while Mazzoli urged his colleagues to support the provisions for federal reimbursement under consideration in the immigration reform bill.[39] McCollum's arguments about the threats posed by illegal alien drug dealers were ignored. Kastenmeier criticized Bennett for introducing a bill that had little to do with drug offenders and that sought to "dump… 10,000 to 20,000 persons" convicted "of State laws into the Federal system." [40] The amendment was narrowly defeated by eight votes.

The second, introduced by Lawrence Smith (D-FL), on behalf of bill's author Gary Ackerman (D-NY), was more successful. Ackerman called for "prompt" INS responses to local inquiries regarding the immigration status of those arrested for drug-related violations and in the issuance and processing of detention orders. In cases where detention was warranted, the amendment required that the Attorney General act "effectively and expeditiously" to take into custody those aliens not otherwise detained. The amendment further called on INS to establish pilot programs in four cities and to expand computer resources and expand investigative personnel.[41]

Ackerman's supporting arguments for the bill explicitly linked illegal immigration and drug trafficking noting that "often those dealing drugs have entered this country illegally and show absolutely no fear of United States law" due to the "incapability" of the INS in "meeting the challenge." William J. Hughes (D-NY) added his support urging his colleagues to "take a look" at an INS report estimating that "50 to 80 percent of those arrested for selling crack [in Southern California] are believed to be illegal aliens.[42] Again, supporters of expansive immigration reform ignored the argument. Instead, both Mazzoli and Lungren questioned the absence of discretion for the Attorney General and extent to which the INS, already lacking in resources, would be able to take on the "additional responsibilities." Smith ignored the former and pointed to the provisions for a pilot program. The amendment passed by voice vote with its original wording intact.[43]

Arguments linking illegal immigration and drug crime had not surfaced during the immigration subcommittee hearings. The national moral panic over drugs and the success of amendments based on this linkage in the omnibus drug bill deliberations opened the door. On October 9, Kenneth H 'Buddy' MacKay (D-FL) offered an amendment calling for a new title with three sections to be added to H.R. 3810 emphasizing "Federal Responsibility for Deportable and Excludable Aliens Convicted of Crimes." The proposed first section required the Attorney General to begin deportation hearings for aliens convicted of deportable offenses as "expeditiously as possible after the date of conviction." The second refined the Bennett amendment and called for aliens convicted of deportable offenses involving controlled substances and incarcerated in State and local

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[39] Congressional Record –House, September 11, 1986, 22977-22978.
[40] Congressional Record –House, September 11, 1986, 22977.
[41] Congressional Record—House, September 11, 1986, 22980-22981.
[42] The report submitted to the Senate Appropriations Committee was based on a survey of "southern California law enforcement agencies." Congressional Record—House, September 11, 1986, 22981.
[43] Congressional Record—House, September 11, 1986, 22981-22982.

penal facilities to be transferred to Federal facilities. The third required the Secretary of Defense in cooperation with the Attorney General to list available facilities that could be used for incarceration for excludable and deportable aliens.[44] Such steps were necessary, MacKay argued, to force the INS to change its priorities and to address systems in California, Florida, New York, and Texas so burdened by arrests and incarcerations of illegal aliens for drug crimes that these aliens "are being released." [45]

MacKay's amendment was well received, with statements of support from familiar names including Smith and McCollum. Lungren also commended MacKay, but noted that if the measure passed he would work in conference to remove the transfer provisions. Though he saw these as laudable, the issue as in the floor debate over Bennett's bill was "room." "If you push these people in the Federal system," Lungren argued, "we are not going to have enough room" for "those people ["major drug dealers'] we voted to go into the Federal prison system on the drug bill, for mandatory sentences."[46] Noting the Reagan administration's likely opposition to the transfer provisions, and appealing to the desire of MacKay and others to "not want to kill an immigration bill," Lungren urged MacKay to be satisfied with what would likely be the acceptance, after conference, of two-thirds of his amendment.[47] Although the full amendment was passed by voice vote,[48] the transfer provisions never made it into IRCA. The language on expeditious deportation appearing in IRCA's Section 701 would prove to be much more important.

The Path to Change?

