This single case study of the Comprehensive Immigration Reform Act of 2007 explores the relationship between policy outcomes and client politics. Immigration policy in the U.S. has been at times both expansive and restrictive. Since the 1980s, immigration policy has been notably expansive; the passage of the 1986 Immigration Control and Reform Act and the 1990 Legal Immigration Act granted amnesty and strengthened family reunification measures resulting in an increase in immigrant population (Joppke, 1999: 38). After 9-11, the United States outlook on immigration policies has shifted and restrictive policy has been the result. Does this policy shift represent the direction of future immigration policy? If America is a “nation of immigrants,” why does U.S. immigration policy send conflicting messages? What is the motivation behind such policy and what does that say about America as a “nation of immigrants”? More relevant to this paper, what motivations and interests fuel the direction of immigration policy in the recent political environment?

Political scientists have developed models in order to explain these major policy shifts, some have suggested that expansive or inclusive policy is a result of ‘client politics.’ This phenomenon occurs when policy makers work with interested groups and members to develop policy, largely ignoring the voice of the public (Zolberg, 2006: 21). Restrictive or exclusive policy is largely attributed to shifts in public opinion during times of economic crisis or war (Ong Hing, 2004). During these periods, public opinion becomes more relevant to lawmakers during the legislative decision process resulting in restrictive policy. This approach assumes public opinion will be anti-immigrant and thus in favor of maintaining the status quo. This case study will focus on testing the aforementioned
theories. Namely, is ‘client politics’ a necessary ingredient for comprehensive immigration reform?

This paper ultimately concludes that while interest or client group participation did occur during the negotiations of the 2007 Comprehensive Immigration Reform package it was not enough to sustain a winning coalition of interest needed in order to secure passage. Instead the presence of the public however indirectly seemed to weigh heavily on the minds and actions of lawmakers, a conclusion that is not an entirely a stunning revelation when you consider the political environment at the time- ripe with anticipation over the upcoming 2008 Presidential elections. In fact opponents of the bill seemed leery of ‘client politics’ that resulted in the expansive IRCA of the 1980s. Instead national security framed this debate on immigration reform. Suggesting that the influence of ‘client politics’ is not always enough to push lawmakers past partisanship and secure policy outcome.

I am primarily concerned with questions of timing and process. I chose this case study specifically for those reasons. Comprehensive reform efforts gained wide public support in 2006 after a series of rallies and demonstrations put the issue on the agenda. President Bush addressed the nation in March of 2006 indicating that the time had come for immigration reform, “The issue of immigration stirs intense emotions -- and in recent weeks, Americans have seen those emotions on display. On the streets of major cities, crowds have rallied in support of those in our country illegally. At our southern border, others have organized to stop illegal immigrants from coming in. Across the country, Americans are trying to reconcile these contrasting images. And in Washington, the debate over immigration reform has reached a time of decision” (Bush U.S. a lawful society and a welcoming society 2006). So then why amidst a new Democratically controlled Congress and Presidential support did the Comprehensive Immigration Reform Act of 2007 fail? What outside factors influenced the policy makers’ decision making process? How do these factors contribute to policy development?

This case study is divided into three sections: a review of the theoretical literature, “setting the scene” a discussion and analysis of
political party positions that framed the debate, and finally the “legislative debate” a procedure account of comprehensive immigration reform during the 110th Congressional session.

Immigration Policy in the United States
In *Immigration and the Nation State*, Christian Joppke (1999) examines recent decades of US immigration policy and their implications on state sovereignty. Joppke’s analysis is helpful in understanding the nature of policy formation in the United States. According to Joppke, “client politics” has dominated the last two decades of immigration politics in the United States (Joppke, 1999: 38). Client politics allows policy formulation to primarily be driven by the interest of power coalitions, largely without the influence of the public. Political actors choose to take immigration policy off the political agenda to protect specialized interests and pacify the public. Client politics are largely associated with expansionist policies that benefit particular interests such as labor (Joppke, 1999: 18). Joppke’s discussion of the 1990s Legal Immigration Act provides a compelling illustration of client politics at work; pitting groups of European immigrants against Hispanic and Asian groups on opposite sides of the family reunification verses the skilled labor debate.

This debate produced so much tension and division that to secure passage members were required to design expansive policy to meet the interests of all. Joppke quotes one insider, “we avoided choices by expanding the pie” (Joppke, 1999: 39). Essentially crafting expansive immigration policy built on guest worker and family reunification provisions which pleased labor and minority advocacy groups. Virtually unnoticed by the public, this piece of legislation would increase immigration to unprecedented rates in the ensuing decades by establishing family reunification policies and labor initiatives (Joppke, 1999: 38). However, the failure of IRCA to secure and control the southern border also resulted in increasing levels of undocumented migration. Which two decades later would remain fresh in legislators’ minds and serve to cause a huge obstacle to providing any future “path to citizenship” provision. Clearly, lawmakers viewed the true culprit in the impending immigration
debacle the IRCA and as a result, on the chopping block was its methods, including ‘client politics.’

