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U.S. Relations with Mexico and Central America, 1977-1999

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Introduction

This dissertation, takes issue with the null hypothesis that Congress acts alone to make immigration policy in response to domestic interest group demands. Rather, I argue that both the president and migrant-sending states care about, and seek to influence, U.S. immigration policy; and I argue the president, with varying degrees of success, seeks to use immigration as a tool of foreign policy. In this chapter, I focus on U.S. immigration relations with Mexico, El Salvador, Guatemala, and Nicaragua between 1977 and 1999. I have intentionally chosen a set of countries which have often sent large numbers of immigrants to the United States and, on the surface, appear to care about U.S. immigration policy. During the time period under consideration, U.S. relations with each of these countries have undergone important shifts: while relations with all four are very positive in the late 1990s, relations were strained, at best, with Mexico and Nicaragua during the 1980s, while the United States supported the right wing governments of El Salvador and Guatemala in civil wars during the 1980s. U.S.-Mexican underwent a similar, though less profound shift within the 1970s as well.. Second, these countries have also varied in their importance, from the perspective of the United States: Mexico became very important during the 1970s when new-found Mexican oil reserves became extremely appealing during the U.S. energy crisis; and the Central American countries shot to the top of the U.S. foreign policy agenda when they became Cold War battlegrounds during the 1980s. All four countries have been important as Clinton has promoted hemispheric free trade in the post-Cold War period. Given that immigration flows have been at a relatively high level between these dyads, this pattern suggests variation in foreign policy value as I have defined it, and therefore that these cases are well-suited for testing my argument.

I investigate four predictions about immigration policy-making in this chapter. First, I expect, in general, that the president and migrant-sending states actively seek to influence U.S. immigration policy. Second, to the extent that presidential and sending states preferences conflict with Congress's, I expect that the president and sending states will be more influential when immigration is central to bilateral relations and bilateral relations are central to U.S. foreign policy goals (i.e., the foreign policy value of immigration is high), and that Congress will have more influence when the domestic salience of immigration is high. Third, I expect the while Congress may be relatively successful at influencing official immigration policy, the president may make substantively important changes during the

enforcement of immigration policy. Finally, specific characteristics of the immigration issue area and/or the type of policy response may also privilege one or another actor.

These predictions conflict with three sets of prevailing arguments about immigration policy, including a number of analysts who address the same time period as that covered in this chapter. First, and most importantly, I take issue with the argument that Congress alone makes immigration policy, perhaps in response to economic interest group pressures. This argument is made at a general level by Freeman (1995), Cornelius et al. (1994), Joppke (1998a), and others; and it is specifically employed by Martin (1994a), Calavita (1994), Zolberg (1990b), and Fuchs (1983b) to explain the 1986 Immigration Reform and Control Act (IRCA), and by Gimpel and Edwards (1999) to explain the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), both of which I will address in this chapter. My argument also takes issue with currently popular theories about the normative role which global institutions (e.g., Jacobson 1996, Soysal 1992) or national courts and liberal constitution (e.g., Joppke 1998a, Hollifield 1992) play in tempering immigration enforcement. While globalizationists and liberals expect that immigration enforcement is becoming increasingly constrained by institutions, I expect that foreign policy is increasingly important in explaining inconsistencies in immigration policy-making and enforcement. The focus in this chapter on recent immigration events will address these conflicting predictions.

In addition to examining the same types of data as I did in chapter four (public records of congressional and presidential activities, newspaper accounts, secondary sources, and raw data on social/economic conditions in the U.S. and abroad), my analysis of the 1990s (and, to a lesser extent, the other periods) relies heavily on interviews I conducted with 30 current and former members of the U.S. legislative and executive branches who are actively involved with immigration policy-making, and with 22 representatives from migrant-sending states. These interviews were open-ended and averaged slightly over an hour in length. In the cases of all three types of actors, I was able to speak to high-ranking individuals intimately familiar with details of institutional preferences and the policy-making process. (See bibliography for a list of interviewees.) Most of these interviews were conducted off-the-record.

I break my case study up into three time periods based on presidential terms (1977-1980, 1981-1992, and 1993-1999; sections two through four). For each time period, I begin by describing underlying economic and political conditions which shape migration pushes and pulls and influence the policy-making environment. I then provide theoretical and observational codings for three sets of independent variables for each time period: salience, foreign policy value, and the preferences of each institutional actor (Congress, the president, and the four migrant-sending states). I conclude each chronological section by describing policy-making outcomes, overall and by sending state. Section five evaluates the support for the four hypotheses discussed above and identifies one additional factor which is important to explaining policy outcomes: institutional structures within the executive branch. Section six concludes.

Summary of the Findings

This chapter, in effect, contains six cases: Mexico under each presidential term considered here, and Central America in each time period. In this section I briefly describe my predictions and findings for each case.

First, in the late 1970s, Mexico's importance to the United States exploded for economic and political reasons, with immigration remaining an important bilateral issue. While immigration was becoming increasingly salient domestically in response to rising rates of undocumented immigration, the president's concern for bilateral relations means that I would expect him to seek to employ immigration

as a tool of foreign policy. At the same time, the United States was in the midst of a number of foreign policy crises elsewhere which weakened the Carter administration, and Congress was itself increasingly concerned with halting undocumented immigration. In fact, Carter missed an opportunity to provide leadership in Congress, and no actions were taken at the domestic level. At the international level, Carter did make repeated efforts to use immigration as a tool of foreign policy in U.S.-Mexican relations, but Mexico rejected these overtures for its own domestic political reasons.

During the 1980s, Virtually every aspect of U.S.-Mexican relations reversed. Mexico went from being an important oil-producing regional power to a debt-ridden state in crisis. U.S.-Mexican relations focused on difficult bilateral issues like drugs and Mexican democratization. Meanwhile, undocumented immigration became increasingly salient, and Congress took a tough line on immigration issues, with support from the Reagan administration. In this context, I do not expect immigration to be treated as a foreign policy issue, and indeed it was not.

In the 1990s, immigration remained salient at the domestic level, but U.S.-Mexican relations substantially improved. Indeed, with the passage of NAFTA and the Clinton administration's emphasis on expanding free trade throughout the hemisphere, Mexico became a high foreign policy priority, and the foreign policy value of immigration rose again. Yet with Congress still highly concerned about immigration, I expect a domestic-international compromise. Congressional dominance during the legislative round and Clinton's desire for domestic reasons to take a firm position on undocumented immigration ties the president hands somewhat, but intense bilateral negotiations and cooperation at the ground level have played an important role in the 1990s in mitigating the effects of U.S. restrictionism and preserving positive U.S.-Mexican relations.

In the case of U.S.-Central American relations, the 1970s set the stage for future relations, but immigration was only then starting to become a bilateral issue; and none of the four countries in question addressed U.S.-Central American immigration in detail until the 1980s. At that time, immigration became closely entangled with U.S. foreign policy, as I would expect, because U.S.-Central American relations were at the center of the Reagan foreign policy agenda. Indeed, with all three actors highly concerned with the fundamental foreign policy issues (i.e., Central American civil wars) and with immigration issues, the two issues became closely intertwined. Reagan consistently framed immigration as a national security issue throughout the period, and won important battles during both the legislative and enforcement stages of policy-making; but the paradox of the Cold War was that his victories were of questionable benefit for U.S. allies El Salvador and Guatemala. As a result, immigration remained highly controversial at home and abroad.

Finally, during the 1990s, these Central American sending states took on added importance not as a Cold War battleground, but as symbols of past U.S. foreign policy success, and as newly important trading partners who adopted firm neoliberal economic strategies. With these countries consistently pressing for immigration relief as a top bilateral goal, I expect tension between these high foreign policy value issues and the high domestic salience of immigration, as noted above. In these cases, Clinton had greater flexibility, partly because the stakes are lower for countries other than Mexico, and the president scored a qualified legislative success with the 1997 passage of the NACARA legislation, and a major victory during the enforcement stage when implementing the NACARA.

The Carter Years, 1977-1980

Background to the Carter Years

The United States

During U.S. president Jimmy Carter's term, domestic politics were dominated by the related problems of stagflation and the energy crisis. Although the United States had come out of the sharp recession which characterized the 1974-5 time period, the U.S. economy remained highly unstable during the Carter term, with GDP growth ranging from 4.8 to -0.5 percent, inflation in double digits after 1978, and unemployment averaging just over ten percent during Carter's term. The strong sense of economic instability was heightened in 1979 by the second OPEC oil shock, which caused gas prices to rise by a third. Economic insecurity was further heightened by the rising U.S. trade deficit, which set four consecutive all-time highs under Carter.

U.S. immigration policy had been characterized since the mid-1960s by an explicit policy of globalism. In 1965, the long-standing National Origins system, which had allocated visas to sending states based on historic migration to the United States, was finally eliminated under pressure from the Kennedy and Johnson administrations. In its place, all Eastern Hemisphere sending states would be treated equally, with each being allocated up to 20,000 visas each year. The Johnson administration resisted efforts to extend the 20,000 per-country limit to Western Hemisphere countries, though the Western Hemisphere overall was limited to 120,000. In 1976, the trend toward globalism continued as Congress responded to rising Latin American migration by subjecting Western Hemisphere states to the 20,000-per-country visa cap; although in this case "globalism" had a negative impact only on Mexico, the single country in the Western Hemisphere which would see its front-door visas decline under the rule.¹ The 1976 amendments responded in part to the changing demographics of immigration following the 1965 amendments (overwhelming increases in Asian and Latin American immigrants, at the expense of European immigrants), and to the increase in undocumented immigration, mainly from Mexico.

Table 1: Summary of Predictions and Outcomes, 1977-1999, United States and Mexico

Years	Independent Variables			Preferences		
	Saliience	FPV	Issue Area	Congress	President	Mexico
1977-1981	Medium	Medium /High	Guest-workers; illegal immigration	Illegal immigration	Illegal immigration; bilateral relations	Independence from U.S.
1982-1989	High	Low	Illegal immigration	Grower access; illegal immigration	Grower access; illegal immigration	Bilateral protection migrants' rights
1993-1999	High/ Medium	High	Illegal immigration; rights	Illegal immigration	Illegal immigration; bilateral relations	Protect migrants' rights
Years		Outcomes				
		Predicted		Actual		
1977-1981		Immigration as foreign policy		Carter pushed for bilateral guestworker deal but Mexico refused; Carter failed to achieve legislative goals		
1982-1989		Domestic politics dominate		Reagan provides leadership for IRCA passage; Mexico excluded		
1993-1999		Domestic- international compromise		Congress and Clinton agree to emphasize border enforcement; Clinton and Mexico agree to border institutions to protect migrants		

Mexico

¹ Mexican had averaged about 40,000 front-door visas per year prior to 1976; no other country exceeded 10,000

Mexico experienced a similar economic downturn in the late 1960s and early 1970s: after two decades of steady growth (between five and twelve percent increases in GDP each year) and low inflation (between zero and four percent), President Luís Echeverría introduced a “shared development” economic program which sought to replace the dependence on foreign capital of the 1950s and 1960s with a greater emphasis on economic growth, equitable distribution of resources, and rural development, which had been sacrificed throughout the postwar period. The program was a flop, with public debt growing from \$4 billion to \$20 by the end of Echeverría’s sexenio, inflation increasing to between fifteen and 29 percent, GDP growth falling steadily beginning in 1972, and large-scale capital flight as the fixed exchange rate caused a severely overvalued peso.²

But by December 1976/January 1977, with the nearly simultaneous inaugurations of U.S. president Carter and Mexican President López Portillo, Mexican fortunes were looking up. A 100 percent peso devaluation in 1976, followed by an IMF-managed austerity program restored eight to nine percent GDP growth levels. Peso stability and López Portillo’s “alliance for production” restored investor confidence. More importantly, by 1977 production based on vast new oil reserves discovered in May, 1972 had come on line. Mexican oil production increased from 311,000 barrels a day in 1970, to a million barrels a day by 1977, to 2.25 million barrels a day by 1980, one million of which were exported, reducing (theoretically) the need for new bank credits. In September, 1980, Mexico became the fifth-largest oil producer in the world, with announced proven reserves of 60 billion barrels, and possible holdings of 250 billion barrels.³

Central America

In all three Central America cases, the 1970s were characterized by right-wing governments which prevented left opposition parties from participating in the political process, and then brutally repressed popular movements which arose in opposition. Political oppression was aggravated by abysmal economic conditions and disastrous demographic conditions, including high growth throughout the region.⁴ In El Salvador, long-simmering political problems erupted over the course of the decade. By 1978, a right-wing law “to defend and guarantee public order” had been implemented, inflation was

² These economic stresses were coupled with demographic pressures, which reached their low-point in 1970, when 46.7 percent of the population was under fifteen years old, and total fertility reached a postwar high of 6.7 births per woman. As Alba (1989) shows, demographic indicators began to show signs of improvement by the late 1970s, due in large part to a successful federal family planning program, but these changes did not begin easing the demographic demand for out-migration until the mid-1990s, and then only slightly. Thus, it is safe to assume that demographics were a constant “push factor” for the entire period under consideration here.

³ As it turns out, Mexico accounting methods were somewhat questionable. As Grayson (1989, 147) observes, the PEMEX estimate of proven reserves doubled immediately after López Portillo took office based on technical and accounting assumptions rather than new discoveries.

⁴ For all of Central America taken together, the population doubled to nine million between 1900 and 1950. Then rising birthrates and life expectancy caused the regional population to triple in the next 35 years. Of the 330,000 Central Americans identified in the 1980 U.S. census, 38.2 percent entered the country between 1975 and 1980, and 22.8 percent entered between 1970 and 1974; only 14 percent entered prior to 1960. El Salvador (“Central America’s demographic calamity” according to Díaz-Briquets (1989, 40)) and Nicaragua (“perhaps the least demographically modernized Central American nation” (Díaz-Briquets 1989, 46)) have had the greatest demographic push factors, but all three countries could happily send an almost unlimited supply of immigrants throughout this period from a demographic perspective as well.

running over fifteen percent a year, and the country was mired in a deep recession with GDP growth rates of -1.72, -8.67, and -8.29 in the final three years of Carter's presidency. In Guatemala, demographic and economic conditions were slightly less onerous, but political conditions were equally oppressive. By the time Carter was inaugurated, human rights abuses were widespread and widely criticized. Finally, After 30 years of personal family rule by three generation of the Somoza family, Nicaragua appeared to be turning the corner toward competitive democracy in the mid-1970s, and was held up by President Carter as an example for the region. But following the assassination of the leading reform politician Pedro Joaquín Chamorro (whose widow would be elected president in 1991), a simmering armed conflict burst back into flames. Largely as a result, the economy, which had been gyrating between high growth with high inflation (1972-3) and low growth without inflation (1974-5), went into a tailspin of massive recession with high inflation in 1977 and 1978 (see table four). In 1979, the left-leaning Sandino National Liberation Front (FSLN), the Sandinistas, overthrew the Somoza regime and received cautious support from the United States.⁵ Although economic growth resumed, inflation remained at around 27 percent per year, adding to economic stress.

Table 4: Immigration Statistics, El Salvador

Year	Front door	Non-immigrant	Deports	Asylum apps.	Ref/Asylees Granted status
1965	1,768	10,000	31		

⁵ Carter immediately offered \$8 million in emergency aid, and proposed \$75 million more while extending an invitation to leading Sandinistas to come to Washington for a meeting.

1966	1,415	12,000	43		
1967	1,045	14,000	34		
1968	1,625	16,000	155		
1969	1,762	19,000	109		
1970	1,698	21,000	294		
1971	1,776	21,000	211		
1972	2,001	20,000	396		
1973	2,042	21,000	652		
1974	2,278	24,841	1,191		
1975	2,416	25,927	2,324		
1976	2,363	30,217	2,423		
1977	4,426	37,026	3,877		
1978	5,826	47,297	3,415		
1979	4,479	44,886	3,471		
1980	6,101	41,943	2,390		
1981	8,210	39,000	2,333		9
1982	7,107	39,650	2,118		0
1983	8,596	54,076	3,104		22
1984	8,787	43,000	2,637		112
1985	10,156	50,000	3,170		166
1986	10,929	51,000	3,472		289
1987	10,693	53,000	2,481		172
1988	12,045	56,000	2,752		170
1989	57,878	65,000	3,938		198
1990	80,173	66,000	2,439		245
1991	47,351	67,000	1,406	10,244	1,249
1992	26,191	74,000	1,962	6,781	743
1993	26,818	88,000	2,014	14,616	811
1994	17,644	88,000	1,784	18,600	275
1995	11,744	87,000	1,783	75,860	283
1996	17,903	86,000	2,360	65,588	262
1997	17,969			8,156	198

Source: I.N.S. Statistical Yearbook, various years.

Independent Variables

Salience

The U.S. economic crisis, including the oil shortage in particular (and Mexico's surplus), combined with increasing legal (refugee) and illegal immigration made immigration increasingly salient over the course of the 1970s. Attention to immigration consisted of strongly negative feelings about undocumented immigration, mainly from Mexico, and slightly ambivalent feelings about "boat people" from Indochina. The final piece of the puzzle was the Mexican oil boom, which contrasted so obviously with the U.S. crisis and seemed to complement the disparity in labor demands. As Pellicer (1981, 8) argues, although the relationship was always intense, "it was only toward the mid-1970s that the problem of migrant workers and the interest in Mexican oil made bilateral relations the subject of intense public debate." This became even more true by the end of the decade when poll indicate that crises in Central America further highlighted Mexico's salience—as arbiter and/or as domino (Bailey 1989, 58-9).