Although clearly much has changed since the 1965 and 1986 immigration reforms, the efforts of the Obama administration to define its stance on immigration policy and build support for comprehensive reform have tapped into familiar themes. Obama and Napolitano have stressed the administration's emphasis on securing borders and prioritizing criminal prosecutions against employers who knowingly hire illegal workers, rather than large-scale raids targeting the workers themselves (e.g., Hsu 2009a; McKinley 2009; Preston 2009; Thompson 2009). As the president stated at a April 29 press conference, "If the American people don't feel like you can secure the borders, then it's hard to strike a deal that would get people out of the shadows and on a pathway to citizenship who are already here" (Hsu 2009a). Large-scale raids "simply rack up bigger arrest numbers," Napolitano argued in a May press briefing, while going after the people "making money off of the hiring of illegal immigrants" addresses the "'pull factor'" of labor demand (Sasseen 2009).[49] Underground or in the shadows, amnesty or pathway to citizenship, employer sanctions or criminal prosecutions, when placed side by side the IRCA and 2009 deliberations reveals parallels in rhetoric and paths to reform.

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[44] Congressional Record—House, October 9, 1986, 30068. See also, Juffras (1991, 47); McDonald (1998, 267-268).
[45] Congressional Record—House, October 9, 1986, 30069.
[46] Congressional Record—House, October 9, 1986, 30069.
[47] Congressional Record—House, October 9, 1986, 30069.
[48] Congressional Record—House, October 9, 1986, 30070.
[49] By August DHS had expanded required participation by employers in the E-Verify program and was conducting audits of the hiring documents of 600 businesses (Preston 2009).

Similar to proponents of expansion in past deliberations over comprehensive immigration reform, the Obama administration also appears to be reframing immigrant criminality. The DHS under Napolitano has adopted initiatives refocusing Immigration and Customs Enforcement (ICE) programs on illegal immigrants that commit violent crimes and major drug offenses rather than on those who commit immigration and minor non-immigration offenses.[50] For example, DHS has expanded and refocused the Bush administration's Secure Communities Program of immigration status checks in local jails. In responding to the results of these checks, ICE is prioritizing the identification and deportation of dangerous criminal offenders (Change 2009; Reddy 2009). Changes also have taken place in the controversial 287g program of training and funding local law enforcement agencies (LEA) to play a role in immigration law enforcement. In addition to expanding the program, ICE is working to bring the activities of local partners in line with addressing the priorities of "major drug offenses and/or violent offenses" (GAO 2009; Hsu 2009b; Riley 2009, 10).[51]

These administration steps distinguish serious criminal offenders from the broader underground population of illegal immigrants. Changes to the 287g program also have been touted in terms of addressing the vulnerability of this population in that fears of deportation had prevented illegal immigrants from coming forward to the police placing them at further risk of criminal predation. If the past is any guide, as new reform proposals are introduced in late 2009 and early 2010 proponents of expansive reform will engage in preemptive steps noting that criminal aliens subject to exclusion and deportation under immigration law will not be eligible for the path to citizenship.

The Obama administration's approach has angered proponents of restrictive and expansive reform alike. Yet as suggested by the 1965 and 1986 cases, reframing immigrant criminality in such a manner has the potential to facilitate comprehensive reform.

[50] http://www.ice.gov/secure_communities/, http://www.ice.gov/oslc/iceaccess.htm,

[51] As noted by William Riley, Acting Executive Director, ICE Office of State and Local Coordination, second tier priorities included minor drug offenses and/or mainly property offenses, and a third tier of other offenses (Riley 2009, 10).

References

Anderson, J.W. 1964. Crime Rises and U.S. Changes. *Los Angeles Times*, July 26.

Barber, Mary. 1976. Illegal Aliens Problem Clouded by Legal, Moral Maze. *Los Angeles Times*, October 28.

Becklund, Laurie. 1985. Federal Officials Condemn L.A. Sanctuary Plan. *Los Angeles Times*, November 27.

Bertram, Eva, Morris Blachman, Kenneth Sharpe, Peter Andreas. 1996. *Drug War Politics: The Price of Denial*. Berkeley and Los Angeles: University of California Press.

Calavita, Kitty. 1992. *Inside the State: The Bracero Program, Immigration, and the I.N.S.*. New York and London: Routledge.

Castro, Mike. 1975 Priests Lead Protests Over Alien Raids. Los Angeles Times, July 3.

Change or Continuity. 2009. *The Washington Post*, May 20.

Chapman, William. 1973. "Mexican 'Illegals' Now Seek U.S. Cities." *The Washington Post*, December 9.