Client politics suggests that immigration policy is largely unaffected by national interest or public opinion. One can assume that if the model of client politics is firmly rooted in immigration policy formation then public opinion has no bearing on policy. The goal of this paper is to test that conclusion. To determine whether or not “client politics” fuels immigration policy this case study will analyze the events surrounding the failed immigration reform effort of 2007, paying particular attention to lawmakers’ motivations and their relationships with constituents as determined through political discourse. To accurately gauge the effect of client politics it important to understand the political environment surrounding the debate, as well as the legislative battle.

Setting the Scene: the Promise of 2007 Comprehensive Immigration Reform
The immigration question transcends the basic border issue of who can live where and spills into almost all spheres of American political life. Immigration challenges American social mores and plays an important role in the American economy; immigration policy defines the relationship between the two. And, while immigration policy is not the “hottest” topic discussed in Washington it certainly is a tricky one, rife with special interest, economic consequences, and a very human face. Essentially immigration policy defines who is American and who is not (Ong Hing, 2004). There are 3 billion Americans living in the United States (U.S. Census Bureau, 2006). 10.3 million Naturalized citizens live, work, and enjoy the liberty that America provides. 10.5 million people live in the United States legally as documented permanent residents and still roughly 9.3 million people live undocumented (Urban Institute, 2002). It is the purpose of this research to get to the heart of the decision making process surrounding the policy that will affect so many individual lives. In order to do so we must turn to the discourse surrounding Comprehensive Immigration Reform in 2007.
As the 110th legislative session began, the issue of immigration loomed over both chambers of Congress. The President had high hopes of passing a comprehensive immigration package before leaving office and had publicly promised to work with Democrats to pass an immigration bill that would provide a guest worker provision as well as path to citizenship provision (Nather, 2007: 636). In hindsight, Bush’s proposed provisions seem remarkably similar to previous provisions included in the IRCA. During the 109th Congress, Bush had supported a bipartisan immigration bill out of the Senate but failed to secure enough Republican support for the measure, resulting instead in the passage of the Border Security bill. This version focused solely on border enforcement and security and did not include the president’s provisions. (Sandler, 2007: 65). In light of this legislative defeat, President Bush saw the newly Democratic Congress as an opportunity to advance his version of immigration reform after frustrating and ultimately unsuccessful bargaining efforts within his own party had left him unsuccessful. So then, why amidst a new Democratically controlled Congress and presidential support did the Comprehensive Immigration Reform Act of 2007 fail? It is first important to understand the political environment surrounding policy makers during the 110th Congressional session.

To fully understand the motivations behind the administration’s position on immigration it is necessary to recount the previous debate over the 2006 Border Security measure. In 2006, the House and Senate were deadlocked over immigration both chambers advanced contrasting versions of reform (H 4437, S 2611). The House version focused exclusively on border security, it authorized the additional construction of about 700 miles of fencing along the U.S. – Mexican border. The Senate version, in contrast, was the more comprehensive of the two and called for a guest worker program and a path to citizenship for millions of undocumented people currently living in the United States. The Bush Administration favored the Senate version but was unable to garner the needed support from the Republican Party. House
Republicans dismissed the bill largely due to the broad provisions that were perceived as too lenient to undocumented migrants (Sandler, 2007: 65). Rather than go to conference during the summer of 2006 House GOP leaders instead hosted a series of field hearings across the nation in an effort to deride the Senate version, labeling it not as the President’s version but as the work of Democrats (Sandler, 2007). These field hearings generated enough political capital to sway Senate Republican, who had voted for the comprehensive package in the Senate to “demonstrate that they were serious about border security” (Sandler, 2007). Essentially, “strong arming” them to forgo comprise and securing their support for the House Republican version.

These hearings received plenty of national news coverage and served as a way for lawmakers to frame and communicate with the public on the immigration issue. One hearing in particular took place in San Diego, where Representative Ed Royce (R-CA) led a hearing in a Border Patrol Station featuring federal agents and local sheriffs (Preston, 2006). During the hearing Royce warned the crowd that the United States was “losing ground” on border and immigration control (Preston, 2006). The keynote speaker for the event was a San Diego Border Patrol chief who further commented that his agents continue to be “swamped by illegal immigrants” (Preston, 2006). These exchanges indicate an effort on behalf of Republican lawmakers to frame the immigration issue in the context of national security which criminalizes immigrants and certainly speaks to a large percentage of Americans.

Republicans Senator Arlen Specter from Pennsylvania who supported the 2006 bi-partisan Senate draft commented “that the Senate could not sit by ‘like a potted plant’ while the House held hearings across the country” (Preston, 2006). In a Senate Judiciary Committee chaired by Specter in July 2006 local business and local politicians called attention to what they describe as a “critical labor shortage” and a need to recruit immigrant labor (Preston, 2006). Mayor Michael Bloomberg of New York, the Pennsylvania Tourism and Lodging Association, and Mayor Louis Barletta of Hazelton PA, are among a few special interest groups that testified in support of
the 2006 bi-partisan legislation (Preston, 2006). This effort to create public awareness was felt in the 2007 debate on immigration reform. The extent of that awareness has yet to be seen in 2007; however, in 2006 members did not hesitant to drop the bi-partisan draft and response to national security instead.