These trends are reflected in statistics from coverage in *The New York Times* and public opinion polls, and they are confirmed by Simon's (1984) content analysis of major print media. Figure one graphs the number of column-inches indexed as "U.S. Immigration and emigration" stories as a percentage of all column-inches indexed in a given year, and the number of articles indexed by the *Readers' Guide to Periodical Literature* indexed under the headings "immigration (to US)," "migration," "refugees," "immigration law," and "aliens."⁶ As the figure illustrates, coverage of immigration bottomed-out in the late 1960s-early 1970s, and then climbed steadily throughout the decade, hitting an all-time high in 1977. That same year two different Gallup polls asked a total of six questions on immigration (an all-time high for Gallup). While the percentage of Gallup respondents with "no opinion" on the appropriateness of the current level of immigration remained somewhat high (though at fourteen percent it was significantly down from twenty percent in 1965), the percentage who believed the level was too high had climbed from 33 percent to 42 percent over the same period (see figure two). Moreover, only four percent had no opinion about whether it should be illegal to hire undocumented immigrants (with 82 percent supporting such a measure); and 45 percent rated the importance of illegal immigration as "very high" in an October, 1977 NBC poll (with another 29 percent calling illegal immigration somewhat important).⁷

⁶ In both cases, I controlled for changes in indexing methods, dividing by total column-inches listed in the *New York Times Index*, and by the total number of journals indexed by the *Readers' Guide*.

⁷ All Gallup poll data reported in this chapter are from Gallup (1998) unless otherwise indicated; all other poll data are from American Public Opinion Data Microfiche, various years, unless otherwise indicated.

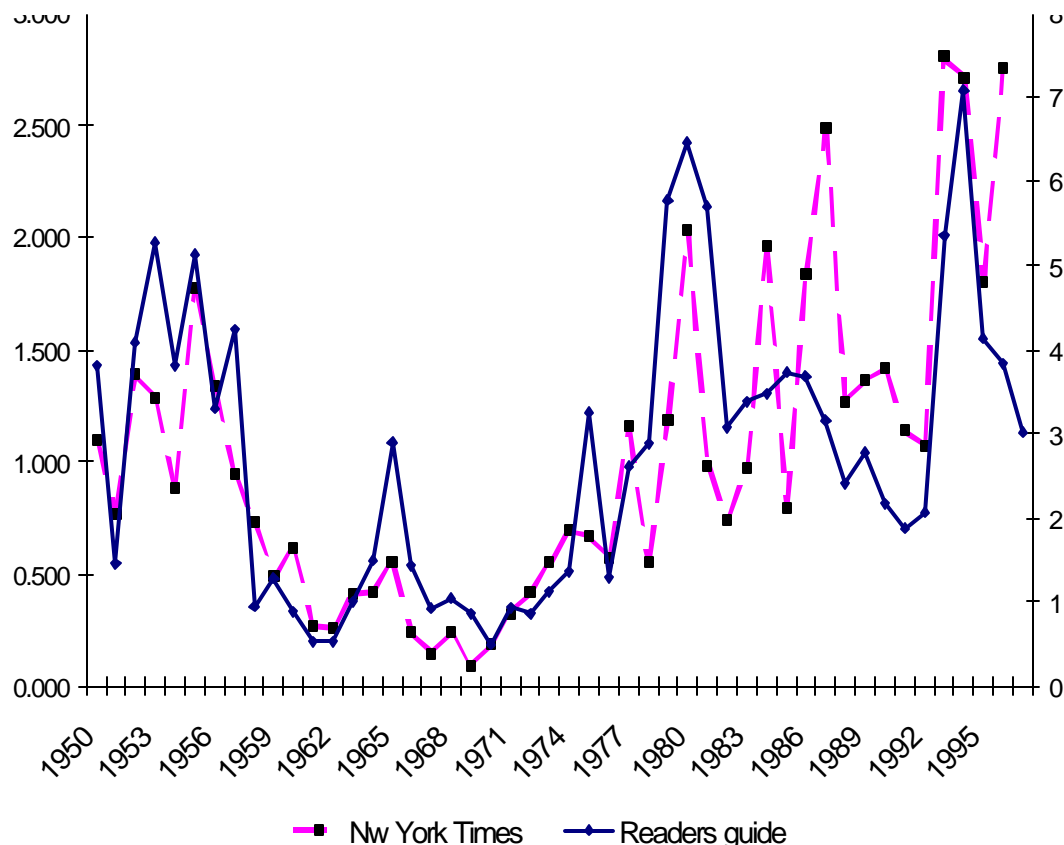


Figure 1: Salience of Immigration Measured by Media Coverage, 1950-1995
 Coverage in *The New York Times* and *The Readers Guide to Periodical Literature*
 Sources: *Readers' Guide to Periodical Literature*; *New York Times Index*, various years.

Foreign policy value

Numerous factors suggest that the foreign policy value of Mexican immigration relations would have been high in the late 1970s. Most importantly, as the discussion above indicates, U.S. and Mexican economic conditions were highly complementary. The Mexican economy was booming thanks to oil production and demanded capital and technology imports and markets for oil and labor. The United States had capital and technology to spare, and a growing demand for oil.⁸

But there were political and diplomatic reasons for Mexico's importance as well. First, there was the obvious importance to the United States of a potential oil source which was geographically close and unaffected by political turbulence in the Middle East, Mexico was rapidly becoming too important to ignore. On a political level, as I describe below, Mexico was adopting a larger and large leadership role within the so-called "non-aligned country" movement. At the same time, political turbulence within Mexico, including a radical swing to the left under Echeverría which was only partly moderated by the independent-minded López Portillo, suggested that Mexican moderates deserved support. Finally, growing penetration of Mexican markets by U.S. investors throughout the 1970s had, by 1980, created the impression that "economic and political convulsions in Mexico would not paralyze the 'colossus to the north,' but they would at least cause it severe discomfort" (Bagley 1981, 14).⁹

⁸ As a major story in *Business Week* (January 15, 1979; p. 64) explained, "Mexico, traditionally an orphan of U.S. foreign policy, has suddenly moved to the top of Washington's agenda. The reasons are basically economic."

⁹ The 1970s saw the largest amount of foreign direct investment in Mexico of any decade to that time at \$6.9 billion; 69 percent of FDI came from the United States.

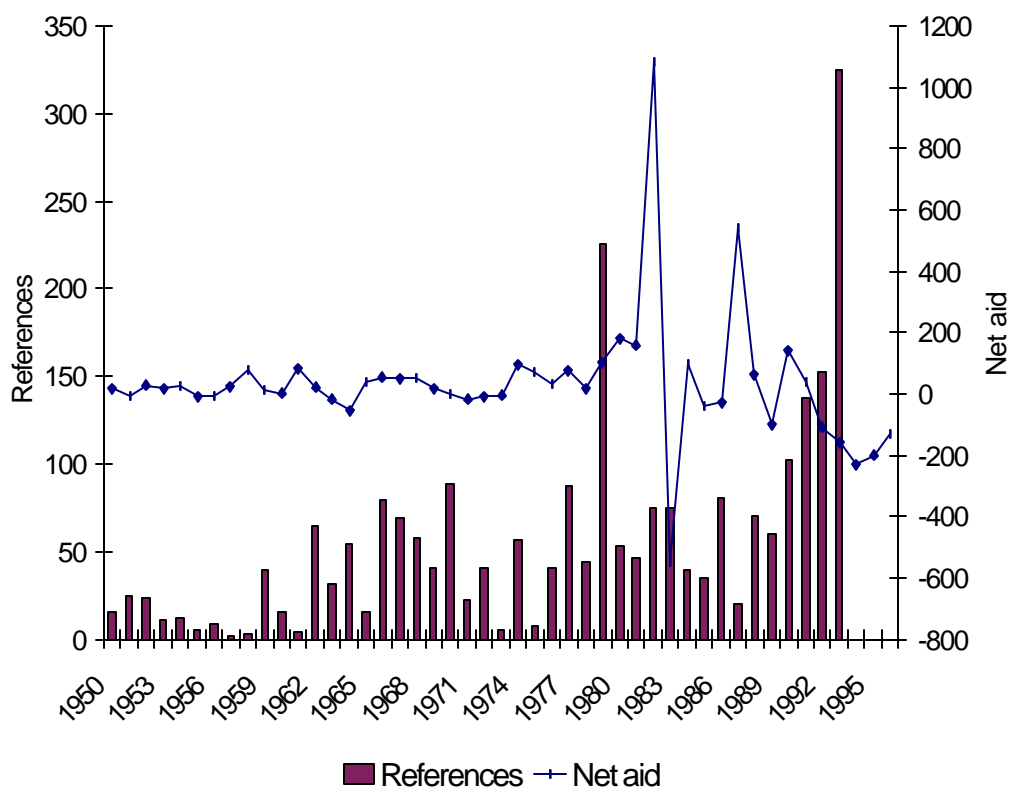


Figure: Foreign Policy Value of Immigration, Mexico, 1950-1995

Source: *Public Papers of the President* 1998; Statistical Abstract of the United States, various years.

That Mexico's foreign policy value was high during Carter's term, peaking in 1979, is also confirmed by the empirical record. Carter met with López Portillo before any other foreign head of state, and he met with him more often (three times) than with any other head of state.¹⁰ Mexico competed only with Cuba and with Panama (with which Carter was negotiating the hand-over of the Panama Canal at the time) for presidential attention measured by references in the *Public Papers of the President*; and Carter made more references to Mexico in 1979 than any other postwar president in any year prior to Clinton's term (see figure three). Finally, it is clear that immigration was acknowledged by both sides as being central to the bilateral relationship at this time. In contrast to public statements of prior administrations, Carter's public comments about Mexico and immigration consistently overlapped. Joint communiqués issued after all three presidential summits dealt prominently with immigration issues, and immigration was one of eight bilateral issues which was assigned its own working group in 1979 when the recently-formed Mechanisms of Consultation were reformulated at that time (see below). Finally, as figure four illustrates, presidential attention to immigration, which had dropped off after passage of the 1965 amendments to the INA, climbed steadily during Carter's years in office.

U.S.-Central American relations also became increasingly important toward the end of the 1970s; but none but Nicaragua became a truly pressing priority in the context of Carter's busy foreign policy agenda (Iran, the Soviet invasion of Afghanistan, the oil crisis). As late as 1980, Carter did not consider Central America a pressing Cold War battleground, as his outreach to the Sandinistas demonstrates. It was only with Reagan's election, and then the resumption of large-scale armed conflict in El Salvador that Central America jumped near the top of the U.S. foreign policy agenda. Second, in sharp contrast to Mexico, immigration was clearly not central to bilateral relations with any of the Central American countries because none sent large numbers of migrants to the United States until after the re-emergence of widespread violence in the 1980s (see table one).

This moderate level of foreign policy importance is reflected by looking at similar statistics as in the Mexico case (see figures five through seven). While roughly two-thirds of Carter's references to immigration (basically, all his references which do not deal with the Indochinese refugee problem) also refer to Mexico, none of them refer by name to any of the three Central American countries, and very few refer to Central America at all. Similarly, while the president's 1979 Interagency Taskforce (see below) deals extensively with U.S.-Mexican relations in its section on the "Foreign Relations Considerations of U.S. Immigration Policy," Central America is only mentioned as an entire region in passing recognition of "a large number of illegal migrants from the Caribbean, Central America, Colombia, Ecuador, and Peru" (Interagency Taskforce 1979, 292). Of these, Central America received the least attention in the report. Finally, only Nicaragua received sustained any noticeable rhetorical attention from Carter. Even within Latin America, Nicaragua only ranked the sixth-, fourth-, and ninth- most talked about country in the region between 1978 and 1980, the peak years of armed conflict. Neither of the other two countries broke the top ten within Latin America, until 1980 when El Salvador was the sixth-most talked about country in the hemisphere.

¹⁰ As a October 1, 1979 article in *Newsweek* put it, "Mexican President Jose López Portillo will set a world record of sorts this week. He will hold his third state visit with Jimmy Carter—more than Carter has exchanged with anyone, friend or foe. The meeting in Washington is a sign of just how seriously the United States takes Mexico these days."

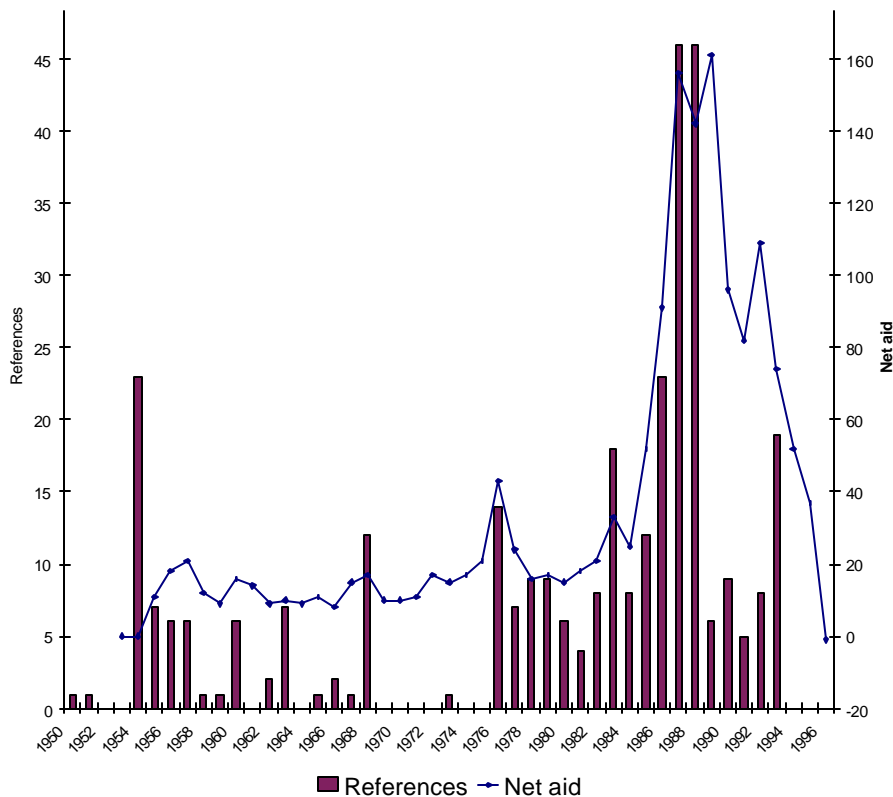


Figure 5: Foreign Policy Value of Immigration, El Salvador, 1950-1995
 Source: *Public Papers of the President* 1998; Statistical Abstract of the United States, various years.

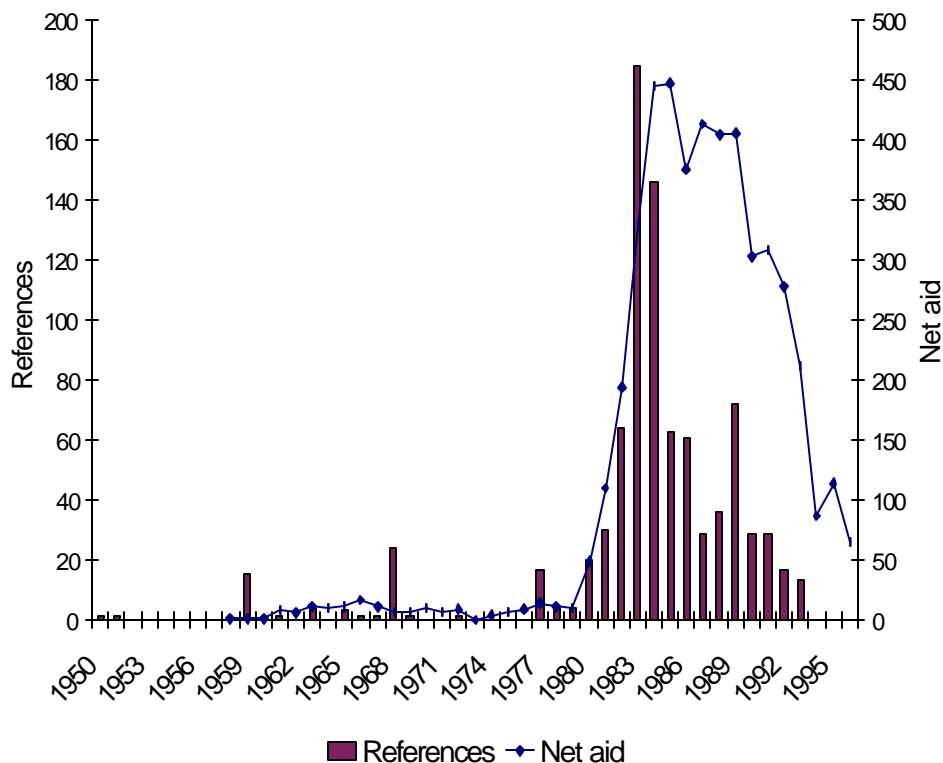


Figure 6: Foreign Policy Value of Guatemalan Immigration, 1950-1995
 Source: *Public Papers of the President* 1998; Statistical Abstract of the United States, various years.