Davis, Townsend. 1986a. S.D. Police Will Not Detain Suspected Illegal Immigrants. *Los Angeles Times*, August 23.

Davis, Townsend. 1986b. Police to Stop Questioning Suspects About Citizenship. *Los Angeles Times*, August 15.

Davis, Townsend. 1986c. Border Patrol Irked by Police, Transit Policy on Aliens. *Los Angeles Times*, August 16.

Del Olmo, Frank. 1974b Chicanos Criticize Saxbe on Alien Deportation Proposal. *Los Angeles Times*, November 8.

Del Olmo, Frank. 1974c Ford's Top Chicano Aide Raps Saxbe. *Los Angeles Times*, November 17.

Del Olmo, Frank. 1974d. Chicanos Activists Ask Ford to Seek Saxbe's Resignation. *Los Angeles Times*, November 18.

Del Olmo, Frank. 1974e. Suit Asks Curb on Questioning of Suspected Illegal Aliens. *Los Angeles Times*, June 21.

Del Olmo, Frank. 1977. U.S. Border patrol Will Be Beefed Up. *Los Angeles Times*, May 20.

Freilich, Joshua D., and Rob T, Guerette. 2006. Freilich, Joshua D. and Rob T. Guerette, eds. *Migration, Culture Conflict, Crime and Terrorism.* Aldershot, Burlington: Ashgate.

Freilich, Joshua D., and Graeme R. Newman. 2007. *Crime and Immigration*. Aldershot, Hampshire, England: Ashgate.

GAO. 1986. *Criminal Aliens: INS' Investigative Efforts in the New York City Area*. General Accounting Office, March.

GAO, 2009. *Immigration Enforcement: better Controls Needed over Program Authorizing State and Local Enforcement of Immigration Laws*. General Accountability Office, January.

Geremia, Ramon. 1964. Suburban Crime Rate Grows Faster Than Cities, FBI Says. *The Washington Post*, December 1.

Gimpel, James G., and James R. Edwards, Jr. 1999. *The Congressional Politics of Immigration Reform*. Boston and London: Allyn and Bacon.

Harris, Louis. 1965. The Harris Survey: U.S. Public is Strongly Opposed to Easing of Immigration Laws. *Washington Post*, May 31. Reprinted in US Congress (1965c, 666-668).

Hazlett, Bill. 1977. 'Good Guys' Losing Border Crime War, Young Says. Los Angeles Times, April 23.

Hill, Martin. 1986. The INS and Illegal Aliens: an Old Distorted Story. Los Angeles Times, October 19.

Hollifield, James. F. 2007. The Politics of International Migration: How Can We "Bring the State Back In"? In *Migration Theory: Talking Across the Disciplines*, ed. Caroline B. Brettell and James F. Hollifield, New York and London: Routledge.

Hsu, Spencer S. 2009a. Little New in Obama's Immigration Policy. *The Washington Post*, May 20.

Hsu, Spencer. 2009b. DHS Reshapes Its Immigration Enforcement Program. *The Washington Post*, October 16.

Juffras, Jason. 1991. IRCA and the Enforcement Mission of the Immigration and Naturalization Service. In *The Paper Curtain: Employer Sanctions' Implementation, Impact, and Reform*, ed. Michael Fix, 33-63. Santa Monica, CA and Washington DC: Rand Corporation and the Urban Institute Press.

Johnson, Lyndon B. 1964. State of the Union Address, January 8, http://www.americanrhetoric.com/speeches/lbj1964stateoftheunion.htm, accessed April 22, 2009.

Jones, Jack. 1976. Illegal Aliens Become Easy Prey for Thugs at U.S. Border. Los Angeles Times, March 15.

Kanstroom, Daniel. 2007. *Deportation Nation: Outsiders in American History*. Cambridge: Harvard University Press.

Kendall, John. 1977a. Illegal Aliens Called 'Runaway Problem' for U.S. Los Angeles Times, February 16.

Kendall, John. 1977b. U.S. Prodded to Help on Illegal Alien Influx. Los Angeles Times, February 6.

Kerr, Peter. 1985. Koch Memo Directs City Workers Not to Report Illegal Aliens to U.S.. New York Times, October 18.
Kerr, Peter. 1986b. Moves to Deport Aliens for Drugs Are Not Pressed. *New York Times*, July 30.