In the politically charged mid-term election season lawmakers were desperate to demonstrate a commitment to national security, so much so, that in September 2006 when Majority Leader Bill Frist (R-Tenn) introduced the House’s version of the border security bill to the Senate, Republicans were able to secure enough votes for passage. The measure passed 80-19. According to CQ Weekly, President Bush had “met privately at the Capitol with House Republicans to say he would sign the fence bill but still wanted a “comprehensive” solution similar to what the Senate passed” (“Senate immigration key vote”: 69). However, on October 26, 2006 President Bush signed into law the Secure Fence Act. Only part of the President’s proposed immigration reform, the Secure Fence Act called for fencing along the southern borders of California and Texas. At the signing the President spoke on the bill: “Ours is a nation of immigrants. We’re also a nation of law. Illegal immigration has been on the rise. We have a responsibility to address these challenges. We have a responsibility to enforce our laws. We have a responsibility to secure our borders” (White House, 2006). In this public address Bush makes it clear border security remained the primary issue in 2006. He also demonstrates a high level of party loyalty despite losing out to members of his own party.

Comprehensive immigration did not come up again during the final days of the 109th Congress. Clearly, in this round of bargaining the President was unable to navigate the political environment in his favor. This somewhat ugly ending for immigration reform and subsequent overturn of Republican power in Congress left advocates and President Bush alike optimistic about the future reform in the newly Democratic controlled Congress. CQ Weekly speculated that, “immigration was supposed to be one of the best chances President Bush had of striking a deal with the new
Democratic majority” (Nather, 2007: 636). In 2007, the President would again seek comprehensive immigration reform.

As early as March of 2007, immigration was proving to be a prickly issue for the political leadership of both parties. Speculation over whether or not the President could garner enough support in Congress to pass “comprehensive” immigration reform dominated the political environment during the spring of 2007. At the center of this debate was defining what exactly “comprehensive” immigration reform would look like. This debate split across party lines and presented huge problems for Congressional leadership and the President alike. President Bush wanted to see a measure that would strengthen border security while at the same time allow for a guest worker program and a “path to citizenship provision” (Crawford, 2007: 1138), provisions which many lawmakers of both parties were not willing to entertain but that were expected to gain support from Democratic leadership.

In many ways Bush saw immigration reform as an avenue to work successfully with the new Democratic majority and secure a positive domestic policy legacy. Immigration reform represented the one measure that the Bush White House sought to negotiate with Democratic leaders, a stark contrast to the politics surround the debate over the War with Iraq. One article described the relationship, “debating the nation’s immigration laws presents an opportunity for common ground of historic import between Bush and Capitol Hill’s Democratic powers. They mostly agree on a desire to ease citizenship requirements for people now in the United States illegally—unlike the fierce divide between the president and many in his own part” (Crawford, 2007: 1138). However optimistic Bush was over immigration reform in March 2007, it soon became clear that there was still a long road ahead before any type of immigration overhaul could be completed.

**Congress**

Congressional leadership in both chambers and of both parties remained reluctant to take up this “hot bed” issue. Leadership, aware of the inter-party divisions immigration overhaul was likely to create,
“tip-toed” around the issue at the start of the 110th congressional session. In fact, immigration reform was not included on newly elected Speaker of the House Nancy Pelosi’s “first 100 hour” agenda, instead issues that could easily garner majority support were strategically included (Nather, 2007: 636). Perhaps the absence of immigration reform during the first 100 hours was recognition of the long hard road ahead. It certainly suggests that Pelosi understood the upcoming immigration debate as a complex and divisive issue. In fact Pelosi adopted a cautious stance towards any potential immigration bill she was quoted, commenting, “This bill [immigration reform] is going to have to pass the Senate with bipartisan support, and then we'll see. [...] One step at a time” (quoted in Nather, 2007: 636).

Despite pressure from the White House and a previous commitment between House Democrats and Bush in which they agreed to work together on immigration reform, during the spring of 2007 it did not look like Pelosi had any intent of initiating the immigration conversation (Nather, 2007: 636). Instead Pelosi, in an apparently deliberate effort, kept immigration overhaul out of the House until the Senate had ample opportunity to take up the issue and work out a bipartisan solution. She feared splitting and subsequently losing control of her recent majority, understanding that some Democrats would be forced to break from leadership when voting on immigration. Senate Majority Leader Harry Reid would also have to face this battle in the Senate and unlike Pelosi his battle would come sooner rather than later.