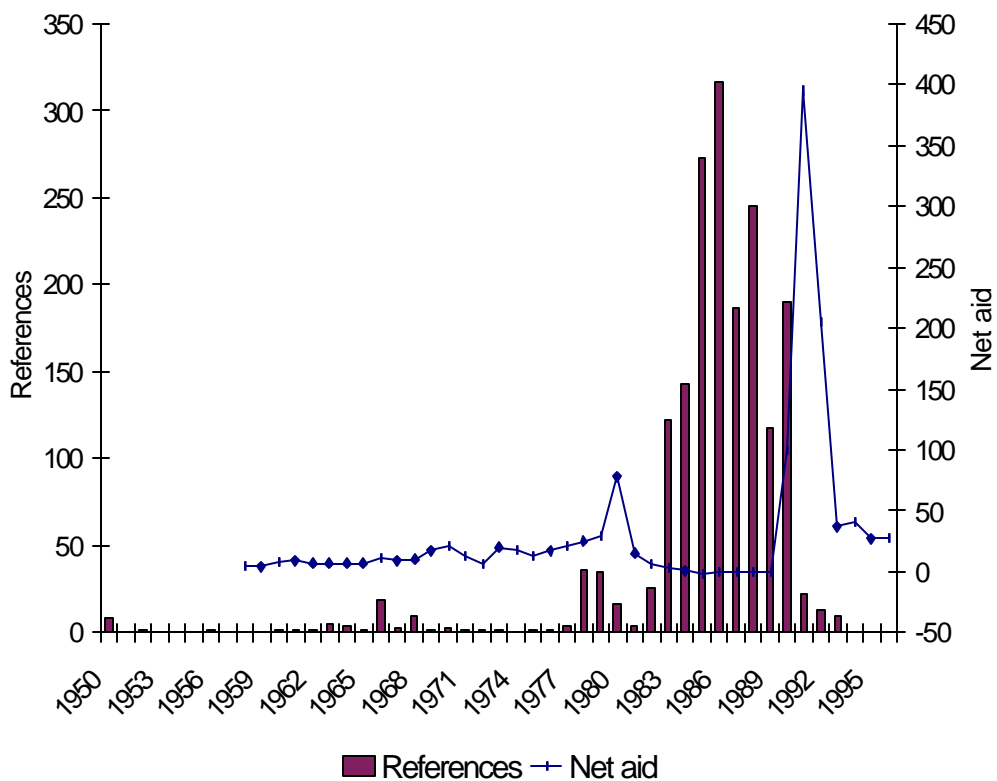


Figure 7: Foreign Policy Value of Nicaraguan Immigration
 Source: *Public Papers of the President* 1998; Statistical Abstract of the United States, various years.

Preferences

The U.S. Congress, like the president, set immigration issues aside immediately after the passage of the 1965 amendments to the INA, but by the mid-1970s immigration was of increasing interest to Congress. Congressional attention focused on three separate issues: the shortage of refugee positions regularly allowed under the terms of the 1965 amendments; the changing demographics of legal flows, with Europeans being rapidly replaced by Asians as the main new immigrant group in the United States; and the rapid growth in undocumented immigration during the 1970s. Undocumented immigration first received extensive attention in 1975 when the House Immigration Subcommittee held six days of hearings on the subject.

On the subject of undocumented immigration, Congress was paralyzed by a classic problem of cross-cutting cleavages, as has been frequently observed regarding immigration. Democrats, who controlled the congressional agenda were divided between the pro-labor anti-immigration position, and the pro-liberal anti-control position. Republicans were similarly split between advocates of restrictionism for social/demographic reasons, and those who favored more access to cheap labor to support agribusiness and other producers. To further complicate matters, business interests lobbied hard, even as early as the 1970s, against any efforts to curb undocumented migration.

The Carter administration's preferences regarding immigration and U.S.-Mexican relations were a product of at least three conflicting pressures. First, from the beginning of Carter's term, an effort was made to "deal with Latin American countries in the context of policies with global application" as part of a "recognition of Latin America's increasing integration into the world economy" (Feinberg 1981, 33). This trend toward globalization was consistent with current and earlier efforts to globalize immigration policy, and was considered a necessary reality, in the economic sphere, as a way to respond to the United States' declining economic position. According to Feinberg, an effort was made to treat Mexico within this global approach:

Working within this globalist strategy, with the exception of border issues, the United States would treat Mexico as any other 'upper tier,' or newly industrialized state. . . . For example, trade relations would be conducted in accordance with the Most Favored Nation (MFN) principle and the General Agreement on Tariffs and Trade (GATT). . . . United States energy policy toward Mexico would reflect global, not bilateral concerns. Immigrants from Mexico would be treated like those from any other country (Feinberg 1981, 33).

But a global approach to immigration and U.S.-Mexican relations conflicted with the administration's second major concern, which was checking the surging inflow of undocumented immigrants. The priority attached to immigration is indicated by the fact that Carter established a cabinet-level task force which began work on the problem before Carter even entered office, in December, 1976. The Secretaries of State, Labor, and HEW, as well as the Attorney General all collaborated on the report, and Carter delivered his immigration proposal in the first legislative session of his term, on August 4, 1977. At the same time, Carter ordered the Attorney General and secretaries of state and labor to form a formal Interagency Task Force which was to make an assessment of current immigration policy and formulate recommendations for future policy changes.

The third major goal of the Carter administration, which even more directly conflicted with the idea of a global approach to U.S.-Mexican relations, was to improve the U.S.-Mexican relationship and, in particular, to secure access to Mexican oil. The contrast between Mexican oil, which could be shipped to the United States by an easily guarded land-based pipeline, and Middle Eastern oil, which was highly unpredictable, at best, became even more clear over the course of the Carter administration in the wake of the second oil shock and the Iranian Revolution, both in 1979. As a result, the obvious possibility of an

oil-for-immigration exchange with Mexico was raised at the highest levels within the Carter administration. The Interagency Task Force Staff Report, for example, concludes that an oil for immigration deal is promising, but that the specific problems it entails are its rejection of a global approach (and the likelihood that other sending states would complain for that reason), Mexico's sensitivity to oil issues, and the likelihood that an agreement would place a strain on bilateral relations for that reason (pp. 286-289).

Mexico

In Mexico, preferences about Mexico-U.S. migration policies were also multi-faceted: with Mexico's desire to support the human rights of Mexican migrants balanced by its desire for greater economic and political independence from the United States. On the one hand, it is clearly the case that Mexico cared about the rights of its migrants abroad, and believed that immigration was a bilateral issue which deserved bilateral attention. Not only was Mexico interested in U.S. immigration policies, but it adopted the explicit position that U.S. policy and policy-making should reflect the bilateral character of the problem. Thus, the López Portillo administration was furious that Carter failed to consult with Mexico prior to formulating his 1977 proposal, though the proposal did devote an entire section (one out of four) to the subject of "cooperation with source countries," mainly dealing with economic development in Mexico.

Mexico also had a strong preference for economic and political independence. As dependency theory flourished throughout Latin America, the early 1970s saw the publication in Mexico of a series of highly influential articles "seriously questioning the contribution of direct foreign investment to the formation of capital, revealing its role in imposing consumption patterns and technologies alien to the nation's needs, and indicating its negative effect on the equilibrium of the balance of payments" (Pellicer 1981, 4). Thus, Mexico passed several new laws during the Echeverría and López Portillo administrations designed to restrict investments; and Echeverría announced an "export diversification plan" specifically intended to reduce economic interactions with the United States.

Second, on a political level, Mexico also sought greater independence from the United States. In part, this reflected strong nationalist rhetoric adopted by Echeverría and, to a lesser extent, López Portillo to satisfy the PRI left.¹¹ But the desire to develop political independence ran deep. In March, 1972, a postwar low total of 39 percent of Mexico City residents expressed a positive attitude about the United States. While approval of the United States rebounded to 48 percent in January, 1979; it remained at 41 percent among well-educated Mexicans (Bailey 1989, 80).¹² For these reasons, López Portillo sought to

¹¹ The left-leaning members of the ruling PRI party were greatly concerned in the 1970s about the party's declining legitimacy, most strikingly revealed during the 1968 Mexico City student strikes and the massacre of several hundred students by federal police in 1968, the so-called Tlatelolco massacre. In the 1970s, students and leftist guerrillas went underground, staging a series of high-profile bank robberies, assassinations, and kidnappings. Mainstream dissatisfaction with the PRI government was reflected in public opinion polls (in 1960, 43 percent of respondents to a Mexico City poll felt unable to discuss politics with others; in 1977 89.4 percent felt unable to participate in politics); and in plummeting rates of voter turnout, which fell to an all-time low of 62 percent in the 1976 presidential race.

¹² The demographic split differs strikingly from U.S. polls in which education is always associated with higher approval ratings of Mexico and illustrates the extent to which Mexican nationalism was an intellectual movement grounded in economic world systems theories.

establish an independent role rhetorically,¹³ and in Mexico's foreign policy actions, including by making visits to the Soviet Union, Bulgaria, China, and (repeatedly) Cuba. Mexico also refused to join the U.S. boycott of the 1980 Olympics, and refused to re-admit the Shah of Iran when he sought to return to Mexico after receiving cancer treatment in the United States.¹⁴ Mexico also took a leadership role in the hemisphere, especially by promoting peace in Central America and adamantly rejecting U.S. proposals to place a multinational force in Nicaragua.

The three governments in Central America were either engaged in civil wars during this period, or repressing their citizenry, or both. With very few exceptions, the individuals likely to be negatively affected by U.S. immigration policy were the same individuals likely to be the victims of government repression. Members of the Salvadoran, Guatemalan, and Nicaraguan aristocracies had no difficulty obtaining non-immigrant visas, at a minimum. Thus, even though Central American-U.S. migration rates (legal and undocumented) began to climb during the 1970s, there is no reason to expect that any of these three governments would have advocated on behalf of most migrants; nor is there any evidence that they did so.

Outcomes

Immigration Legislation

Although there were a number of significant efforts to revamp back-door and/or front-door immigration policies, actual policy changes were mainly limited to the area of refugee policy. Unsuccessful efforts at back-door reform began in 1971, with the introduction of the first employer sanctions legislation in Congress since the passage of the "Anti-Wetback Bill" with its Texas Proviso in 1952 (see chapter four). The House passed HR982 to impose criminal penalties on employers of undocumented immigrants in 1973, but then the debate stalled until Carter introduced a similar, but more expansive plan in 1977 to impose sanctions on employers, grant amnesty to some portion of undocumented immigrants already in the country, and promote international development as a way to limit emigration pushes. Although Carter claimed congressional support for his proposal, having already conferred with Congressional immigration leaders Edward Kennedy, James Eastland, and Peter Rodino, the latter failed to introduce Carter's much vaunted legislation until October 28 and October 12, respectively; and no formal action was taken in either house.

On a separate note, after debating but failing to pass a bill (S.68) which would have raised Mexico's visa quota to 50,000 from 20,000, the only action Congress took on front-door migration was to pass an amendment to the INA in 1978 which eliminated separate Eastern and Western Hemisphere quotas, establishing a single worldwide cap of 290,000 front-door visas, with each country still facing a single-country cap of 20,000.

The second, more significant legislative change during the Carter administration was the passage of the Refugee Act of 1980, signed into law on March 17th of that year. As Anker and Posner (1981) document, the Refugee Act was the product of a prolonged interbranch bargain: "Congressional bills consistently sought formalized consultation, and veto power or legislative review over executive action.

¹³ In López Portillo's 1980 State of the Nation address, he asserted: "We want a dignified and respected place in the world, not a seat in a sphere of influence" (Grayson 1989, 152).

¹⁴This refusal occurred during the middle of the U.S. embassy hostage crisis in Iran, and was interpreted as a serious rebuke of the United States.

The Executive persistently sought maximum insulation from Congressional oversight.” (Anker and Posner 1981, 34) In the end, the Act was ambiguous in the flexibility it left the president. The act raised the baseline number of refugees to be allowed into the United States each year from 17,400 to 50,000 and allowed the president to admit additional refugees on an emergency basis in consultation with Congress. These bigger numbers favored generous admissions which presidents often preferred. But the act also adopted the UN’s humanitarian definition of refugees,¹⁵ and laid out detailed instructions for cabinet-level consultations with Congress to justify the allocation of refugee visas. The act also established the right of individuals to claim asylum status from within the United States, but—in what would be a significant shortcoming, failed to establish any procedures for ruling on asylum applications.

U.S.-Mexican relations

Despite Carter’s apparent goodwill, U.S.-Mexican relations were characterized as much by conflict as cooperation in the late 1970s. The most significant dispute came early Carter’s term, and set the tone for later relations. In August, 1977, a major deal for the United States to purchase natural gas from Mexico which was agreed to and financed, but at the last minute U.S. Energy Secretary James Schlesinger scuttled the deal “acting in a manner deemed arrogant, abrasive, and condescending by the Mexicans” (Grayson 1981, 148). Led by López Portillo, “Mexican journalists, professors, labor leaders, and office-holders lashed out at the United States--particularly at the Secretary of Energy whom officials vilified as a ‘liar’” (Grayson 1981, 149). Significant disputes also raged over the United States’ somewhat restrained effort to pressure Mexico to increase oil production, and its less subtle effort to force Mexico to join the General Agreement on Tariffs and Trade (GATT). As Pellicer (1981, 10) argues, “rarely in the history of relations between the two countries has there been such a clear contradiction between their needs,” with the United States urgently demanding increased oil production, and Mexico believing that increased oil production would fuel inflation, sabotage other infant industries, and make Mexico vulnerable to price shocks (see *Business Week* 1/15/79, 64).¹⁶

An additional conflict arose when Florida growers lobbied Carter in February-May, 1978 to ask for voluntary export restraints (VER’s) against Mexican tomatoes, peppers, green beans, cucumbers, and squash. Before Carter could get a response from Mexico, growers filed a formal anti-dumping petition in September which forced the Carter Treasury Department to conduct a formal investigation precisely as Carter began a summit meeting in Mexico. Carter’s February, 1979 trip to Mexico, then, appears to have represented the low-point of bilateral relations during his term. López Portillo took advantage of the normally overly-diplomatic formal toast to public lambaste Carter over the natural gas and tomato disputes: “among permanent, not casual neighbors, surprise moves and sudden deceit or abuse are poisonous fruits and sooner or later have a reverse effect” (quoted in Grayson 1981, 150). Carter was caught off-guard, and “his 48 hours there as First Turista played out in an atmosphere of distinctly un-neighborly cool. . . . notices back home were dominated . . . by the image of an embattled U.S. President having to sit still for a sharp-tongued public scolding by his host Head of State--and responding with an embarrassingly maladroit joke about ‘Montezuma’s Revenge’” (*Newsweek* 2/26/79, 41).

¹⁵ I.e., the United States no longer applied the blatantly political definition that only individuals fleeing communist or Middle Eastern governments were refugees.

¹⁶ The United States exerted much more pressure on the less sensitive GATT issue, holding up Mexico’s 1976 economic crisis as evidence that Mexico needed more liberal trade policies. When Mexico went so far as to draft a Protocol Plan to consider joining GATT, however, politicians and business leaders from the right and left united against membership, and the issue was closed.

But relations showed some signs of rebounding after the February summit. Indeed, as early as 1977, following the first meeting between the two presidents, Carter and López Portillo established a new bilateral “consultative mechanisms,” which initially consisted of three working groups to address bilateral politics, social matters, and finance issues. The February, 1979 summit was followed by a pledge to devote more attention to the mechanisms, which were subsequently divided into nine working groups, including one on migration. In late 1978, Carter ordered an extensive review of U.S.-Mexican relations, published as Policy Review Memorandum (PRM) 41, which called for the creation of a sub-Cabinet level Office of Coordinator of Mexican Affairs and a more preferential approach to Mexico vis-à-vis other countries in the hemisphere, and publicly raised the possibility of exchanging Mexican oil for additional immigration visas. Similarly, Mexico created a special bureau of North American Affairs within its Foreign Ministry.

The consultative mechanisms and the February, 1979 produced a series of minor bilateral agreements, including on air transport, maritime boundaries, extradition, nuclear proliferation, charter flights, and the promotion of tourism. The February summit led directly to an agreement on housing and urban development at the border, an agreement on responding to desertification around the border, and, most significantly, a new agreement--highly favorable to Mexico--on natural gas sales to replace the 1977 deal which had fallen through.

Efforts to moderate U.S. enforcement efforts in the interest of U.S.-Mexican relations occurred at rhetorical, bilateral, and unilateral levels. Rhetorically, from the beginning of Carter’s terms there was constant discussion of preferential immigration treatment for Mexico, of the need to address immigration bilaterally, and of the possibility of an oil-for-immigration exchange. Carter supported S.68 in 1977 which would have raised Mexico’s visa quota to 50,000. In his public statements on immigration, Carter literally never missed an opportunity to emphasize his desire to cooperate at the border and to promote development as an alternative to emigration pressures. Finally, the Task Force report and PRM 41, noted above, were the only official references to an oil-for immigration deal, but the subject also came up repeatedly in media reports and editorials from 1979 (e.g., *Washington Post* 9/23/79, A2; *Business Week* 1/15/79, p. 64), implying that the subject may also have been the subject of additional strategic “leaks.”

At the bilateral level, the two consultative mechanisms working groups on immigration and the border produced a series of minor agreements, including one to expand cooperation on border health care and environmental protection, an exchange of information about immigration laws and procedures, and agreement to coordinate anti-smuggling efforts. The latter agreement led, in June, 1979 to a major crackdown by an anti-people-smuggling task force of Mexican federal, state, and local police which arrested hundreds of coyotes, or people smugglers, in the Tijuana and Mexicali areas. U.S. agents credited the Mexican efforts with boosting their enforcement efforts by 100 percent (*Newsweek* 7/30/79, 38). Besides these successes, the main product of bilateral efforts was a promise to give further study to the issue on both sides of the border; but even this agreement was of some importance since it explicitly recognized the demand for bilateral study with the goal of a bilateral solution.¹⁷

Third, the United States also executed a number of unilateral efforts to improve immigration and border relations. In 1978 U.S. Deputy Attorney General Benjamin Civiletti visited Douglas, Arizona, the site of a 1976 attack on three Mexicans which had provoked a strong reaction in Mexico; and the Justice Department initiated a federal investigation of the incident. In May, 1979, Carter sent letters to 50 state governors informing them that “the treatment of undocumented workers in the United States has been of particular concern to me and to President López Portillo” and that “it is our responsibility to deal fairly

¹⁷An additional cooperative effort was made to interdict narcotics, a program which Campos (1981, 31) described as the “largest and most successful cooperative effort at international narcotics eradication” in history at the time.

and humanely with any persons accused of being undocumented workers” (*Public Papers of the President*, 1979). In September, a similar letter was sent to executive branch agency and department heads which also read: “I urge you to give full cooperation to Consular and other officials of Mexico and other countries who, in the discharge of their duties in the United States, seek your help in investigating possible incidents of abuse involving their citizens. I also ask you to work closely with the Department of State and the Working Groups of the U.S.-Mexico Consultative Mechanisms.