LaFree, Gary. 1995. Race and Crime trends in the United States, 1946-1990. *In Ethnicity, Race, and Crime: Perspectives across Time and Place*, ed. Darnell Hawkins, 169-193. Albany: State University of New York Press.

Lardner, George Jr. 1964. LBJ Solidly Backs Crime War Here. *The Washington Post*, December 30.

LBJ Renews Pledge to Curb Crime. 1965. *Washington Post*, September 9.

Lindsay, Robert. 1985. Aid to Aliens Said to Spur Illegal Immigration. New York Times, December 23.

Major Crime Rose 10% in U.S. in 1963. 1964. *New York Times*, July 21.

Martinez, Ramiro, Jr., and Abel Valenzuela, Jr., eds. 2006. *Immigration and Crime: Race Ethnicity and Violence*. New York and London: New York University Press.

Mathews, Jay. 1986. Tough Talking INS Official Raises Profile, Ire in the West. The Washington Post, March 24.

Maxwell, Evan, 1974. Rules Are Changing in Hunt for Illegal Aliens. Los Angeles Times, August 18.

Maxwell, Evan 1976. Police Policy on Detaining Aliens OKd. Los Angeles Times, September 22.

McDonald, William F. 1998. Criminal Aliens: Crime Control, Immigration Control, or Political Control. In *Migration and Crime*, ed. Alex P. Schmid and Irene Melup, 261-271. Milano, Italy: ISPAC (International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program).

McDonnell, Patrick 1986. INS Effort to Include Interviews with Inmates. 1986. *Los Angeles Times*, August 1.

McKinley, James C. Jr. 2009. Napolitano Focuses on Immigration Enforcement. *The New York Times*, August 12.

Mears, Daniel P. 2001. The Immigration-Crime Nexus: Toward an Analytic Framework for Assessing and Guiding Theory, Research and Policy. *Sociological Perspectives*, 44, 1: 1-19.

Meyer, Lawrence. 1975. Aliens Hard to Count. *Washington Post*, February 2.

Mouat, Lucia. 1975. “”U.S. borders breached by tide of illegal aliens.” *Christian Science Monitor*, October 22.

Nevins, Joseph. 2002. *Operation Gatekeeper: The Rise of the ‘Illegal Alien and the Making of the U.S.-Mexican Boundary*. New York and London: Routledge.

Ngai, Mae M. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press.

Ostrow, Ronald. J. 1974a. Saxbe Calls Illegal Aliens a U.S. Crisis. *Los Angeles Times*, October 31.

Ostrow, Ronald. J. 1974b. Saxbe Reportedly Will Leave Cabinet. *Los Angeles Times*, December 12.

Ostrow, Ronald J. 1977. Cabinet Panel Rules Out Mass Roundup of Aliens. Los Angeles Times, April 6.

Preston, Julia. 2009, Firm Stance on Illegal Immigrants Remains Policy. *The New York Times*, August 4.

Ramos, George. 1986. INS Opens Drive to Deport Alien Inmates of U.S. Jails. *Los Angeles Times*, July 31.

Reddy, Sumanthi. 2009. Pick for Immigration Agency Chief Stresses being Humane. *Newsday*, May 29.

Reich, Kenneth. 1975. LAPD Doesn't Go After Illegal Aliens, Davis Says. *Los Angeles Times*, September 27.

Reimers, David M. 1992. *Still the Golden Door: The Third World Comes to America*. New York: Columbia University Press.

Riley, William F. 2009. Statement regarding a Hearing: "Examining 287(g)." Before the U.S. House of Representatives Committee on Homeland Security, March 4.

Russell, Judith. 2003. *Economics, Bureaucracy, and Race: How Keynesians Misguided the War on Poverty*. New York: Columbia University Press.

Sasseen, Jane. 2009. Immigration Enforcement Targets Employers. *Business Week*, May 19.

Schmalz, Jeffrey. 1985. Koch Faults U.S. Policy on Illegal Immigration. New York Times, October 19.

Serious Crime Up 10 Percent in 1963 Over 1962, FBI Reports. *Washington Post*, July 21.

Shannon, Elaine. 1991. *Desperados: Latin Drug Lords, U.S. Lawmen, and the Drug War America Can't Win.* New York: Signet.