While division served as an early obstacle for Democrats, Republicans too were gearing up opposition forces. Politically speaking, the Bush Administration represented the less conservative perspective on immigration reform and was largely supported in Congress by Republican Senator John McCain of Arizona and Representative Jeff Flake, also of Arizona. However, the small contingent of Republican lawmakers in support of the guest worker provisions with a path to citizenship shrinks in comparison to the more conservative opposition forces. One such force was the new chairman of the GOP conference in the Senate, Jon Kly from
Arizona. A conservative Republican, Kly’s new position came with new responsibilities and in the first couple months of 2007 Kly made several national media appearances in attempt to craft a political agenda described as further right than Bush (Stern, 2007: 591). As Stern describes, “If there’s a roster of Republicans wanting to move the party to the center in advance of the next election, Kly’s not on it. On the few high-profile issues on which he had deserted the White House- most publicly immigration” (Stern, 2007: 591). Kly and his colleagues certainly would serve as a formidable obstacle in getting any comprehensive policy passed.

The opposition to the proposed immigration reform was largely comprised of members hesitant to support any immigration language that resembles the “amnesty” programs of the 1980s. For instance, freshman Representative Jason Altmire a Democrat from Pennsylvania commented on potential immigration reform packages expected out of the Senate in 2007, “I definitely would not support any bill that has amnesty-type provisions under any name” (Nather, 2007: 636). Altmire represents a district that Bush had carried with 54 percent of the vote in 2004 (Nather, 2007). In 2007, Altmire had recently defeated Republican incumbent Melissa A Hart and was not willing to jeopardize his electoral chances in future elections. Other Republican lawmakers, often freshman, echoed Altmire sentiment Rep. Heath Shuler of North Carolina commented, “People have to follow the laws and rules that are in place today” (Nather, 2007). Shuler represents a district that supported Bush in 2004 with 54 percent of the vote. Clearly, both Democrats and Republican leadership would face major obstacles in securing a workable, passable immigration overhaul. It seemed that a backlash against the amnesty provisions of IRCA was working against proponents of immigration reform in 2007.

To proceed, both the White House and Democratic leadership would need to draft an immigration package that could attract enough support so that both parties could afford to lose substantial votes but still secure passage. This type of legislative bargaining is described by Frank Sherry as “a negotiating model that neither side has tried in a long time-at least, not in both chambers-
and will require a ‘different set of muscles’ than either party has used in recent year’” (quoted in Nather, 2007: 636). Nather points out that, while rare, this type of legislative bargaining was implemented in 2001 resulting in the No Child Left Behind education law, which provided ample trade-offs that pleased both parties, enough to compensate for the small group of opposition lawmakers situated at either ends of the ideological spectrum (Nather, 2007: 637). However, immigration could prove to be a bigger challenge for lawmakers than the No Child Left Behind initiative. Complications for lawmakers included the array of business, labor and immigration-advocacy groups pushing for reform, often lobbying conflicting interests. One thing is certain, in the initial days of the 110th Congress lawmakers were gearing up to tackle immigration. Questions over how successful the reform effort would be; what role the President would play; and who would end up on top heightened the anticipation and set the scene for the debate on immigration.

The Legislative Debate

Introducing the Bill

The saga over comprehensive immigration reform 2007 originates and then ultimately dies in the Senate. In March 2007, buzz over the Senates’ expected immigration overhaul had taken over Capitol Hill. Would the Senate move quickly on immigration reform? Could the Senate pass a bi-partisan comprehensive bill that would please the House and President? Early indicators did not look promising.

Lead negotiators on the bill, Senators John McCain (R-AZ) and Edward Kennedy (D-Mass.) hit a speed bump as early as March 19, 2007. Disagreements between the two Senators over a new draft version of the comprehensive immigration reform slowed the process considerably (Sandler, 2007: 828). Kennedy intended to introduce a new version by the second week of March with hopes it would go through the Judiciary Committee and first round of mark ups before the spring recess (Sandler, 2007). That, however, did not happen. Speculation on the hill suggested that McCain and Kennedy hit a stalemate over the role of organized labor in the Kennedy camp. Sandler reported “Staff and lobbyist had heard reports that he
[McCain] was even considering taking his name off the draft. The source of this tension was said to be the amount of influence organized labor has with Kennedy’s staff” (Sandler, 2007: 828). Both Senators publically denied this claim. McCain commented, “Of course I have objections to some of the labor provisions that they want to put in, but that's all in this process of negotiation, […] I can’t say what the deal breakers are and what aren’t. All I can say is that I am satisfied with the process of negotiations” (quoted in Sandler, 2007: 828). Perhaps because, by March 19, 2007 the two Senators had yet to introduce a draft, in fact, the new draft was abandoned all together and the 2006 Senate bi-partisan draft resurfaced as the starting point of negotiation.