Finally, there is some evidence, given the sharp rises in estimated undocumented immigration, that deportation rates to Mexico were lower than they should have been. As table one shows, even as estimated undocumented immigration from Mexico increased, deportations to Mexico fell starting in 1978, and non-immigrant visa issuance remained near all-time high levels, suggesting that immigration enforcement actually became more generous under Carter. This conclusion conflicts with Dunn’s assertion that the U.S. “low intensity conflict strategy” of border enforcement began in 1978, but it is consistent with his observation Carter’s enforcement efforts were moderate compared to his successors (Dunn 1996, 40). Grayson (1981, 50) also cites evidence of under-enforcement: “Washington has spurred the demands from the Immigration and Naturalization Service, organized labor, civil rights groups, environmentalists, and many congressmen for an assertive border policy.”

U.S.-Central American relations

As noted above, U.S.-Central American relations were dominated by non-migration issues during this period. Nicaragua, received the most attention as the Carter government removed its support from the unpopular Somoza regime in 1978, then sought unsuccessfully to coordinate the creation of a multi-lateral force to intervene in the armed conflict between the Sandinistas and the Somoza regime. Following the Sandinista victory, Carter reached out to the new government, to a limited extent, to insure that the Nicaragua did not fall into the Soviet bloc. In the cases of El Salvador and Guatemala, the pro-human rights Carter government pushed U.S.-backed regimes to soften their attacks on popular protestors, and even went so far as to cut off arms sales to the Guatemalan regime. Given the intensity of relations with Mexico, however, as well as Carter’s attention to negotiating the Panama Canal treaties and a series of even more severe extra-hemispheric crises (the oil shock, the Iranian Revolution and hostage crisis, the Soviet invasion of Afghanistan), none of these Central American countries received prolonged presidential attention until Ronald Reagan made issues of them during the 1980 presidential campaign.

There is also little evidence of an important relationship between immigration and foreign policy for Central America at this time, though the stage was set for later conflicts. On the one hand, Carter did not consider immigration an important bilateral issue as he did in the Mexican case, as the passing reference in the Task Force Report indicates. Likewise, none of the Central American states were affected by the 1976 amendments to the INA since none approached 20,000 front-door visa requests under the 1965 preference system.

However, Carter’s concern for human rights and his inability, under the pre-1981 restrictive definition of refugee eligibility (i.e., individuals fleeing persecution from Communist regime or governments in the Middle East) to admit Central American refugees apparently inspired him to employ non-immigrant policy in pursuit of humanitarian goals in the Nicaraguan and Guatemalan cases. As table one shows, non-immigrant visas issued to Nicaragua set record highs in 1978 and 1979, and did not fall off in 1980 even though, objectively, visa officers must have believed that many applicants planned to overstay their visas. Guatemalan visas maintained the high rate established in the last years of the Ford administration, but deportations dropped under Carter as his condemnation of the Guatemalan regime increased (though nowhere near as low as the Nicaraguan case). No such quasi-refugee policy appeared to be applied to the El Salvadoran case, the one state with which the United States maintained good

relations, although the level of violence was similar. The passage of the 1980 Refugee Act was designed to eliminate exactly this sort of ambiguity between humanitarian and political immigration policies, and the debate over its ability to do so would dominate U.S.-Central American immigration relations during the Reagan presidency.

The Reagan Years, 1981-1988

Background to the Reagan Years

United States

The first half of the 1980s continued the trend of new sources of immigration, and growing numbers of undocumented immigrants. Whereas Carter's term began with a massive inflow of Vietnamese refugees, Ronald Reagan's term started as the Mariel boatlift, which saw 125,000 Cubans and 20,000 Haitians claiming asylum in the United States in less than a year, was drawing to a close. On an economic level, conditions at the beginning of Reagan's term mirrored 1979, the worst year of the Carter administration: 1981 was another recessionary year, with the GDP contracting slightly over two percent in real terms, while inflation continued unchecked at 10.3 percent. But the remainder of Reagan's term was characterized by steady growth and moderate inflation (average GDP growth 1982-8 of 3.7 percent; inflation averaged 3.8 percent). Finally, oil prices also peaked (in both real and constant terms) in 1981, falling steadily over the course of Reagan's term.

Mexico

In Mexico two major developments occurred during the Reagan years. First, and most importantly, between February and August, 1982, capital flight forced Mexico to massively devalue the peso, moving the exchange rate in a six month period from 26 to 120 pesos to the dollar. As a result of capital flight, devaluation, Mexico's massive trade deficit, and falling oil prices, Mexico announced in August of the same year that it would be unable to meet payments on its foreign debt of \$80 billion. U.S., private, and multinational lenders rushed in with an aid package, but Mexico's default set off a hemispheric debt crisis which, in Mexico, meant severe IMF-managed austerity for the remainder of the decade. The declining real incomes associated with IMF austerity, combined with continued 3.5 percent annual growth in the working age population meant that emigration pressures remained high. The second, related development which would color U.S.-Mexican relations, was that the fissure which had threatened the PRI in the 1970s widened significantly in the 1980s. With the central leadership squarely captured by the conservative/neo-liberal wing of the party, many of the "old-guard" left the party after 1985 to form the leftist opposition Party of the Democratic Revolution (PRD).

Central America

In Central America, the 1980s were dominated by the bloody civil wars in all three countries under consideration here. In El Salvador, 1980 was the last year for efforts at reformist opposition. The country's highest-ranking Catholic priest, Archbishop Oscar Romero was assassinated in March after acknowledging "the case for insurrection when all resources to peaceful means have been exhausted." In October, five underground leftist movements formed the Farabundo Martí National Liberation Front (FMLN), and the country devolved into full-scale civil war. Over the course of the 1980s, over 100,000 Salvadorans were killed, mainly by the government and right-wing death squads. Between the violence of the civil war, and the economic crisis which the war engendered (average annual GDP growth for the *ten*

years 1978-1988 was -1.20 percent, while inflation averaged 18.2 percent during the same period) emigration push factors were unprecedented: between 20 and 35 percent of the population was displaced by the war, eleven percent internally. Over 500,000 El Salvadorans fled the country (mostly not bound for the United States) out of a pre-war population of just 4.4 million.

In Guatemala, the first half of the 1980s saw more of the same, but by the middle of the decade Guatemala experienced the beginning of the transition away from the two-decade-old civil war. A coup in 1982 replaced the military government with a slightly more moderate military regime, though repression continued and the economy was mired in six consecutive years of negative or zero growth. The 1983 overthrow of retired General Rios Montt paved the way for relatively free elections for a constituent assembly in 1984, and for a civilian president, Marco Vinicio Cerezo in 1985. Although the military remained strong, and repression of the large indigenous population continued more or less unabated, an influx of aid and support for the civilian government saw GDP growth return to positive territory after 1985.

Finally, in Nicaragua, as in El Salvador, the decade was thoroughly dominated by armed conflict and its secondary effects. By the latter half of the 1980s, the Nicaraguan government was spending 60 percent of its budget on military responses to the contras. The military conflict, combined with a U.S. trade boycott and U.S.-led isolation from most international financial institutions combined to create utter disaster throughout the decade. Thus, between 1981 and 1990, Nicaragua experienced negative GDP growth in eight out of ten years, averaging -1.8 percent growth and 2,000 percent inflation for the period. In 1987, GDP fell by 12.4 percent while inflation reached 10,200 percent for the year. In sum, as Díaz-Briquets (1989, 42) concluded regarding the region at the end of the 1980s, “emigration may well be the only viable alternative for many young workers entering the labor force.”

Independent Variables

Domestic salience of immigration

Immigration, Mexican politics, and the Central American civil wars were all exceedingly well-covered by the U.S. media. In all three cases, high coverage throughout the 1980s reflected rapid and profound developments in these issue areas, discussed below. For the first time since 1960, immigration and refugee issues received their own sections in the campaign platforms of both major parties.¹⁸ *New York Times* coverage of immigration, which reached a 20-year high in 1979, reached an all time high in 1980, and remained at the high end of its historic range throughout most of the 1980s. While immigration articles indexed by the Readers' Guide to Periodical Literature fell during the 1980s from its all-time high point reached in 1980, coverage of Mexico remained high over the course of the decade, with many Mexico articles also covering immigration issues.

High salience of immigration is reflected in polling data from the 1980s. As figure two illustrates, the number of individuals responding “don't know” or “no opinion” to the question of whether immigration rates should increase, decrease, or remain the same reached an all-time low in 1981, while the percentage of people calling for a decreasing rate reached an all-time high. While these figures returned slightly to their historic levels over the course of the decade, they remained close to their extreme points through the passage of the IRCA in 1986. Similarly, a pair of polls conducted by the Merit Report in February and May, 1982 found that 58 and 59 percent rated illegal immigration very important, 27 and

¹⁸ Immigration had received a plank in the Democratic platform in 1964, but neither party addressed immigration in electoral platforms between 1964 and 1980.

25 percent somewhat important, and only twelve percent in each year did not consider illegal immigration an important problem. On the subject of employer sanctions, all but three percent had opinions in 1983, increasing to five percent in 1984 and 1986.¹⁹

Poll data also sheds some light on public attitudes about refugees. In May, 1980, at the peak of the Mariel boatlift, following five years of Indochinese refugee inflows, and in the midst of difficult domestic economic conditions, only 26 percent in a Gallup poll favored the admission of refugees before allowing the unemployment rate to decline to five percent, with 66 percent answering that no more refugees should be admitted, and only eight percent expressing uncertainty. As the massive refugee and asylum flows on the 1975-1980 period receded, attitudes about refugees became more ambivalent, even as attitudes about undocumented immigrants became more polarized. Surveys in 1985 (Media General/AP) and 1986 (*New York Times*) found that fourteen percent and ten percent had no opinion about whether to make refugees the first priority (1985) and whether to allow refugees (1986); 40 percent and 51 percent supported these pro-refugee actions.

Finally, Mexico and Central America also got substantial coverage unrelated to immigration issues. In the case of Central America, coverage was almost without exception linked to the civil wars, and to Central America as a Cold War battleground. A 1986 Overseas Development Corporation poll found that 59 percent strongly agreed (and 26 percent agreed somewhat) that “Soviet aggression in the third world is a serious problem for the United States; and 48/37 percent agreed strongly/somewhat that “the threat of communism is serious in the third world” (Bailey 1989, 22)

In the case of Mexico, Bailey’s (1989) survey of media coverage and polling data reaches three conclusions. First, the salience of Mexico and U.S.-Mexican relations were high in the 1980s, with the 1982 debt crisis and a series of events in 1985 (massive earthquake, congressional elections, developments in the drug war) dominating coverage. Second, immigration was not the central issue in the media’s coverage of Mexico, nor even one of the top two issues. Rather, the media mainly focused on the Mexican economic and political crises.²⁰ Finally, Bailey (1989, 57) also concludes that coverage of Mexico by the United States media was so overwhelmingly negative that “some Mexicans—private citizens and government officials alike—entertained deep suspicions that Mexico had become the target of a massive dis-information campaign orchestrated by certain forces (U.S. government, investors, or ideological conservatives) to extract some concession (on policy toward Central America, or on trade and investment).” Coatsworth and Rico (1989, 7) agree that “U.S. reporting has undoubtedly been marked by a critical tone. . . . This can be seen both in the commentaries of the mass media as well as in the work of diverse ‘think tanks,’ and even in a good many works of U.S. academics.”

¹⁹ The percentages approving of employer sanctions were 79 percent, 75 percent, and 69 percent, respectively. Polls were conducted by Gallup in 1983 and 1984, and by the *New York Times* in 1986.

²⁰ In fact, in Bailey’s quart-by-quarter content analysis of print and broadcast media, there was not a single three-month period between 1979 and 1989 during which immigration was one of the two most important issues discussed with reference to Mexico. As it happened, the peak period of immigration coverage, the year or so up to and including the passage of the IRCA, was the same year in which several other issues (drug war, earthquake, etc.) also peaked in their coverage.

Foreign policy value

All of the reasons which suggested that Mexico should have had high foreign policy value in the 1970s implied a major decline in the 1980s. Mexico's oil boom had proven to be greatly exaggerated, and oil prices fell steadily over the 1980s anyway. After 1982, although Mexico's economic crisis required that the Reagan administration devote attention to Mexico, doing so meant insuring that Mexico would not default on its debts to U.S. investors, not on negotiating with Mexico as a near-equal. And whereas Mexico appeared a potential answer to U.S. problems in the 1970s in terms of oil and relations with Central America, Mexico was nothing but a source of problems from the perspective of the Reagan administration, in terms of Mexico's financial situation, Mexico's refusal to support the U.S. position in Central America, and Mexico's failure to meet U.S. goals on other issues like the war on drugs and even Mexico's own democratization.

Mexico's low foreign policy value is reflected in Reagan's lack of attention to the country. Reagan generally had less to say about Mexico than his predecessors, especially when controlling for his greater output of public statements. The only exceptions to this generalization occurred in 1982, 1983, and 1986, all of which were periods of acute crisis management. U.S. aid to Mexico increased sharply in 1982 in response to Mexico's financial crisis, but aid was kept to a minimum subsequently, and Mexico was a net re-payer of U.S. aid in all but two of the Reagan years and in two out of four years of the Bush administration.

In the case of Central America, there is no question that regional relations were at the very top of Reagan's foreign policy agenda. Indeed, Reagan's opposition to the Sandinista regime and his support for the El Salvadoran government became key issues during the 1980 presidential campaign, so much so that his election sparked a wave of right-wing violence throughout the region as paramilitary groups were emboldened by their suddenly brighter prospects (see *New York Times* 11/20/80, A35, 11/30/80 S. 1, p. 20).

The speed with which Reagan addressed Central America, first by increasing aid and then by developing a major policy proposal which became known as the Caribbean Basin Initiative (CBI) easily rivaled Carter's rapid approach to U.S.-Mexican immigration issues. Promotion of the CBI to the Organization of American States, to Congress, and to U.S. business interests dominated Reagan's public statements on Latin America without exception until Mexico's default demanded U.S. attention, but presidential statements on Nicaragua and El Salvador continued to outpace attention to Mexico both in terms of the number of messages and their length. These trends are reflected in figures five through seven, which show that Reagan averaged one-and-a-half more references to El Salvador than to Mexico, and three times more references to Nicaragua than to Mexico.²¹

Preferences

The Select Commission on Immigration and Refugee Policy (SCIRP), established in 1978 in response to the Carter immigration proposal, issued its report in March, 1981, and in so doing the SCIRP set the tone for the ensuing five years of congressional debate over immigration policy.²² The commission

²¹ During his entire term, Reagan mentioned Mexico 440 times, El Salvador 614 times, and Nicaragua 1,315 times. Guatemala was only mentioned 165 times.

²² The SCIRP receives credit in numerous secondary sources for being influential during the debate over IRCA; its importance was also confirmed in my own interview with IRCA-author and SCIRP member Senator Alan Simpson (7/20/99).

was especially influential because its sixteen members included four Carter cabinet members and four immigration activists from each chamber of Congress who remained in leadership positions during the 1980s.²³ Thus, while the subjects would receive strenuous debate, the commission successfully focused the debate about undocumented immigration on how to combine enhanced border enforcement, employer sanctions, and amnesty for previous undocumented immigrants. Congress was less accepting of the commission's other recommendations, including its firm opposition to a guest-worker program and its recommendation that visa limits be raised.²⁴

In 1986, the Center for Strategic and International Studies sponsored the formation of a congressional study group on Mexico, which issued its report three years later (CSIS 1989). The study group consisted of 14 members of each house of Congress from the 100th session (1987-8), and it included large portions of border state delegations, as well as past and future leaders on immigration issues.²⁵ The report reflects growing concern within Congress about events in Mexico, concluding: "As Mexico embarks on a high stakes effort to restructure its economy and open its political system, a note of urgency underlies the bilateral relationship. Whether Mexico fails or succeeds in its efforts will have dramatic repercussions for the United States and its relations with the rest of the hemisphere into the 1990s. The U.S. Congress will not escape the rigors of these new responsibilities" (CCIS 1989, ix). The report divided "the Mexico question" into four issue areas, which may be said to have characterized congressional (and presidential) priorities regarding Mexico throughout the decade: the drug war, trade policy, immigration, and Mexican democratization. As the report emphasizes, and as this list of issues illustrates, "Silent integration has reached a critical phase requiring action by the U.S. Congress. Mexico is both a domestic and an international issue for the United States" (CCIS 1989, 56). While the Study Group was dominated by congressional internationalists,²⁶ the harshness with which Congress was willing to address these issues would become clear in 1986 hearings held by the Jesse Helms' Senate Foreign Relations Committee, discussed below.

²³ Alan Simpson, Edward Kennedy, Roman Mazzoli, Peter Rodino, and Hamilton Fish were all members of the SCIRP, and were all among the most important players in the passage of the IRCA.

²⁴ I offer this overview as a very general description of congressional preferences at the time. Actual negotiations over the IRCA were exceedingly complex, revealing deep rifts within the Democratic Party in particular, as in previous years, between those in the party who sought to support unions, which strongly favored employer sanctions, and those who sought to support Latinos and civil libertarians, who opposed such measures. Immigration preferences were also made complicated by the intense lobbying which surrounded the IRCA debate, especially after 22 farm organizations formed the Farm Labor Alliance in 1983 to lobby against immigration controls. The latter group was largely responsible for the SAW and RAW legalization programs in the "grand compromise" which ultimately characterized the IRCA legislation. See Calavita 1994, Fuchs 1983b, Gimpel and Edwards 1999, Martin 1994a, Zolberg 1990b.