Strout, Richard L. 1964. Goldwater Sharpens Assault on Administration. *Christian Science Monitor*, September 17.
Text of President's Message on law Enforcement and Administration of Justice. 1965. *The New York Times*, March 9.

Thompson, Ginger. 2009. Immigration Agents to Turn Focus to Employers. *The New York Times*, April 30.

Tichenor, Daniel J. 2002. *Dividing Lines: The Politics of Immigration Control in America*. Princeton, NJ: Princeton University Press.

Tonry, Michael, ed. 1997. *Ethnicity, Crime and Immigration: Comparative and Cross-National Perspectives*. Chicago and London: University of Chicago Press, 1997.

United States, Domestic Council. 1976. Preliminary Report Domestic Council Committee on Illegal Aliens. Washington DC: The Committee.

US Congress, House. 1964. *Immigration*. Hearings before the Subcommittee No. 1. of the Committee on the Judiciary House of Representatives, 88th Congress, Second Session on H.R. 7700 and 55 Identical bills To Amend the Immigration and Nationality Act and for Other Purposes. Washington, DC: Government Printing Office.

US Congress, House. 1965a. *Immigration*. Hearings before the Subcommittee No. 1. of the Committee on the Judiciary House of Representatives, 89th Congress, First Session on H.R. 2580 To Amend the Immigration and Nationality Act and for Other Purposes. Washington, DC: Government Printing Office.

US Congress, Senate. 1965b. *Immigration*. Hearings before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary, 89th Congress, First Session on S. 500 To Amend the Immigration and Nationality Act, and for Other Purposes, Part 1. Washington, DC: Government Printing Office.

US Congress, Senate. 1965c. *Immigration*. Hearings before the Subcommittee on Immigration and Naturalization of the Committee on the Judiciary, 89th Congress, First Session on S. 500 To Amend the Immigration and Nationality Act, and for Other Purposes, Part 2. Washington, DC: Government Printing Office.

US Congress, House. 1971. *Illegal Aliens*, Hearings before Subcommittee No. 1 of the Committee on the Judiciary, 92nd Congress, First Session on Illegal Aliens. Washington DC: Government Printing Office.

US Congress, House. 1975. *Illegal Aliens*, Hearings before the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary, 94th Congress, First Session on H.R. 982 and Related Bills Illegal Aliens. Washington DC: Government Printing Office.

US Congress, House and Senate. 1981. *Final Report of the Select Commission on Immigration and Refugee Policy*, Joint Hearings before the Subcommittee on Immigration and Refugee Policy of the Senate Committee on the Judiciary and Subcommittee on Immigration, Refugees and International Law of the House Committee on the Judiciary, 97th Congress, First Session on the Final Report of the Select Commission on Immigration and Refugee Policy. Washington, DC: U.S. Government Printing Office.

US Congress, Senate. 1985a. *Immigration Reform and Control Act of 1985*, Hearings before the Subcommittee on Immigration and Refugee Policy of the Committee on the Judiciary, Senate, 99th Congress, First session, on S. 1200, June 17, 18, and 24. Washington DC: US Government Printing Office.

US Congress, Senate. 1985b. *Immigration Reform and Control Act of 1985*, Report together with Minority Views of the Committee on the Judiciary United States Senate on S. 1200, as amended. Washington, DC: US Government Printing Office.

US Congress, House. 1985c. *Immigration Control and Legalization Amendments*, Hearings before the Subcommittee on Immigration, Refugees, and International Law of the Committee of the Judiciary House of Representatives, 99th Congress, First Session, on H.R. 3080 Immigration Control and Legalization Amendments, September 9 and 11, 1985. Washington, DC: US Government Printing Office.

US Congress, House. 1986. Immigration Control and Legalization Amendments Act of 1986, Report Together with Additional and Dissenting Views, July 16.

United States, IRCA. 1986. Immigration Control and Control Act of 1986, https://www.oig.lsc.gov/legis/irca86.htm, accessed July 21, 2009.

United States, Select Commission on Immigration and Refugee Policy. 1981. *U.S. Immigration Policy and the National Interest*, The Final Report and Recommendation of the Select Commission on Immigration and Refugee Policy with Supplemental Views by Commissioners, March 1.

Wong, Carolyn. 2006. *Lobbying for Inclusion: Rights Politics and the Making of Immigration Policy*. Palo Alto, CA: Stanford University Press.