As highlighted earlier, the 2006 bi-partisan Senate legislation called for a guest worker program and a path to citizenship provision along with tougher border security provisions. This version was supported by the President but was not able to gain any traction in the House. And while in 2006 this version successful garnered bi-partisan support in the Senate there were no guarantees the 2007 legislative session would produce the same results. McCain and Kennedy appeared to have a long battle ahead. So what had changed between 2006 and 2007? The 2006 election brought a change of power to Congress. Democrats took control of House and Senate. But the 2008 election season was right around the corner and this time John McCain was running for President. Not to mention several others sitting Senators from both sides of the aisle: Hillary Clinton, Barack Obama, Jon Edwards, Chris Dodd, and, yes, even Joe Bidden were thinking ahead to the upcoming Presidential election. In this electorally charged environment would bi-partisan support for immigration reform be possible?

Even before the bill was introduced into the Senate opposition was mounting. Republicans were largely uncomfortable with the role and influence of labor interests supported by the Democrats. Sandler elaborates on one issue in particular, McCain appeared hesitant about pro-union protections that would apply the Davis–Bacon Act (PL 88–349) to guest workers essentially guaranteeing the prevailing wage for all workers foreign or American
(Sandler, 2007: 828). If this provision were to apply to guest workers the cost of the entire guest worker program as detailed in the draft version of the bill would be very expensive for employers, but would raise the wage for jobs that typically go to foreigners thus potentially opening the job market to unskilled American workers. As Sonia Ramirez, the immigration analyst for AFL-CIO explains “organized labor wants the bill to include prevailing wage language that ‘puts the onus on the employer to demonstrate that there is a labor shortage’” (quoted in Sandler, 2007: 829). In other words because the prevailing wage is usually higher than the average wage, employers would not be able to hired guest workers as a source of cheap labor in the guise of labor shortage. It essentially equals the playing field between guest workers and American workers. This skirmish over labor is just one of the many decisive issues facing lawmakers. Specifically the pro-union protections threatened to split the GOP turning some Republicans who had voted for the bill in 2006 to rethink their support.

However, by mid May the proposed bill had survived backroom negotiations and was introduced to the public May 17, 2007. Senator Kennedy surrounded by seven Republican senators, two Bush administration cabinet secretaries, and two Democrats held a press conference to announce the bipartisan senate bill (S 1348) (Sandler, 2007:1518). Even presidential candidate Sen. John McCain was present despite being largely absent in the final stages of negotiation (Sandler, 2007). Other Republicans supporting the bill included Jon Kly the Arizona Republican who was largely credited for making the deal possible. Kly commented that the 2007 version of the bill was “‘not perfect’ but that it represented the best opportunity to get something done this year” (quoted in Sandler, 2007:1519). Kennedy was quoted in the same article as he commented on the timing of the bill, “We must strike while the iron is hot […] I’ve been around here long enough to know that opportunities like this don’t come often” (Sandler, 2007). President Bush praised lawmakers in a statement “Convictions run deep on the matter of immigration […] but with this bipartisan agreement I am confident leaders in Washington can have a serious, civil and
conclusive debate so I can sign comprehensive reform into law this year” (quoted in Sandler, 2007:1519). It seems that both Democrats and Republicans alike understood how crucial timing was to this process, but perhaps with different motives.

This fervor over timing was escalated by Senate Majority Leader Harry Reid, who took credit for the bipartisan draft; he was quoted commenting that he looked “pretty smart” now for keeping pressure on Senate lawmakers (Sandler, 2007: 1519). According to reports Reid had set some pretty firm deadlines for negotiations. The bill was scheduled for a cloture vote on May 21, 2007 a mere couple of days after the draft was made public. Would bipartisan efforts be fruitful? Could the Senate supporters garner 60 votes? A successful vote would be the first on many obstacles, failure would likely “spell doom for immigration legislation in the 110th Congress” (ibid.). However, important the timing of the bill Democrats wasted no time lining up in opposition. Proving that a search for 60 votes would be hard pressed.

Among the most vocal Democrats in opposition were Robert C. Byrd of West Virginia, Robert Menendez of New Jersey, and Carl Levin of Michigan. Opposing for a diverse number of reasons including the legal status provisions viewed as amnesty, organized labor resistance, and minority group objections centered on fears over shifting from family reunification to a skill based admission policy. Sandler summarizes, “Democrats are generally concerned that the new system will shift the emphasis on future immigration away from family reunification and instead focus on employer needs through a point system that rewards prospective immigrants based on education, skill, and occupation” (Sandler, 2007: 1519). With the opposition lined up ready for a fight the Senate would proceed to consider immigration reform.

The Senate Bill
Preceding the introduction of the bi-partisan version negotiated between Kennedy and Kly, Reid had given the “okay” to reintroduce the 2006 version of immigration reform as a place holder for the new bipartisan immigration package he expected his colleagues to
produce. The older version was introduced on May 11th, opening comments made by the bill sponsor, Senator Reid himself, helped to establish intent “Let me be as clear as I can: By moving this bill, I am trying to make sure negotiations continue. There has been ample time for negotiations to bear fruit. The purpose of this legislation is to move forward on comprehensive immigration reform” (Thomas CR: 6007-6008). So by the time the new bi-partisan solution was produced both sides were ready to hear the bill and work on a solution.