²⁵ Eighteen of 24 study group members were from California, New Mexico, Arizona, Texas, or Florida; and three others were from high-migration states Illinois, New Jersey, and New York. Former immigration activists Alan Simpson and Charles Schumer participated, as did future Immigration Subcommittee Chairman Lamar Smith. The committee was evenly split between Democrats and Republicans.

²⁶ Regarding immigration, for example, the CCIS Congressional Study Group's (1989, 19) number one conclusion was that "Assisting Mexico to meet its economic development and employment goals will foster labor market stability in the United States. This goal might be attained by working with the Mexican government to direct foreign investment toward areas that are high exporters of labor, striving to maintain markets open to Mexican goods and maintaining support for the *maquiladora* program. These conclusions largely predict the findings of the Asencio Commission Report (U.S. Commission 1990), which is credited with laying the intellectual groundwork for the NAFTA agreement.

Finally, Congress also spent considerable time in the 1980s debating the U.S. role in Central America. On this subject, too, Congress was sharply divided, with Democrats generally opposing U.S. support for the El Salvadoran (especially) and Guatemalan regimes, and eventually banning aid to the Nicaraguan *contras*, and Republicans and southern Democrats typically supporting Reagan's Central America agenda. Like Reagan (see below), conservatives in Congress clearly considered the security crisis in Central America to be inherently linked to U.S. immigration policy: "what happens in Central America, what happens in El Salvador is not long ago and far away, because if Central America falls, we are going to be flooded with refugees, 10, 15, 20 million of them coming across our borders, people who cannot speak English, who have no jobs, who have nothing" (Senator Jesse Helms during a Senate Foreign Relations Committee hearing on Nicaragua and Central America, 98th Congress, 1st session, 1983; quoted in Schoultz 1992, 158).

As the discussion above suggests, Reagan initially expressed support for a "market" approach to immigration from Mexico (i.e., legalizing flows), a position he had advocated as governor of California (Rico 1981). But by July Reagan unambiguously endorsed the conclusions of the SCIRP report, and never deviated from that position regarding legislation to deal with undocumented immigration. Regarding the importance of immigration within the bilateral relationship with Mexico, Reagan's preferences appear to have undergone a notable shift following Mexico's 1982 default. Initially, Reagan appeared to continue the approach Carter adopted in the second half of his term. In a March, 1981 interview Reagan proposed legalizing U.S.-Mexican flows as a way to solve the joint problems of undocumented immigration in the United States and Mexico's demand for a "safety valve." In a July 30, 1981 statement on United States Immigration and Refugee Policy, Reagan endorsed the findings of the SCIRP report, announced the formation of a Justice Department Task Force on Immigration and Refugee Policy to advance the SCIRP's proposed agenda, indicates American desire to consult with Mexico on the subject, and acknowledges that: "We have a special relationship with our closest neighbors, Canada and Mexico. Our immigration policy should reflect this relationship." Reagan goes on to emphasize that "Illegal immigrants have become productive members of our society and are a basic part of our work force."²⁷

As figure four illustrates, however, Reagan's willingness to discuss immigration declines after 1981, bouncing up in the two years that Congress actively debated the IRCA legislation, but remaining below the level established in the final years of the Carter administration. more striking is the extent to which Reagan moved away from addressing immigration as a bilateral U.S.-Mexican issue. After 1982, Reagan's references to Mexico deal exclusively with the debt crisis, the drug war, and, especially, the Central American civil wars. Amazingly, in a search of Reagan's statements on Mexico, in his joint appearances with Mexican presidents, and a search of his comments on immigration, the words "immigration" and Mexico fail to cross Reagan's lips in the same paragraph—except in evasive responses to direct questions—at any time other than in the first and last years of his term. Most joint statements and appearances with Mexican presidents avoid the topic altogether, an omission which appears to be too consistent to be a coincidence.²⁸

As in the case of Mexico, Reagan's treatment of the Central American countries makes frequent references to immigration in the first years of his presidency, and then drops the issue altogether. In particular, between 1981 and 1983, Reagan consistently raised the specter of immigration as a

²⁷ All quotes of Reagan and Carter are taken from the *Public Papers of the President*. 1998 "American Reference Library" [CD-ROM], unless otherwise indicated.

²⁸ A January 4, 1986 address to the nation on relations with Mexico and Canada is typical; in an address devoted to U.S.-Mexican relations in the year that Congress debated the most significant piece of immigration legislation in 60 years, Reagan does not mention the subject once.

consequence of the United States failing to act to support Caribbean basin countries economically through the CBI, and militarily through funding to El Salvador and the Nicaraguan contras. At no point after the passage of CBI legislation in 1983 does Reagan devote public attention to the subject of immigration from Central America, positively or negatively.

Finally, in his rhetoric, Reagan differed from Carter, and laid the groundwork for future debate, by treating immigration as a “national security” issue. In his March 17, 1982 message to Congress requesting funding for the CBI, Reagan’s first justification for the act is that “The well-being and security of our Caribbean Basin neighbors are in our own vital interests. Today, both their economic well-being and security are threatened. Economic disaster is consuming our neighbors’ money reserves and credit, it’s forcing thousands of people to immigrate, and threatening even the most established democracies.” Similarly, in 1983, Reagan warned of “‘a string of anti-American Marxist dictatorships [producing] a tidal wave of refugees And this time they’ll be “feet people” and not “boat people” swarming into our country”” (Schoultz 1992, 157).²⁹ Rico (1992, 256-261) also notes Reagan’s security rhetoric, and the language employed by Attorneys General William Smith and Edwin Meese, both of whom referred frequently to “losing control of our borders” and to the linkage between undocumented immigration and the drug war.³⁰

Mexico’s preferences regarding both U.S.-Mexican relations and immigration differed from those held in the 1970s. On a political level, the internal divisions that had beset the PRI during the 1970s were largely resolved over the course of the 1980s. In contrast to López Portillo and Echeverría, De la Madrid represented the hard-core neoliberal wing of the party, and he sought from the beginning of his term to personalize and consolidate his base, and to marginalize the so-called “dinosaurs” of the PRI’s old guard. Speaking of the so-called “técnicos” who were left in the party, Centeno (1994, 191) concludes:

The new elite was embedded in a social and professional world where economic autarky and contempt for property rights were inconceivable. The ‘methodological lenses’ through which they analyzed the crisis were also based on the economic orthodoxy of free markets and trade. The new elite defended orthodox economic policies, not as a direct articulation of class interests, but because these programs appeared as the only rational option.

Regarding immigration, Mexican politicians and popular opinion were clearly focused on three issues: access to the United States, migrant remittances, and the safety of migrants in the United States. Even more so during the 1970s. One of the themes frequently stressed by Mexican scholars and officials throughout this period was the need for ‘bilateral solutions to a bilateral problem.’ What they seemed to be arguing was that the U.S. government should accept the ‘reality’ that immigration policy, when implemented by the receiving country, *is* foreign policy--and act accordingly. Whenever a new proposal

²⁹ As Schoultz (1992, 159) points out, the contrast between these statements and historical attitudes is striking. Consider, for example, Truman’s 1953 complaints that “American immigration policy has frustrated and handicapped the aims and programs of American foreign policy throughout the period since 1924.” Similarly, during the debate over the 1965 INA amendments, Representative Emanuel Celler was concerned that quotas limiting Western Hemisphere immigration would “‘muddy the waters of foreign affairs”” and make more difficult the task of protecting US interests abroad.”

³⁰ Although this rhetoric does not sound unusual when considered from the perspective of the year 2000, since all presidents after Reagan have also employed it, Reagan was the first to do so on a consistent basis since Eisenhower’s similar rhetoric during the Operation Wetback crackdown. One exception occurred during the Carter administration, though not at the presidential level: In 1978, CIA Director William Colby noted that “the most obvious threat is the fact there are 60 million Mexico’s today and there are going to be 120 million by the end of the century [The Border Patrol] will not have enough bullets to stop them.” Quoted in Rico (1992, 261).

was introduced by either branch of the U.S. government, the first question that Mexican political observers would usually raise was whether there had been ‘adequate consultations’ with the Mexican government (Rico 1992, 265).

As Perez Godoy (1999, 121) demonstrates, Mexican congressional references to U.S. immigration issues jumped 200 percent between the López Portillo sexenio (1976-82) and the De la Madrid term (1982-88), with legislators specifically debating immigration issues on at least 60 different occasions in the mid-80s. In part, increasing discussion of immigration by the Mexican Congress reflected the growing representation of the leftist PRD party in Congress, which claimed roughly ten percent of seats in each house after the 1982 election, and 30 percent after 1988. Based on my own interview evidence, the PRD has always, and continues to adopt a position closer to the 1970s nationalist hard-line, and demands more U.S. concessions on immigration than does the PRI.

Central America

Finally, even more than in the 1970s, Central America countries were overwhelmingly focused on domestic security issues during most of the 1980s and, in the case of Guatemala, on securing the transition to democracy. Nonetheless, by the 1980s, migration had become a critical issue for all three of these countries as hundreds of thousands of individuals had been displaced or forced to flee from ongoing violence and/or deteriorating economic conditions. As noted above, because of its especially violent conflict, and its high population density, this was more true of El Salvador than of any other country in the region, as more than ten percent of the population fled during the 1980s.

Thus, at least as much as Mexico, these countries were concerned about migration access to the United States and access to migrant remittances, though given domestic political/military conditions, they were much less concerned about migrants’ safety. Following the passage of the IRCA, the threat of mass deportations loomed large, and Salvadoran president Duarte traveled to Washington D.C. to lobby the United States for immigration relief (see below).

Outcomes

Immigration Legislation

In October, 1986, Congress passed the Immigration Reform and Control Act (IRCA), which Reagan signed into law on November 6. The IRCA was the legislative descendant, with relatively few changes, of Carter’s 1977 immigration proposal, and of H.R. 982 passed by the House in 1973. In between, dozens of different employer sanctions bills were introduced, and the issue was close to a final vote in 1984 before being blocked by Democratic congressional leadership when it threatened to become a divisive issue during the Democratic primary season. The key features of the final bill combined employer sanctions, making it a civil offense to knowingly hire undocumented immigrants; a general amnesty for undocumented immigrants who could demonstrate that they had been in the United States since before 1982; and increased border enforcement. In contrast to the Carter proposal, the bill established a mechanism, the “I-9” form, by which employers could verify aliens’ work eligibility; and the bill addressed civil libertarians’ and Latinos’ concerns by including strong anti-discrimination language. Finally, as a concession to agricultural interests which rescued the bill from probable defeat, the IRCA revised and expanded the H-2 guestworker program, making it easier for U.S. growers to recruit temporary non-immigrants; and it created two additional classes of undocumented workers eligible for amnesty by virtue of their recent employment in agriculture. A bill to extend the period during which aliens could apply for amnesty was killed in 1988.

U.S.-Mexican Relations

Non-Migration Relations

U.S.-Mexican relations went into a tail-spin after the 1982 Mexican peso devaluation and subsequent debt crisis. The Consultative Mechanisms, which had been re-named the Binational Commission, became inactive after 1984, without actually being disbanded. As already noted, apart from immigration and the debt crisis, the three key bilateral issues during the decade were over the war on drugs, the wars in Central America, and Mexican democratization. And in all three cases relations went from bad to worse over the course of Reagan's term.

Regarding the Central American civil wars, and conflicting U.S. and Mexican efforts to influence the peace process there, relations were strained from the beginning of Reagan's term. Mexico withdrew its ambassador from El Salvador in 1980 and, along with France, recognized the FMLN as a legitimate political actor there in defiance of the United States. Mexico then played a key leadership role in the Contadora peace process beginning in 1983, to which the U.S. also strongly objected. Regarding drugs, the relationship turned on the 1985 torture and murder of U.S. DEA agent Enrique Camarena, followed in August, 1986 by the abduction and eventual return of DEA agent Victor Cortez. Praise of Mexico's cooperation in anti-narcotics efforts early in Reagan's terms gave way to veiled criticisms, and, finally, to the May, 1986 Senate Foreign Relations Subcommittee hearing on Western Hemisphere Affairs in which U.S. Customs Service Director William von Raab directly accused a Mexican governor of growing marijuana and opium poppies on his private farm under the protection of the Mexican military. Von Raab then refused to comment on an allegation that the family of Mexican president De la Madrid was also involved in drug trafficking. Even State Department officials joined the attack, with Assistant Secretary of State Elliott Abrams suggesting that "In a number of years, the traffickers influence on Government may be so strong that it is hard or impossible to root it out." Elliot explained his willingness to be so blunt because the Mexican government "needs to know how dangerous it is for U.S.-Mexican relations if they don't get a hold of the situation" (*New York Times* 5/14/86, A1).

Finally, the United States also expressed concerns that Mexico's financial situation remained unstable, and that economic problems threatened Mexican democracy and stability. Just ten days after Helms' Senate hearing, the Reagan administration leaked the following information:

More and more senior United States Government officials are coming to believe that Mexico's political and economic problems have grown so severe that Mexico could become one of this nation's most important foreign policy problems, many officials say. Central Intelligence Agency reports on Mexico have been warning for most of the last year that López Portillo instability and widespread violence could be the likely results if present trends in that country are not reversed, Government officials say (*New York Times* 5/25/86, S. 1, p. 1).

Quite naturally, in light of Reagan's general interventionism in the hemisphere, Mexico considered these statements to be a concerted attack on Mexican sovereignty: Mexico would become concerned about its own sovereignty as well. The ominously timed articles and the blatant attack by Senator Jesse Helm, although of little significance in the U.S., led Mexico to believe that it was not exempt from these ambitions. Some even took the occasional waverings by the United States with respect to Mexico's debt crisis as confirmation of their darkest suspicions that Washington was prepared to punish Mexico financially for its behavior in Central America (Bilateral Commission 1989, 157-8).³¹

³¹ The private Bilateral Commission included a combination of prominent internationalist academics, legislators, and business leaders from both sides of the border established, in part, in response to the de facto demise of the official *Binational* Commission.

The one bright spot in the relationship was in the area of trade policies. Over the course of the decade, U.S. investment in Mexican *maquiladoras* increased, and Mexico became the United States' third-largest source of both imports and exports. In 1985, Mexico agreed to join the GATT, a move the United States had been pushing for years. In the same year, the two governments pledged to develop a framework to promote additional bilateral trade, and two years later a formal dispute settlement mechanism was announced, two critical steps that preceded the creation of the NAFTA under the Bush-Salinas administrations.

U.S.-Mexican immigration relations paralleled the other issue areas discussed above: from 1982 on, relations became increasingly strained. On an official level, with Mexicans accounting for well over half of all undocumented immigrants in the United States, the passage of IRCA would be expected to have mixed results. On the one hand, effective employer sanctions and increased border enforcement would cut down on undocumented Mexican emigration to the United States, threatening the Mexican economy. At the same time, a large percentage of IRCA amnesty claimants would also be Mexican, and these individuals would benefit from U.S. citizenship, higher wages, etc. As it turned out, IRCA's employer sanctions provisions were (and are) rarely enforced, and expanding border enforcement has imposed additional costs on migrants but not appreciably affected the level of flows from Mexico and other sending states. Moreover, one million Mexicans eventually claimed amnesty under the IRCA provisions, a third of them under the terms of the Special Agricultural Worker (SAW) program.

Although IRCA ended up being less harmful to Mexico than it originally appeared, immigration relations showed no signs of preferential treatment for Mexico, and, on the whole, were a source of additional tension between the countries. First, deportations of Mexicans, which fell from its high point in 1977 through 1982 began to climb again that year, though deportations remained below 1970s levels. The issuance of non-immigrant admissions were also cut by 60 percent following the onset of Mexico's debt crisis, from 1.5 million in 1982 to 600,000 in 1983; the number had only climbed back to one million in the final year of Reagan's term despite Mexico's improved financial situation.

Perhaps the most significant differences were rhetorical and symbolic. In 1985, in response to the Camarena incident, the United States closed portions of the border without notifying Mexico in advance. As noted above, in contrast to the Carter period there was a distinct lack of any rhetoric of bilateralism regarding immigration policy at any point between 1982 and 1988. Indeed, based strictly in the joint communiqués issued after summit meetings, all appearances suggest that immigration was off the table altogether at most bilateral meetings during these years—even as Reagan was supporting an amnesty for many undocumented Mexicans. Mexican Foreign Ministry personnel confirmed that, from their perspective, dialogue about immigration, either through the Binational Commission or normal diplomatic channels, did not occur at this time. Similarly, although Congress (though not the executive branch) sought Mexican testimony during final negotiations over the IRCA, Mexico refused the invitation. Finally, in 1988, immigration made a cautious re-appearance on the bilateral agenda, with Reagan and De la Madrid announcing after their final summit meeting that Commissions would be formed in each country to jointly consider the continuing problem of undocumented immigration between the two countries.

U.S.-Central American Relations

As already noted, relations with Central America focused overwhelmingly on the regions three civil wars. Within the United States, the debate largely played out in the form of disputes between Congress and Reagan over the type and amount of U.S. funding to the El Salvadoran and Guatemalan governments and to the Nicaraguan *contras*. On a bilateral level, these were classic proxy wars. On the

one hand, the United States supported the right-wing El Salvadoran government with over \$4 billion in foreign aid over the course of the decade, over a third of which was straight military aid. The Reagan administration also repeatedly certified both the El Salvadoran and Guatemalan regimes as being respectful of human rights, a claim which was considered ludicrous by independent human rights observers at the time and now.

In the case of Nicaragua, the Reagan administration's support for the *contra* army increased over the course of the 1980s, even as congressional doubts about additional funding increased. The conflict accelerated in 1984 when Nicaragua shot down a U.S. helicopter that strayed into Nicaraguan airspace, and the United States mined Nicaragua's harbor, resulting in damage to seven foreign ships including a Soviet freighter. In 1985, Sandinista president Daniel Ortega was re-elected in what was generally considered a fair election, though opposition parties claimed that the Sandinistas enjoyed advantages within the media.