On May 21, 2007 the comprehensive package successfully overcame its first obstacle. The Senate invoked cloture on a motion to proceed to the bill which passed 69-23 (Sandler, 2007: 1604). This allowed an extra week for amendments and would ensure that the new package would get a “fair shake” in the Senate. It also gave, as Michael Sandler from CQ Weekly observed, “interest groups and constituents more time to vent at their lawmakers” (Sandler, 2007: 1604). Crafters of the policy package took this motion as a signal of success and seemed confident, despite opposition pressure and the promise of a flurry of amendments expected to come from both directions (Sandler, 2007). Cosponsor and Arizona Republican Jon Kyl spoke about the backlash, “Yes, I have learned some new words from some of my constituents […] But I do think, as we have been able to explain the bill and to answer some of the questions and dispel some of the myths the people have begun to realize that the bill is not quite as bad as those who said it was before they have read it” (quoted in Sandler, 2007: 1604). While this suggests Kly was not directly influenced by his constituents it is an acknowledgement of perceived constituent interest. Ultimately, Kly a loyal supporter of the bill would be instrumental in its defeat.

Before moving to a discussion of the amendment process it is important to understand the provisions offered in the new bill, keeping in mind that these provisions occurred after several weeks of intense negotiating. Provisions described by Kyl as “not quite as bad” (quoted in Sandler, 2007: 1604). The 2007 bi-partisan solution worked out by the Senate represented a thin compromise on immigration reform. The bill called for increased border security
provisions while at the same time it established a guest worker program and a path to citizenship provision. A provision Kennedy fought to have included provided a plan of legalization which would immediately give all undocumented immigrants a probationary visa thus legalizing their work status. In addition this provision would allow all undocumented peoples who arrived before Jan. 2007 the opportunity to come forward, apply, and submit to a background check that upon successful completion would deem them eligible for a legal permanent resident visa or Z status (George, 2007:1519). Further, this legislation addressed the current system of immigrant admission.

S 1348 called for a restructuring of the current green card distribution process. The comprehensive package called for administrators to address the backlog of admission applications. *CQ Weekly* describes “The estimated 4 million families in immigration backlog before May 2005 would be addressed immediately and processed within eight years. The plan is to distribute 1.1 million family-based and 140,000 merit-based visas annually. After the backlog is cleared, there would be about 550,000 family visas and 380,000 merit based visas issued each year, which would be subject to the point system” (George, 2007: 1519). The point system would be based on 100 points and would give priority to employment criteria, education level, English-speaking ability, and family connections into the United States (George, 2007: 1519). This provision of the bill worried minority advocates and Democrats and would become one point of contention.

This version of the bill also called for a guest worker program for future immigrants. This provision would allow non-seasonal migrants a two year window of work opportunity before having to leave the country. This visa is renewable if the migrant spends one year outside the country in between terms of employment. Seasonal workers qualify for 10 month work visas. An initial cap on admission set the quota at 400,000 non-seasonal workers a year. Again the worker provision of this bill sparked contention on both sides of the aisle. *CQ Weekly* describes “Several democrats have sharply criticized the program for lacking a direct path to citizenship- a criticism
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echoed by reliable allies such as unions and Hispanic advocacy groups (Sandler, 2007: 1605). This debate represents just one of the many issues that would come up during the amendment process.

Other provisions in the bill include employment verification measures, requiring all employers to electronically verify citizenship status of new hires and then eventually after enactment all employees (George 2007:1520). Another provision provided education opportunities for people who qualify under the DREAM Act—undocumented immigrants who have been in the United States since childhood, who have passed high school and subsequently enrolled in college or the military would be eligible for Z status and eligible for a green card in three years (George, 2007).

The last component of this comprehensive legislation called for increase in border security and interior enforcement. These provisions allow the Department of Homeland Security to have the authority after bill passage to ensure “certain border security triggers” are in place before the implementation of the proposed guest worker program or Z visa programs. Triggers include “the hiring of 18,000 new Border Patrol officers, construction of 200 miles of vehicle barriers and 370 miles of fencing; the cessation of “catch and release” policies that quickly turn detained illegal immigrants free; and the implementation of 'secure and effective' identification tools to prevent employers from hiring illegal workers” (George, 2007:1519). Given the priority of this provision over the legalization and guest worker programs it appears that the immigration reform effort was largely shadowed by the debate and concern for national security. Along those lines the final major provision would increase penalties and toughen the law for the detention of criminal aliens, gang violence, as well as, passport and visa fraud (George, 2007).

The Amendment Process

Having survived several potentially fatal amendments from both Republican and Democrats after just one week of debate in the Senate the small group of bi-partisan supporters seemed optimistic of achieving their immigration reform goals. In a news conference Republican negotiator Arlen Specter of Pennsylvania commented
“We see essentially no enormous roadblocks, no poison pills, or no killer amendments ahead that we can’t deal with (quoted in Sandler, 2007: 1604). Democrats Kennedy, Ken Salazar of Colorado and Dianne Feinstein of California and Republicans Kly, Graham Specter and Mel Martinez of Florida the supporting and leading lawmakers in the Senate expected to recess for the Memorial Day Weekend and come back to a legislative victory (Sandler, 2007:1604). So, to return to the research question guiding this paper, why then did 2007 Comprehensive Immigration Reform die in the Senate? What happened in the few long weeks between the first cloture vote and the last? To get to the heart of this question this section will analyze political discourse i.e. speeches made on the floor of the Senate during the amendment process. It is clear that there was a backlash against ‘client politics’ and the IRCA. Opposition members used rhetoric that seemed to indicate voting for this reform would be voting against the American people and in this electoral climate it proved successful.

Several amendments were introduced that tweaked minor provisions of the bill. For instance small compromises were made regarding the guest worker provisions, cutting the size of the program in half (SA 1169). Several amendments were adopted by voice vote. However, CQ Weekly reported lawmakers initially “stayed strong when amendments threatened to gut the core elements of the agreement” (Sandler, 2007: 1604). Democrats proposed two amendments that would eliminate the temporary worker program altogether. This amendment sponsored by Senator Byron Dorgan (North Dakota) created quite a stir and only lost by one vote (Thomas Senate Vote # 174). He then subsequently tried to include a sunset provision to the guest worker program which failed as well. Dorgan’s second amendment failed by just one vote, that of Democrat Daniel K. Akaka of Hawaii changed his vote from ‘yes’ to ‘no’ after a chat with Senator Kennedy. When asked what had been said, Kennedy replied “Just, ‘Hello, Can you help us out’” (Sandler, 2007:1605). The real question at this point was would the bipartisan coalition be able to keep it up?
Other amendments included a Republican effort that would have excluded the legalization and path to citizenship provisions. This amendment proposed by Louisiana Republican David Vitter targeted the most contentious issue in the bill. Speaking on the amendment Vitter reiterates:

“Many folks will say: We can't do this. This goes to the heart of the bill. It goes to the heart of the compromise. Well, indeed, it does. It does that because that is where an absolutely fundamental flaw with this approach resides. The Z visa is amnesty, pure and simple. Amnesty is at the heart of this bill and is a fundamental problem and flaw with the bill that we must correct. Make no mistake about it, the American people know this. It is obvious. Why is it so hard for us to acknowledge the fact, acknowledge the negative consequences that flow from it, and correct it?” (Thomas CR S6605-6607)

This battle represented perhaps the most significant political win for the group of bipartisan Senators, just short of Senate passage, and signals the end of 2007 comprehensive reform package. Once the Senators came back from break two amendments by Dorgan and Cornyn would kill any change of the bill becoming law.

Discourse during the floor debates illustrates the policy cleavages and the motivations behind lawmakers’ decision making process. Central to this debate is the role of the American people and the duty as elected officials to act as “100 people representing 300 million people. We need to make sure that not only the opinions and points of view of the elites and people who can hire high-priced lobbyists are considered; we need to make sure the view of the American people are considered” (Sen. John Cornyn GovTrack, 2009). Sen. Cornyn (R- TX) in this passage was referring to the methods used in the past to produce immigration policy that is fairly absent of public opinion. He was concerned over the lack of time spent on this bill, the lack of amendments, and the lack of committee
hearings. He goes on to remark “Anything that would even hint of cutting off the opportunity for the American people to have a full airing of their views, and limiting it to a handful of amendments that have been advocated by lobbyists and other people representing the elites in Washington, DC, I think would be a terrible mistake”. It is clear in this passage that the opposition took a hard line against, what they argued, was backroom dealing and ‘client politics’ instead they wanted this policy to be more accountable to the public. Which for Cornyn meant “Ask a random citizen on the street today to answer this simple question:” what should the fate of illegal immigrants in America be? “And I suspect a majority [of citizens] would say they should be arrested on the spot and be deported”. Cornyn employed rhetoric focused on the American people.

Any optimism felt by supporters in late May was absent by mid-June 2007. Lawmakers were back in session after breaking for the holiday weekend. Another amendment by Cornyn would contribute to the comprehensive bill’s fate, it removed the confidentially protections for undocumented people who were denied Z visas. A change to the policy many Democrats could not support. Senator Dianne Feinstein “pointed to both the Dorgan and Cornyn amendments as potential deal-breakers for the bill”. These two amendments served as deal breakers because they successfully fragmented any bi-partisan coalitions of support by making it essentially un-vote able on behalf of both Republicans and Democrats.

Senator Dorgan (D-ND) focuses his attack directly on the influence of big business on immigration policy. During the floor debate he objects to:

“a provision dealing with guest workers. My understanding is that provision comes at the request of the Chamber of Commerce and big business that want an opportunity to continue the flow of cheap labor. That is not to say they would describe it, that is the way I am describing it [sic]. This is a country in which we are seeing more and more jobs being outsourced in search of cheap labor overseas,
particularly to China, Sri Lanka, Bangladesh, and Indonesia, and the same interests that want to move American jobs overseas in search of cheap labor, enjoy the opportunity to bring, through the back door, cheap labor from other countries” (Dorgan Gov Track, 2009).