Central Americans were affected by three sets of policy issues during the 1980s. First, as victims of government repression and/or persons displaced by civil wars, many, in theory, could be described as "a person who is unwilling or unable to return to his country of nationality or habitual residence because persecution of a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" (House Judiciary Committee 1995, 590), the definition of Refugee according to the 1980 Refugee Act. Second, many Central Americans migrated illegally to the United States, and were therefore subject to back-door enforcement policies. Finally, partly for this reason, the enforcement of non-immigrant visa policy takes account of the likelihood that individuals will violate visa terms, and so provides opportunities for differential enforcement. In all three of these categories, immigration policy appears to have been enforced with foreign policy considerations firmly in mind.

The most notorious difference between the treatment of Central Americans was in the area of refugee and asylum policy. From the beginning, the Reagan administration adopted the position that all Central American migration is economically motivated and, therefore, that migrants were ineligible for refugee or asylum status. Moreover, as a State Department transition team document stated even before Reagan entered office, human rights considerations should not be allowed to "paralyze or unduly delay decisions on issues" where they "conflict with other vital U.S. interests" (*New York Times* 12/7/80, S.4, p. 3). Under the terms of the Refugee Act of 1980, the U.S. executive has perfect control over refugee admissions by virtue of the fact that refugee-situations must be identified in advance, either at the start of the fiscal year or on an emergency basis, by the State Department. Thus, in the first three years of the Reagan administration, not a single Central American country was designated a refugee quota, and no refugees were admitted. In 1983, under pressure from the UNHCR, Nicaragua was designated 50 refugee positions. Zero refugee spots were allocated between 1984 and 1986, and then in the next four years Nicaragua was allowed to send 486, 1,155, 1,053, and 1,239 refugees. Consistent with the well-documented U.S. policy of refusing refugee quotas to persecuted people from sending states ruled by regimes friendly to the United States (see, e.g., Stepick 1992 on Haiti), Neither Guatemala nor El Salvador were ever designated refugee-sending states.³²

Differential enforcement in the area of asylum policy were more egregious. Between 1981 and 1988, the United States granted legal permanent status to 940 El Salvadorans and to 2,821 Nicaraguans. Too few Guatemalans received asylum status to be reported separately, but the total was probably in the neighborhood of 100. These figures reflect several differences in how asylum procedures were applied to

³² This observation, of course, begs the question of why more refugee positions were not allocated to Nicaragua, an issue I address below.

the three groups. Claimants were subjected to radically different bureaucratic procedures, and radically different evidentiary standards. When claims finally were adjudicated,³³ data collected by Russell (1995, 51) show that Nicaraguans were granted status at a 26 percent rate, or slightly over the international average, El Salvadorans were granted status at a 2.6 percent rate, and Guatemalans at a 1.8 percent rate.³⁴ These differences did not, in the end, go unchallenged: “So blatant was the differential treatment to which Guatemalans and Salvadorans were subject that a lawsuit was brought . . . the so-called ABC case: As a result of the lawsuit, the government agreed to grant new asylum hearings to all Salvadoran asylum seekers present in the United States as of September 19, 1990, and to all Guatemalan asylum seekers present as of October 1, 1990” (Russell 1995, 51). Even after the court issued its strong ruling, however, 16.4 percent of 2,075 Nicaraguan applicants in 1992 were granted asylum, compared to 1.6 percent of 6,781 El Salvadorans and 1.8 percent of Guatemalans.

All of the asylum numbers may substantially under-state the degree of inequality. According to Schoultz (1992) Nicaraguans who were denied asylum were routinely instructed to re-apply starting in 1986, a process which would allow them to gain time toward being allowed a stay of deportation based on their length of time in the United States. Indeed, the enforcement of back-door policy appears even more unequal than asylum policy. Over the course of the Reagan administration, only 565 Nicaraguans were deported, compared to 10,763 Guatemalans, and 20,067 El Salvadorans. Thus, the vast majority of Nicaraguans denied asylum were allowed to stay in the United States, either because they were granted a stay of deportation or, more likely, because they were free on bond and were not tracked down by enforcement agents. Although Nicaraguans did not receive the red carpet treatment offered refugees from Cuba and Eastern Europe, generous asylum procedures and even more generous back-door procedures clearly reflected a foreign policy bias.

In the case of El Salvadorans, who were being deported to a bloody war zone at a rate of ten per day, the debate over back-door policy enforcement became intertwined with the debate over U.S. support for the El Salvadoran government. In response to the executive branch’s refusal to abide by Congress’s intention (in the 1980 Refugee Act) that asylum policy be enforced based on applicants’ fear of persecution, rather than foreign policy concerns, Congress sought to pass legislation requiring that El Salvadorans be granted extended voluntary departure (EVD), which would have allowed El Salvadorans to wait out the civil war in the United States, without immediately granting them permanent residency.³⁵ Thus, between 1981 and 1987, at least four separate bills were debated on the floor of the House to grant El Salvadorans EVD. With Republicans controlling the Senate between 1981 and 1986, the closest the

³³ For all three countries, most claims languish for years before being adjudicated, and many people are able to legalize their status through some other procedure before their asylum status is resolved. Overall, between 1980 and 1992, the United States received 629,000 asylum claims, only 218,000 of which were adjudicated. Of the latter figure, about 25 percent of the applicants were granted asylum status.

³⁴ Freedom House’s measure of civil rights, which is a reasonable but imperfect indicator of legitimate demand for asylum, rated the three countries similarly during this period: between 1984 and 1990, Nicaragua averaged 4.5 (on a scale of 1- 7, with high numbers being worse), El Salvador 4.2, and Guatemala 3.7.

³⁵ Extended voluntary departure is a procedure which had historically been requested by the executive branch on behalf of groups of immigrants—defined by sending states—whom are paroled into the United States without being granted permanent status. In every case in which EVD has been granted categorically—1956 Hungary, 1962 Hong Kong, 1968-77 Czechoslovakia, 1975-77 Cambodia, Laos, and Vietnam, 1976 Lebanon, 1977 Ethiopia, 1978 Uganda, 1979 Iran, 1980 Afghanistan, 1982 Poland, 1960-66 Cuba, 1971-7 Chile, and 1979-1980 Nicaragua—immigrants were eventually granted permanent status either by blanket adjustment bills in the case of Cuba and the Indochinese countries, or by the 1984 EVD adjustment of status act.

bill came to passing was in 1986 when H.R.822 was introduced as a floor amendment to the IRCA legislation and defeated, under heavy administration lobbying, by a vote of 197-199. In 1987, hearings were held on S.332 to require a GAO investigation of the enforcement of El Salvadoran asylum claims and to require a stay of deportations during the investigation.

Then, in April, 1987 (following the passage of IRCA and its threat of stronger enforcement), El Salvadoran president Duarte formally requested of the Reagan administration that deportations be suspended, not on human rights grounds (obviously) but because the country was unable to absorb as deportees the population of undocumented El Salvadorans in the United States, which Duarte estimated at between 400,000 and 600,000 people. Duarte's request received "the most serious consideration" from the Reagan State Department, but in May Reagan announced that he could not honor the request because doing so would set a precedent for other countries making similar requests, notably the Dominican Republic and Colombia. Nonetheless, El Salvadoran deportation rates did drop slightly in 1987 and 1988 despite the passage of IRCA (in contrast to Mexican and Guatemalan rates), suggesting that an informal stay of deportations may have been ordered as Schoultz (1992) asserts. In 1988 Duarte appealed personally to Congress, and two years later House Rules Chairman Joe Moakley (who had sponsored several of the previous EVD bills on human rights grounds) successfully attached an amendment to the 1990 Immigration Act granting 18 months of EVD status to El Salvadorans. Enforcement against Salvadorans declined from that time forward. In 1991, the Bush administration provided a de facto extension of the EVD by providing temporary protected status (TPS) to 187,000 Salvadorans, and members of the same group were granted "deferred enforced departure" (the successor to EVD) in 1992.³⁶

Finally, Schoultz also cites evidence that non-immigrant visa policy was enforced with foreign policy goals in mind. Schoultz finds that prior to 1979 the vast majority of Nicaraguan applicants were granted non-immigrant visas without interviews, but that between 1981-1984 U.S. visa officers in Nicaragua rejected non-immigrant visa applications at a 41 percent rate, the highest rejection rate in Central America, as a way to deter asylum applicants. By the end of the decade, Nicaraguan refusal rates had climbed to 70-80 percent (Schoultz 1992, 178-9). In contrast:

In the early 1980s, the US Ambassador to Costa Rica, Curtis Windsor, told his officers in the consular section in San José to give every Nicaraguan applicant who walked in the door a nonimmigrant visa. When informed by embassy officials that such behavior was clearly illegal—it is extraordinarily difficult for a Nicaraguan to establish 'compelling ties to Nicaragua' while living in CR—the ambassador is said to have responded, 'I don't give a damn about the Immigration Act. These people are our friends'" (Schoultz 1992, 177).

³⁶Back-door enforcement also overlapped with the broader debate over U.S. political in El Salvador through the sanctuary movement, a grassroots effort by churches and individuals to help undocumented El Salvadorans avoid deportation. After prosecuting several church leaders involved in the sanctuary movement, in 1984 the INS announced that it would not seek illegal aliens in churches. In fact however, it was later revealed that the Justice Department had been actively infiltrating a "sanctuary ring" in Tucson, a an investigation which led to 11 indictments and eight convictions.

The Clinton Years, 1993-2000

Background

United States

U.S. immigration patterns and policies experienced two changes following the passage of the IRCA. First, in 1990, Congress passed the Immigration Act of that year on the last day of the regular session, with President George Bush signing it into law on November 29. The Immigration Act was designed to increase immigration from Europe, and to increase skills-based migration. These changes came at no absolute cost to family-based migrants (mainly from Asia and Latin America) which were also increased by the Act.

Second, as a result of the IRCA amnesty, the 1990 Immigration Act, and the temporary protection and asylum which had been granted Central Americans starting in the later 1980s, immigration to the United States increased overall, and from the countries under consideration here in particular starting in around 1990. The IRCA amnesty had the greatest effects: legalizing large groups of Mexican and other undocumented immigrants who, starting in 1989 or so, were able to bring in family members who came to the front of the queue at that time. Estimated levels of undocumented immigration, which fell immediately after the passage of IRCA, also began to increase around the same time.

On an economic level, after going through a recessionary period in 1990, the United States entered its longest postwar period of uninterrupted growth in history in 1991. National unemployment fell from 7.5 percent in 1992 to below five percent by 1997, where it remained through the end of the decade. While there is some debate about the precise effects of skilled and unskilled immigrant labor on various sectors of the economy, all indicators suggest that there was high demand for labor of all kinds, including immigrants, throughout Clinton's term in office.

Mexico

In Mexico, politics and economics both continued to be somewhat unpredictable. The shocks to the Mexican political and economic systems of 1985-6 derailed the De la Madrid recovery and threatened the PRI's hold on power. Indeed, most analysts agree that only massive fraud prevented PRD candidate Cuauhtemoc Cárdenas from claiming victory in the 1988 presidential election. But within the PRI itself, disagreement over development strategies appeared to be resolved in favor of the U.S.-educated neo-liberal economic wing of the party. De la Madrid hand-chose the relatively unpopular Carlos Salinas as his successor largely because he was known to be committed to De la Madrid's agenda of economic liberalization. Thus, Mexico pursued an economic strategy of low inflation, increasing trade, especially following the signing of the NAFTA agreement with the United States, and a crawling peg linking the peso to the dollar.

Nonetheless, the program was unsustainable, as it promised a semi-fixed exchange rate and low inflation, but reserved only monetary policy with which to pursue these two goals. Moreover, despite the positive domestic political effects of lower inflation and higher growth as well as the ambitious PRONASOL redistribution program, public resentment remained about harsh austerity measures and the unpopular decision to pursue economic integration with the United States. Both the economic and political problems came crashing down in 1994-1995. First, timed to coincide with NAFTA implementation in January, 1994, a guerrilla army of indigenous Mexicans staged a well-publicized attack on the state capital of Chiapas, in southern Mexico. The Chiapas uprising was followed in 1995 by a

smaller scale uprising by an unrelated guerrilla group in the state of Guerrero. Second, in March, 1994, PRI presidential candidate Luis Donaldo Colosio was assassinated during a campaign appearance, by far the most high-profile political violence in Mexico since the 1910s. Then, in December, capital flight and rising trade deficits forced yet another major devaluation of the peso.

Central America

In Central America, the 1990s were a decade of revival. The government in El Salvador signed an agreement with the FMLN in December, 1991, agreeing to UN monitoring of the cease fire. A truth Commission implicated numerous high-ranking military officers, but granted them a general amnesty in return for their stepping down from their posts. The Supreme Court was also removed. Elections held in March, 1994 were judged free and fair, and the re-integrated FMLN won 25 percent of the seats in the legislature. GDP growth has averaged five percent since 1990, but austerity programming has held down wages and job creation has been weak.

In Guatemala, the far right won the presidency in 1990 when left parties boycotted the election. Political violence continued unchecked, leading to an auto-coup by the president Jorge Serrano Elias in May, 1993. When the public adamantly rejected the coup, new elections were called and a center-right coalition won both a majority in Congress and the presidency behind Alvaro Arzú, who took office in January, 1996. Arzú followed through with his campaign promises of neo-liberal economics and a final peace agreement, lowering inflation and raising GDP through the remainder of the decade, and signing a formal peace accord in Oslo in December, 1996. However, as in El Salvador, austerity economics have lowered the standard of living for most Guatemalans, and a crime wave starting in 1997 created additional emigration pressures.

Finally, in Nicaragua, the center-right candidate shocked the country by narrowly winning presidential elections in April, 1990 with considerable U.S. economic support (not to mention the promise of significantly better relations under a non-Sandinista government). President Violeta Chamorro's narrow congressional majority, and the wide ideological range of her UNO governing coalition forced her to steer a middle course in the face of opposition from the more disciplined Sandinista opposition. U.S. economic aid was less forthcoming than expected when neo-liberal reforms were only implemented slowly and Sandinistas were not purged from the military and some public offices. January, 1997 elections brought a more solidly rightist candidate Alemán to power (in elections of questionable fairness, according to Woodward 1999), but the FSLN gained seats in the assembly and several mayorships, not including the capital Managua. Alemán succeeded in pursuing neo-liberal economic policies, while compromising with the Sandinistas on some domestic distributive issues.

Independent Variables

Domestic Salience

Despite (or because of) the congressional "fix" of immigration policy in 1986 and 1990, immigration flows continued to increase, and remained controversial in the 1990s. As Gimpel and Edwards (1999, 35-38) argue, it is likely that economic insecurity which lingered among many lower-income Americans well into the 1990s, contributed to anti-immigrant sentiment. Several anti-population growth and anti-immigration groups, notably the Federation for American Immigration Reform (FAIR) also became increasingly active in the 1990s after seeing the failure of their IRCA "success." Political factors also contributed to the high salience of immigration in the 1990s. First, the fact that, in contrast to

most earlier periods of major immigration reform, Congress remained continually active on immigration issues from late 1970s through at least 1996 insured a certain amount of media coverage.³⁷ Second, starting with the passage of Proposition 187 in California in 1994, and increasing over the course of the decade, the “Latino vote” became an increasingly common political catch phrase.

The increasing salience of immigration shows up in my media analysis as a continuation of the trend, beginning in the 1970s, of increasing coverage of immigration issues in *The New York Times* and in the *Readers' Guide To Popular Periodicals*, as indicated in figure one. Immigration also received more attention in both party platforms in the 1996 election than it had during any previous postwar election: nine full paragraphs in the Republican platform, and five in the Democratic. Finally, poll data also reflects high salience of immigration. As figure two shows, national surveys in 1992, 1993, and 1995 notched three out of the four lowest “don’t know” responses in history to the question of whether immigration policy should be increased or decreased.³⁸ Reflecting the fact that high salience in the 90s was associated with restrictionist attitudes, the proportion of people calling for lower immigration levels climbed steadily throughout these years as well.

However, in the years following the passage of the IIRIRA, the domestic salience of immigration fell, as there was a general sense that immigration reform had been accomplished, a feeling reinforced by the fact that House Judiciary Committee Republicans, who had been the leaders on immigration policy-making, were otherwise occupied by White House scandals. Moreover, Republicans were stung by unexpected losses in the 1998 congressional elections and the decisive defeat of the Republican gubernatorial candidate in California. In both cases, analysts identified high turnout and highly partisan voting by Latinos and other immigrant groups as key contributing factors.

Foreign Policy Value

With the possible exception of the last years of the Carter administration, it is likely that U.S.-Mexican relations have never been a higher priority to a president than they have been during the Clinton administration. On the one hand, Mexico has gained strength from weakness. The pendulum in U.S.-Mexican relations clearly reversed immediately after the Reagan administration (indeed, the pendulum probably reversed at the low point of the 1986 Senate hearing). Mexico’s third major peso devaluation in eleven years in 1987, followed by the probable victory of the leftist Cárdenas in 1988 was a wake-up call to the Bush administration, which, from the beginning, sought improved relations with Mexico.³⁹ As former Secretaries of State Henry Kissinger and Cyrus Vance wrote in the *Journal Foreign Affairs* in 1988: “Mexico may well present the most challenging problem for the United States in the Western Hemisphere. . . . We believe that Mexican-American relations deserve high priority” (quoted in Coatsworth and Rico 1989, 4). Then, after Clinton entered office, any concerns about Mexican stability and Mexican commitment to neo-liberal principles were reinforced forcefully by the events of 1994-5.

³⁷ I recognize the problematic (for my overall argument) question of causality implied by this observation: how can I argue that salience affects inter-branch bargaining, if inter-branch bargaining, in effect, causes salience. The only response is certain periods of legislative activity, especially the 1960s, sparked much less coverage of the issue. Relying on additional indicators like public awareness and attitudes about immigration also helps make the analytical distinction between Congress-driven salience and Congress-driving salience.

³⁸ The only lower response was from a survey conducted immediately after the Mariel boatlift, in 1981.

³⁹ As Thorup (1989) observes about the Carter-López Portillo years, U.S. and Mexican presidents have often enjoyed *acercamientos*, or “closenings” every 12 years when the beginning of the six-year Mexican term and the four-year U.S. terms overlap. The same was true of Bush and Salinas.

Second, Mexican foreign policy value also increased for “positive” reasons. Both the ruling PRI and the right opposition PAN parties are deeply committed to neo-liberal economics, just like the two major parties in the United States. Democrat Clinton made NAFTA ratification a top priority upon his inauguration in 1993, continuing Republican Bush’s overall strategy of highlighting the positive elements of Mexican economic development and democratization. U.S. support for and integration with Mexico deepened following NAFTA’s ratification in 1993, and by 1997 Mexico was the United States’ second-largest trade partner. The success of NAFTA, and good relations between the U.S. and Mexico more generally, were critical elements for Clinton’s priorities of creating new markets in the Americas, protecting existing ones, and extending free trade throughout the hemisphere by 2005 (see e.g., White House Press Briefing 12/10/94).⁴⁰

U.S.-Central American relations mirrored those between the United States and Mexico, with lower stakes in some ways and higher stakes in others. Like Mexico, the three Central American countries were all ruled by staunch neo-liberals, and in all three cases far left opposition was not far from power. Moreover, while not as important a trading partner as Mexico, taken as a region (i.e., the Caribbean basin area which includes Central America and the Caribbean countries), these countries account for more trade with the United States than do India and the former Soviet Union combined. Moreover, like Mexico, the Caribbean basin countries enjoy a special bilateral trade treaty with the United States, the CBI, and any plan to extend and expand hemispheric free trade must include plans to deepen the CBI and/or somehow integrate it with the NAFTA agreement.

The CBI countries all played a prominent role in the Summit of the Americas meeting, which brought 34 Latin American heads of state to Miami in December, 1994. The meeting itself, the first of its kind to be held in the United States was itself an indicator of the priority attached to U.S.-Latin American relations, and the primary conclusion of the meeting was the desire to expand free trade throughout the hemisphere.

In some ways, the stakes are even higher in Central America, region which has been central to U.S. security concerns at least since the passage of the Monroe Doctrine, and never more so than during the 1980s. After investing over \$5 billion in foreign aid in the region between 1980 and the early 1990s, the United States can ill afford to see additional economic or political strife develop. Moreover, as the Salvadoran Embassy’s congressional liaison emphasized (with only mild hyperbole), El Salvador is the UN’s “most successful negotiated peace settlement, with all 92 compromises institutionalized. The El Salvadoran agreement has been used as a model for Mozambique, Haiti, etc.” While El Salvador has importance as one of the first and farthest along of the negotiated settlements, Nicaragua and Guatemala are both projects of special concern because of the long history of U.S. intervention in the two countries. Finally, just as the entire region was at a critical moment as of democratic consolidation, successive Hurricanes in the fall and winter of 1998 (Georges in the Caribbean and Mitch in Central America) did massive damage to Haiti, the Dominican Republic, Honduras, and Nicaragua, with ripple effects throughout the region.

⁴⁰ Unless otherwise indicated, all quotes and documents attributed to the Clinton administration are taken from the searchable archive of White House publications found at <http://www.pub.whitehouse.gov/search/everything.html>.

Preferences

The Commission on Immigration Reform, headed by Barbara Jordan, issued reports to Congress in 1994, 1995, and 1997; and then issued its final report, *Becoming An American: Immigration and Immigrant Policy*, in 1997.⁴¹ The commission was in frequent communication with Congress even before issuing its reports, and (like its predecessors) had a significant role in defining the parameters of congressional debate. The Jordan Commission made four main recommendations. First, U.S. immigration policy should emphasize “Americanization,” or integrating new immigrants through English literacy, civics, and similar programs. Second, “The Commission recommends that the federal, state, and local governments take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities as to their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups” (U.S. Commission 1997, vii). Third, the commission recommended improved application of existing naturalization laws. Finally, regarding key policy debates, the commission recommended further raising both family- and skills-based quotas to relieve backlogs and promote U.S. economic development; and the commission decisively recommended against denying social services to legal (non-citizen) immigrants, though it supported the denial of all but emergency services to undocumented immigrants. The Commission also recommended enhanced border enforcement and an electronic status registry to assist in worksite enforcement.

I conducted interviews with twelve current or former members of Congress or their staffs, all of whom were involved with immigration policy-making in the 1990s as members of House or Senate Immigration Subcommittees, or of the House Foreign Relations Committee, or because they were involved in the NACARA legislation, in the case of Lincoln Diaz-Balart. Regarding preferences, members confirmed the conventional wisdom that they were predominantly concerned with serving their constituents, and that their attitudes toward immigration policy mainly reflected a combination of what their constituents demanded, what was best for the country, and partisan politics. Regarding the latter, however, they also confirmed that while immigration has become more partisan than ever in recent years there are still more cross-cutting cleavages on immigration policy than in most other issue areas. Finally, with some exceptions, members confirmed that they are well aware of sending state positions on immigration issues, and that lobbying by sending states, especially when it reinforces positions taken by their constituents or by other political actors, is a factor in their thinking, at a minimum.

In contrast to the Hesburgh Commission report in 1981, the 1994 report did as much to highlight differences of opinion within Congress as it did to serve as a positive focal point. In part, the Jordan Commission failed to produce a consensus about the terms of the policy debate because Congress was arguably more divided over immigration issues interest he 1990s than at any previous time in its history. On one hand, immigration policy was more politicized as a partisan issue that at any time in the post-war period (Gimpel and Edwards 1999, Kessler 1999).⁴² Many Republicans lined up behind the arch-

⁴¹ The Jordan Commission was established by the Immigration Act of 1990 “to review and evaluate the impact of immigration policy. More specifically, the Commission must report on the impact of immigration on: the need for labor and skills; employment and other economic conditions; social, demographic, and environmental impact of immigration; and impact of immigrants on the foreign policy and national security interests of the United States” (U.S. Commission 1997, ii).

⁴² This is partly because the Jordan Commission was established in 1990, after Congress had already passed two major immigration overhauls in five years, and no one anticipated that immigration policy would be an even hotter issue by the time the commission’s work was complete four years later. As a result, in contrast to the Hesburgh Commission, the Jordan Commission included no congressional or executive branch leaders.

restrictionist chairman of the House Immigration Subcommittee Lamar Smith, while Democratic leadership was gravitating toward a rights-based pro-immigrant position now that organized labor was moving away from its historical restrictionist position (see Haus 1995, Watts 2000). But at the same time, Republican leadership in the House and Senate was also sharply divided, with Republican Senate Immigration Subcommittee Chairman Spencer Abraham in favor of increased immigration in support of U.S. business interests. Thus, in contrast to the 1980s, congressional leadership, in particular, was sharply divided on immigration.

Regarding Mexico, Congress was divided along broadly similar lines. On one hand, Republicans were split between pro-NAFTA, pro-CBI business interests, and those who saw Mexico as an enemy in the war on drugs and/or immigrants. The Democratic Party was also split between pro-Latino interests, and anti-globalizationists, especially in the House, who feared going too fast on economic integration. Congressional ambivalence played out in highly public debates about “certification” of Mexico’s role as an ally in the war on drugs, including hearings which bore an eerie resemblance to the 1986 Helms hearings.⁴³

If many Republicans viewed Mexico through a drug war lens, they also viewed Central America through a Cold War lens with opposite effect. For example, in September, 1997, the conservative political action committee Empower America sent a letter signed by Republican heavy-weights Jeanne Kirkpatrick, Jack Kemp, William Bennett, Lamar Alexander, and Steve Forbes to Senate Majority Leader Trent Lott in support of the Central America-friendly NACARA bill (discussed below) “in solidarity with the people and governments of Central America . . . as they work to consolidate democracy and free market economies.” Thus, on issues specific to Central America, liberal Democrats and members of the Hispanic Caucus could find common ground with conservative Republicans who traditionally line up against the Castro regime and in favor of right-wing governments in Central America.

I interviewed fifteen members of the Clinton administration, including officials from the State Department, the I.N.S., the White House, the Department of Labor, and the National Security Council. The diversity of opinion among these actors confirmed the difficulty of treating the executive branch as a unitary actor, but there was also broad agreement that the President is able to control bureaucratic direction on issues which he chooses to emphasize: “Sometimes the White House says, we’re doing X. . . , and we can object if we want, but that’s it; we do it. If that’s what the White House really wants, that’s what we do” (Whitney interview 5/11/99). And there was also broad agreement on Clinton’s general immigration agenda. Officials characterized the administration’s preferences about immigration as being in favor of greater immigration enforcement, while also recognizing the high foreign policy value of immigration with respect to important immigration partners like those in Mexico and Central America. Clinton officials in all agencies recognized the immigration system as being badly in need of repair, and considered immigration control a legitimate goal which required more effective enforcement. But at the same time, officials I spoke to clearly recognized that a strict enforcement-oriented approach had consequences for immigration partners, and they were deeply concerned about maintaining and deepening positive relations with Western Hemisphere neighbors.

Clinton (like his opponent during the 1992 presidential campaign, George Bush) had staked out a tough position during the campaign, and in his early statements on undocumented immigration as

⁴³ The “certification” process was passed in 1986 as part of the Anti-Drug Abuse Act, requiring the president to certify each year that countries receiving foreign aid from Washington to combat drugs are cooperating in the drug war. Congress can overturn a presidential recommendation with simple majority votes in both houses. A country which is decertified has its aid from the United States reduced; and the United States is required to vote against loans to Mexico by international lending organizations. Mexico has never been decertified.

president, he continued to signal his desire for tougher policies to control undocumented immigration. In contrast to Congress, the connection between the Clinton administration and the Jordan Commission was quite close, in part because every relevant executive branch agency detailed members to the commission. Thus, many of the Commission's recommendations were implemented by the relevant agency *before* the Commission's report was even written; and "the Commission recommends" was often changed to "we praise the administration for."⁴⁴ None of Clinton's public statements or those related privately to me suggest that his basic preferences differ from the Jordan Commission's: tougher border enforcement, more rational naturalization procedures, higher skills-based and overall admissions, and maintaining benefits for legal immigrants.

Regarding Mexico and the Central American states, as my discussion of foreign policy value suggests, Clinton was highly supportive of these countries, and consistently linked the region to the administration's support for globalization, free trade, and economic integration. In one of Clinton's first statements on Mexico, on the occasion of the annual meeting of the U.S.-Mexico Binational Commission, the president staked out the differences between his attitude toward Mexico and that of the Reagan administration. In particular, the Clinton administration praised "our increasingly close cooperation in world affairs, and our commitment to the success of democracy in this hemisphere," pointing to U.S.-Mexican cooperation and agreement on policies relating to El Salvador, Haiti, Guatemala, and Nicaragua; and the president pointed out that "we agree that the movement toward open markets and free trade in Latin America is vital for the long-term success and strengthening of democracy and human rights in this hemisphere" (Statement by the President 6/21/93). That is, due to historical events and changes in both countries, the two largest bilateral conflicts of the 1970s and 1980s were now reasons for closeness. Even Clinton's response to Mexico's 1994-5 economic crisis signaled a new attitude toward Mexico: unlike the Reagan administration Clinton was unwavering in its support for direct relief, and effusive in its praise of the Mexican recovery. Likewise, regarding Central America, with U.S.-friendly regimes implementing U.S.-friendly policies in all three countries, Clinton had nothing but positive thing to say about all three of these countries. In a November, 1993 summit meeting with all seven Central America presidents in Washington, Clinton addressed the unique historical moment of his presidency vis-à-vis U.S.-Central America relations:

For years, few regions of our world endured more suffering than Central America. But today, few regions are better poised to reap the benefits of the end of the Cold War. This is the first time in the 20th century that all of these nations have come here to the White House to meet the President of the United States, every one of them being headed by democratically-elected leaders. It is an historic and very important moment.

The president also took the occasion to single out each country for individual praise, beginning with the three countries addressed here: President De Leon has struggled heroically on behalf of democracy and human rights in Guatemala. And he's just achieved an important political accord that will bring more accountable government to his nation. President Cristiani played a central role in ending El Salvador's civil war, and has been critical to the success of the peace accords. President Chamorro has worked hard to bring reconciliation and democracy to Nicaragua (Presidential Press Conference, 11/30/93)

In seventeen interviews I conducted in English and Spanish with members of the Mexican Foreign Ministry, Interior Ministry, and both houses of Congress (with members of all three parties), there was near-unanimity on a basic answer to the question: what does Mexico want? In short, Mexico

⁴⁴ Commissioners interviewed made a stronger claim, that Clinton was "immigration-neutral" enough that the Commission may have been highly successful in defining the president's preferences.

wants its citizens to be able to migrate to the United States; and Mexico wants migrants' rights protected. Opposition politicians were especially willing to emphasize the failure of Mexico's development strategy to create sufficient jobs, and the consequent value of emigration "as a compensatory mechanism to diffuse unemployment and development problems" (Zinser interview 1998). And PRI members conceded the value of migrant remittances, and emphasized that Mexico has no desire to challenge its constitutional ban on limiting exits (Maynez Gil interview 1998; Salas interview 1998).

For the Foreign Ministry, even more important than access is the issue of human rights: "Our number one priority when it comes to immigration is to try to guarantee that while in the United States, all Mexicans, regardless of their migratory status, have their rights respected" (Salas interview 1998). Prior to the 1990s, according to the director of migratory affairs, migration was *only* an issue for Mexico when human rights violations occurred (Hernandez Joseph 1996 and 1998 interviews). While the official emphasis on human rights is undoubtedly explained, in part, by the desire to say the "right" thing, the statement is based in fact: human rights abuses are more visible and more graphic to Mexican constituents than is the enforcement of migration quotas. Indeed, several Mexican executive branch officials identified migration as "the most touchy issue from Mexico's perspective," and insisted that its high salience was mainly related to the visibility of human rights abuses against Mexicans in the United States.⁴⁵

Nonetheless, Mexican officials had a strong tendency to emphasize their common ground with the Clinton administration, and they were well aware of the novelty of this fact. Specifically, the two sides have "a common interest in [migrants] working; and people in the United States clearly benefit from the cheap labor" (Maynez Gil 1998). As a result, Mexicans argue, both sides would benefit from regularizing existing flows to gain control of the border, limit the smuggling, and insure that migrants are legitimately employed.⁴⁶ Many in Mexico consider to see a new, limited guestworker program the ideal way to satisfy the demands of both countries: the program would be limited to already-existing migration labor markets, and would have the advantages of protecting migrants' rights, promoting the return to Mexico of migrants, limiting brain drain, and allowing Mexico to benefit from migrant workers' new skills.⁴⁷

On the other hand, recent U.S. migration policy is perceived in Mexico as not just anti-illegal immigrant, but as anti-migration in general, and especially as anti-Mexico. The reaction to "la 187" and other high-profile events like the 1996 videotaped beating of two Mexican migrants—one of whom was pregnant—by a Riverside, CA sheriff has been especially strong, with extensive coverage in all of Mexico's important newspapers. Mexican media have portrayed Proposition 187, the 1996 IIRIRA, and harsh anti-migrant at all levels of U.S. politics as efforts to "criminalize" migration itself. Whereas in the past only human rights abuses of Mexicans in the United States were issues in Mexico, U.S. *politics* have now entered the Mexican consciousness: "As in the United States the 187 stuff begins to become national, and anti-immigrant and anti-Mexico sentiment grows, public opinion in Mexico becomes incensed on an issue that is very sensitive to start with."⁴⁸

⁴⁵Salas 1998; also Herrera Lasso 1998, Hernández Joseph 1998, Vargas 1998

⁴⁶Carrillo 1998, Hernández Joseph 1996, Hernández Joseph 1998, Vargas 1998.

⁴⁷Berkstein 1998, Faestler 1998, Vargas 1998.

⁴⁸Hernández Joseph 1998; also Aguilar Zinser 1998, Herrera Lasso 1998, Maynez Gil 1998, M. Gomez 1996, Salas 1998. The Casablanca affair, in which U.S. agents conducted an under-cover sting operation against money launderers in Mexico without notifying Mexican officials, is the latest in a series of conflictual bilateral events. As Maynez Gil put it: "Mexico is faced with the dilemma of worsening the relationship with American institutions or putting a gun to our heads in domestic politics; *that's* why the PRI is upset about Casablanca."

Mexico's democratization makes (perceived) U.S. hostility toward Mexico even more problematic for at least three reasons. First, along with democratization has come a liberalization of the Mexican media. In the past, the Mexican government might have chosen to censor or at least downplay coverage of U.S. hostility if doing so advanced the bilateral agenda; but multipartism (along with technological advances including satellite communications and the internet) make censorship difficult today.⁴⁹ Second, the PRI's move away from revolutionary nationalism in favor of development-based claims to legitimacy has created the political space for opposition candidates to adopt anti-American positions. Indeed, politicians from both the leftist PRD *and* the rightist PAN have explicitly adopted the rhetorical position that the PRI has "gone soft on the United States."⁵⁰

Third, and most importantly, the progress of Mexican democratization, and, in particular, the PRI's failure to win a congressional majority in 1995 elections, has further increased the role of the Mexican Congress as a player in international relations and U.S.-Mexican immigration relations in particular: "It is not like in the past where the executive and the Secretary [of Foreign Relations] had a wide margin. Congress is becoming very active" (Herrera-Lasso 1998). One example is a bill which was introduced in 1998 in both houses of the Mexican Congress with tri-partisan support which would have responded to the creation of a U.S. high-tech "laser visa" (for which border crossers will have to pay \$45 each) by mandating that all U.S. visitors to Mexico pay a \$45 fee to obtain an entry visa.⁵¹ More generally, in her analysis of Mexican legislative activity, Perez Godoy (1999, 151) found a further increase in Mexican legislation directly addressing U.S. immigration issues during the Salinas administration, up from 60 during the De la Madrid sexenio to 110 during Salinas' term (1988-94) and a projected 120 under Zedillo (1994-2000).⁵²

Finally, in my interviews with diplomatic personnel from five Caribbean basin countries (the three discussed here as well as Honduras and the Dominican Republic), officials were all in agreement that immigration was among the two most important bilateral issues, along with trade.⁵³ As El Salvador's congressional liaison summarized: "Immigration is certainly one of our most important issues. For the current government, it is probably the highest priority, and we raise it at every level. We spend an enormous amount of time explaining to both Congress and the administration the importance to our country of emigration issues" (Argueta interview 1999).