Perception of big business interest in immigration politics did not stop with Dorgan. Sen. Bernard Sanders (I-VT) chimed in after Dorgan about the influence of big business on immigration he says “Let’s not forget- I think a lot of people do not know this, and the media does not necessarily make this point—behind a lot of immigration legislation stands the largest corporations in American, one of them being Microsoft, having played a very active role in this debate” (Gov Trak, 2009). Dorgan’s anti-business rhetoric proved to be successful on June 7, 2007 a version of the Dorgan amendment was renegotiated and passed by a vote of 49-48 (Senate Vote 201). This provision would require the guest worker provision of the bill to sunset after five years, very similar to his defeated amendment just weeks earlier during this round Dorgan exempted an agricultural worker program and succeeded in garnering enough votes. This provision was essentially a deal breaker for most Republicans “who helped write the compromise immigration overhaul regarding the guest worker provisions as essential” (Sandler, 2007: 1746). Once the guest worker provision had been set to sunset most Republicans were unwilling to support the bill with a yes vote.

Last Chance for Comprehensive Immigration Reform
Michael Sandler from CQ Weekly described the defeat as “collapsed in the Senate […] under the weight of a leadership stalemate over how much time to spend trying to amend it” (Sandler, 2007: 1746). After voting unsuccessfully three times in nine hours to either invoke cloture or end debate, Majority Leader Reid in a fit of frustration pulled the bill from floor consideration which essentially killed the bill (Sandler, 2007: 1746). Interestingly, Republicans who had been urging Reid all week to extend debate in order to hear more amendments stuck together in the final decision despite individual
positions on the bill, including lead negotiator and spokesperson for the GOP Senator Kyl. Minority Leader Mitch McConnell Republican from Kentucky blamed Reid “I think we are giving up on this bill to soon […] There are a number of Republicans who are prepared to vote for cloture as soon as they believe their colleagues on this side of the aisle have had a reasonable opportunity to have offered and voted upon amendments they think would improve the bill. I don’t think that is asking for too much” (Sandler, 2007: 1747). It is not clear whether this sentiment was genuine or a thinly veiled attempt to amend the bill to death. Either way Republicans succeeded.

Reid was also quick to assign blame of which he placed squarely on President Bush. In a statement made right before the bill was pulled from the floor Reid commented “This is the President’s bill, and we are doing our very best to see if we can help the president” (Sandler, 2007: 1819). For many lawmakers this defeat was a surprise. Senator John McCain a supporter of the bill despite being absent during much of the debate responded despondently when asked on the campaign trail what he thought of the failure he answered “I don’t have anything to say” (Sandler, 2007: 1746). Perhaps sensitive to the criticism President Bush went on a last ditch effort to revive the bill meeting with members of the Senate Republican conference.

During this meeting the two sides allegedly worked out a deal surrounding funding for certain provisions like, border fencing, increased number of beds for deportation and detention centers, and employer verification system. This deal was met with mixed reactions. Supporter of the bill Arlene Spector of Pennsylvania described the meeting “The president gave good assurances that there would be strong executive enforcement […] he also talked about the possibility of funding. He did not make any commitments, but the question was raised so there would be adequate money to get the border secured and have an employer verification” (Sandler, 2007: 1941). Senator Jeff Sessions Republican from Alabama who opposed the bill commented on the deal “That’s intriguing […] I’d like to know what it is spent on and whether it would actually work.
or not‖ (Sandler, 2007). Rep. Duncan Hunter of California also chimed in “The security of American borders should not be conditioned on amnesty […] the idea that we’re going to leave the border open until the president gets his bill is unacceptable” (Sandler, 2007). However, despite efforts to revive the bill, nothing substantial would emerge. The next section will turn to speculation as to why.

What Happened to Client Politics?
During the last ditch efforts of the Bush administration to push through comprehensive immigration policy the question over incentives to deal was raise. How would proponents of the deal get the needed votes in order to secure legislative victory? Essentially bipartisan efforts sought to build in border security provisions aimed at Republicans, a guest worker program designed to please business groups with and additional path to citizenship provision written to garner support from the more liberal left and advocacy groups. In the end, trying to secure competing policy goals did not successfully pull together a strong enough coalition. The hesitation to support anything sounding like amnesty on behalf of republicans and democrats further signals a desire on the part of lawmakers to stay on the other side of the attack ad led Senators and Representatives alike, to be extremely cautious in lending their support.

In this case, it is clear that the presence of ‘client politics’ was not strong enough to garner a successful legislative victory. Instead, politics “as usual” surrounded and influence the decision making process within the Senate. Today, in 2010 comprehensive immigration policy has yet to pass. However, the nation as a whole has not turned a blind eye to the immigration question facing our country nor has advocacy groups, pro and anti immigration, stopped pushing for a legislative solution.
References


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