⁴⁹ Jorge Chabat offered the following illustration: as recently as 1984, when *The Washington Post* ran an exposé on Miguel De la Madrid's finances, agents from Gobernación seized all copies of the paper at the Mexico City airport, the only place in the *country* it was available at the time. Such strategies are now unavailable.

⁵⁰ Aguilar Zinser 1998, Faestler 1998, González Zamora 1998, Maynez Gil 1998, Sanchez 1998.

⁵¹ As the bill's author Adolfo Aguilar Zinser noted, "This will be the first time in history that [the Mexican] Congress takes a unilateral action against the United States." Aguilar Zinser also noted the irony of this effect of Mexican democratization: "The United States has a Disneyland view of democracy: democracy will necessarily make Mexico and the United States better friends, and necessarily benefit developments between our two countries because democracy is good. The United States is going to have to understand that the more real democracy comes to Mexico, the less capable will anyone be to make deals with the United States that do not go through the process of scrutiny or legislative critique. Before democracy leads to an era of cooperation, there's going to be a lot of confrontation." The bill was never brought to a final vote.

⁵² Perez's analysis only ran through 1997. In the first three years of the Zedillo sexenio the Mexican Congress debated 59 bills dealing with U.S. immigration issues, projecting to 118 for the sexenio.

⁵³ I will mainly restrict my attention to the three cases addressed in this chapter, but with almost no exceptions representatives from all five countries expressed similar views.

Specifically, Central American countries want their access to the United States to continue as an employment safety valve and a source of remittances. This was especially true for Guatemala, where remittances are the number four source of state income, and for El Salvador, where they are number one. The El Salvadoran Central Bank reported remittances from migrants totaling \$1.2 billion in 1997, a figure equivalent to 10.5 percent of GDP and sufficient to finance 30 percent of the total value of good and services imports, most of which also come from the United States. For the region as a whole, remittances totaled \$3 billion in 1997 (Embassy of El Salvador 1999).

The second, related major item of concern to the region is to avoid mass deportations, or an increase in deportations of any kind. For Nicaragua, avoiding deportations of the estimated 100,000 or more undocumented Nicaraguans in the United States was “the number one priority” due to the “risk of a complete economic crisis” if 100,000 new unemployed Nicaraguans were to be thrust into the fragile system (Rivas interview 1999). Besides this economic issue, representatives from El Salvador expressed concern that many El Salvadoran deportees under the new IIRIRA deportation rules—who had lived in the United States virtually their entire lives and may not even speak Spanish—were being returned to El Salvador with U.S. criminal experience and jail time. Officials feared the establishment of transnational gang linkages that would drag El Salvador into the U.S. drug supply chain. For all the countries in the region, the stakes of immigration relief were made enormously higher following the devastation of Hurricane Mitch, which destroyed much of the region in December, 1998.⁵⁴

Finally all the Central American countries share the strong belief that they have a special—and especially close—relationship with the United States, and that their “service” in the Cold War has earned them special consideration. This is true at a general level: We have good friends on the Hill from both parties, and with or without Guatemalan constituencies. Many of our allies are loyal to Guatemala because we were an ally during the Cold War. Many Republican friends on Hill understand the issue this way, but it is often difficult for them to be openly supportive because their constituencies are hostile. Guatemala has a very good relationship with this administration and with Congress. Since the current Guatemala government came in in Jan. 1996, relationships went from good to wonderful (Marroquín interview 1999). And it is true regarding immigration relief in particular: “While U.S. foreign policy was not the only cause of Salvadoran emigration, it was almost certainly the most important cause. This is what allows the embassy to raise the issue as a bilateral issue: it is not strictly U.S. domestic, as far as El Salvador is concerned” (Argueta interview 1999).

Outcomes

Immigration Legislation

Two major legislative changes occurred during the Clinton presidency. First, in 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act, the IIRIRA. IIRIRA’s provisions mainly fell into five categories. First, border enforcement was greatly expanded, including by funding increases of 1,000 Border Patrol agents a year for each of five years, building additional fencing along the border in the San Diego area, improving border crossing cards, and requiring the I.N.S. to keep track of border entries *and exits* as a way to monitor visa overstayers. Second, legislation increased penalties against alien smugglers and providers of counterfeit documents. Third, the legislation greatly streamlined deportation and exclusion procedures, combining them into a single “removal” process; made it more difficult to for immigrants to be granted a stay of removal; required detention for all aliens

⁵⁴ For the Dominican Republic and other Caribbean countries, the importance of immigration relief was also increased by the almost equally-devastating Hurricane Georges, which struck earlier in 1998.

between a finding of removal and its execution; and created several new categories of aliens whom executive branch agents were required to remove, including all aliens with any previous criminal record, and any new immigrant making an asylum claim (or otherwise lacking an entry visa) but lacking documentation of the basis for asylum. Fourth, the IIRIRA created work eligibility pilot programs, which allow employers to check employees' status on a voluntary basis. And finally, along with the Welfare Reform Act passed at the same time, the IIRIRA greatly restricted welfare benefits available to undocumented *and legal* immigrants.

The bill also changed the rules for asylum applicants and others applying for suspension of deportation (which was renamed "cancellation of removal"). Under the old rules, asylum applicants with cases pending were able to count as "time in the United States" the time spent in the United States during asylum appeals. With few exceptions, immigrants who have been legally in the United States as non-residents (i.e., migrants paroled into the United States or waiting on appeals processes) for seven years become eligible for a stay of deportation on the grounds that deportation would cause an undue hardship to the immigrant. Under the new rules, several changes were implemented. First, time spent while waiting on an appeal was no longer added to "time in the United States," and would not imply an additional hardship associated with deportation. Second, the standard for cancellation of removal was raised so that cancellation would only occur if removal would cause "exceptional hardship" to a family member who was a legal resident. Third, these changes were to be applied retroactively.

While the new removal proceedings employed neutral language, its effect would be that 250,000 individuals with immigration cases currently pending, who had voluntarily entered the immigration appeal system (giving the I.N.S. their names and addresses), would be subject to immediate deportation. Moreover, the vast majority of those immigrants with asylum cases in the pipeline who would be affected by the legislation were the same immigrants who had been granted new asylum hearings as a result of the ABC hearing discussed above. As a result, In July, 1997 Clinton introduced the Immigration Reform Transition Act which would re-establish pre-IIRIRA guidelines for suspension procedures for immigrants whose cases were initiated prior to April 1, 1997 when the IIRIRA rules were put into effect; and it would specifically designate those individuals covered by the ABC settlement as being governed by the previous rules. Before passing what eventually became known as the Nicaraguan Adjustment and Central American Relief Act (NACARA) in November of the same year, however, Congress amended the bill to impose a double standard: while Guatemalans and El Salvadorans would be considered under the old rules, as Clinton had proposed, Cubans and Nicaraguans in the country continuously since December 1995, as well as their spouses and children, would be given a blanket right to adjust to legal permanent resident (LPR) status. Congress estimated that up to 150,000 Nicaraguans and 5,000 Cubans would be granted legal status under the legislation.

U.S.-Mexican Relations

As in the past, the most significant non-migration relations during the Clinton period concerned the three issues of trade, aid, and drugs. On all three issues, the president adopted a consistently pro-Mexico attitude, and Congress grudgingly went along. Clinton made NAFTA implementation his first major foreign policy goal, and had a difficult, but eventually successful time corralling sufficient Democratic support for the measure. Following Mexico's peso devaluation in December, 1994, the Clinton administration also supported a generous package of subsidized loans and loan guarantees to support Mexico's recovery. After initially proposing a \$40 billion package with strict congressional oversight, the Clinton administration worked out a \$20 billion deal with fewer conditions imposed by Congress. Nonetheless, in order to get Congress to agree to appropriate the funding even for the scaled back package, Clinton was forced to ask for, and receive, concessions from Mexico in the other contentious areas of drugs and immigration. Specifically, in exchange for congressional approval of the

aid package, Mexico agreed to take unspecified steps to crack down on the Gulf Cartel cocaine ring; and Mexico agreed to take new measures to break up immigrant smuggling rings, expand the so-called Grupo Beta border police unit, and shut down a network of water tunnels in Nogales that were often used for immigrant smuggling (*New York Times* 2/23/95, A11).

Finally, regarding drugs, the first years of Clinton's presidency were characterized by increasing cooperation, mainly through efforts coordinated by high level bilateral meetings within an anti-drug working group formed within the Binational Commission. A draft report signed by the Mexican Foreign Minister Angel Gurria and the White House "Drug Czar" Barry Mcaffrey in February, 1997 summarized the successes as including record seizures of heroine, cocaine, and methamphetamines in 1995 and 1996, record destruction of marijuana crops, and the extradition—for the first time—of Mexican drug lords to the United States. But between the writing and publication of the report, the top Mexican anti-drug official, Jesus Gutierrez, was arrested on corruption charges. In a controversy recalling the Reagan administration's public condemnation of Mexican officials as being involved in the drug trade in 1986, the Clinton administration, apparently under bipartisan congressional pressure, announced possible plans to recommend a "qualified" certification of Mexico as an ally in the drug war, a move which would not have carried the economic sanctions reserved for "decertified" countries, but would have been a highly public condemnation of Mexico. In response, Mexican Foreign Minister Angel Gurria made an unusual public statement on the issue, threatening to end Mexican participation in the binational working group on drugs. The Clinton administration withdrew its proposal, and in March the House of Representatives voted 251-175 to decertify Mexico. Finally, in a compromise worked out after extensive lobbying by the Clinton administration, the Senate certified Mexico, but identified the country as a major source of drugs and cited evidence of significant corruption. The resolution also required the president to report back to Congress on Mexican progress in fighting drugs.

On the surface, Clinton's decision sign the restrictionist IIRIRA legislation and to emphasize increased border enforcement through programs like Operation Gatekeeper and Operation Hold the Line appear to represent major defeats for U.S.-Mexican immigration relations. While this is true, on one level, it is also the case that the Clinton administration successfully limited the damage from the IIRIRA by demanding legislative concessions. First, from the beginning of the legislative process, Clinton stated his opposition to the "Gallegly amendment" which would have permitted states to deny undocumented immigrant children access to public schools, a measure which was strongly opposed by immigrants' rights groups *and by* Mexican policy-makers (Beltrán 7/10/98). Although the amendment passed by a comfortable margin of 257-163 on the floor of the house, the administration's consistent and unambiguous opposition to it was a decisive factor in its removal from the bill by the conference committee in September of 1996.⁵⁵ Second, Clinton successfully insisted on lowering the deeming requirement from 200 to 125 percent of the poverty rate, a move which benefited families of poor immigrants, many of whom come from Mexico and elsewhere in Latin America. Third, Congress agreed to substantially weaken the restrictions placed on legal immigrants' access to welfare and other social services, including AIDS treatment. In short, while the bill retained *some* objectionable provisions on welfare and deeming, the final outcome shared a great deal in common with the administration's own proposal, H.R. 1929 introduced in June 1995 by Howard Berman (D-CA).⁵⁶

⁵⁵ On this and the history of IIRIRA in general, see Gimpel and Edwards 1999.

⁵⁶ This point was emphasized by various administration officials interviewed: the popular perception is clearly that Clinton "lost" on welfare reform and IIRIRA, but, in fact, Clinton campaigned as a "law and order" president who wanted "to end welfare as we know it" as long ago as 1992.

While Clinton was able to improve the outcome of the bill from Congress's original conference report by threatening a veto without the above-mentioned changes, his real work from a bilateral perspective came in the policy enforcement round. In particular, the administration has invested unprecedented resources in the U.S.-Mexican Binational Commission and, especially, in its Working Group on Immigration and Consular Affairs. In contrast to the policy under the previous two administrations, Working Group and Binational Commission meetings have been regularly attended by Cabinet-level officials from both countries. While the Binational Commission addresses the entire range of bilateral issues, concrete accomplishments in the 1990s have focused overwhelmingly on trade and, especially, immigration issues. Administration officials confirm that these efforts have been specifically designed, in part, to limit the harmful effects of heightened border enforcement and congressional restrictionism.

The most significant developments have come since 1995—i.e., since it became clear that congressional immigration reform was inevitable. The February 1995 meeting of the Working Group in Zacatecas, Mexico was cited by participants from both sides of the border a pivotal moment; it was at this meeting that the concessions demanded in exchange for the U.S. aid package (expanded cooperation to combat migrant smuggling and closing the Nogales tunnel system) were put in place. The two sides explicitly recognized immigration as a bilateral problem calling for cooperative approaches, and expressed joint opposition to the exclusion of immigrants from benefits. The two sides also agreed to expand services on both sides of legal border crossing points, to greatly expand the Border Liaison Mechanism to promote local diplomatic contacts, and to notify each other in any case of migration enforcement (i.e., for the United States to notify Mexican officials before any deportations). The United States agreed to expand its border crossing card program which facilitates local immigration. Finally, the two sides agreed to establish a Binational Study, written by ten academics from each side of the border, which would define an agreed-upon set of facts about binational flows which would be the basis of future negotiations. In general, according to Daniel Hernandez Joseph (interview, 6/28/98) who has participated in most of the working group meetings this decade, it was at the Zacatecas meeting that both sides agreed for the first time to seek meaningful, *programmatic* changes through the working group.

Indeed, following the February, 1995 meeting, a slew of additional binational meetings produced concrete documents and programs which are credited by officials interviewed on both sides of the border with softening the effects of congressional restrictionism. The immigration working group became the signature group of the Binational Commission, and its reports have been first in subsequent joint communiqués issued by the larger Binational Commission. A March, 1995 meeting established the Binational Study Group, which issued its report in May, 1997; an additional Study Group was founded in June, 1998 to develop mechanisms for sharing actual immigration data. A region-wide meeting held in March, 1996 in Puebla placed sending state demands for regional investment as a solution to the immigration problem at the top of the agenda. The May, 1996 meeting of the Binational Commission produced a "Memorandum of Understanding" signed by the U.S. Secretary of State and Mexican Foreign Minister, including a joint agenda for addressing human rights and law enforcement, emphasizing that the protections of migrants' rights is a higher priority than law enforcement. The two presidents followed up with a joint declaration in May, 1997, which outlined four specific programs to promote migrants' safety, maximize cooperation U.S. enforcement agents and Mexican consuls (the "Mechanisms of Consultation"), minimize the negative impact of forced repatriations (the "Border Liaison Mechanisms"), and to link immigration control to economic development—all Mexican priorities. For the first time, in every I.N.S. region, standing procedures have been approved by both countries which define who should be notified, and where and when removals may occur. These ground-level cooperative efforts have assured that the massive increase in border enforcement and the cut-back in services to migrants have been accomplished with minimum of strain on the bilateral relationship. As one Clinton administration official observed, at almost any other point in U.S.-Mexican history, such moves by the United States would have been met with outraged cries of Yankee insensitivity; as it is, this response has been limited to opposition politicians.

U.S.-Central American Relations

In the case of U.S.-Central American relations, immigration was by far the most active and contentious issue in the bilateral relationship, especially following the passage of IIRIRA in 1996.⁵⁷ Despite support for relief for Nicaragua among the Republican right, Lamar Smith and other congressional restrictionists were cool to the idea of relief to such a large number of undocumented immigrants. The administration indicated its willingness to play hardball. In a July 10, 1997 letter to House Speaker Newt Gingrich, Attorney General Janet Reno threatened: “If these legislative proposals are not enacted, the Administration is willing to consider any available administrative option, including Deferred Enforced Departure. . . . [which] is based on the Presidential authority over foreign affairs and has previously been used to achieve *foreign policy* objectives” (emphasis added).

While there is no question that the bill would not have passed without Clinton’s active support (Diaz-Balart May 12, 1999; Argueta May 20, 1999), the passage of the NACARA was far from an unqualified success for the Clinton administration, as noted above. In the end, faced with opposition from the right (mainly in the form of Immigration and Claims chairman Smith who opposed the effort to undo IIRIRA) and from the left (Carol Moseley-Brown blocked the bill in the Senate because of its unequal treatment of different sending states), Clinton’s relied on Cold War foreign policy arguments to sway the former and concessions on Haitian migration to sway the latter. As a result, in order to obtain his original goal of pre-IIRIRA rules for Nicaraguans, Guatemalans, and Salvadorans, Clinton was forced to accept legislation which perpetuated the onerous 1980s policy of not just using immigration as a tool of foreign policy, but using immigration policy as a weapon in the Cold War by discriminating against nationals who fled “friendly countries” in favor of those who “opposed communism.” High-ranking administration officials urged a veto to avoid the strain that the bill would place on regional relations.

As in the Mexican case, the end of the legislative round, in which Clinton enjoyed qualified success at influencing outputs, was the beginning of his efforts to address Central American demands during the enforcement stage. Even as he signed the bill Clinton not only expressed his concerns, but also pledged to address them in the enforcement stage (Presidential Statement 11/19/97). Nonetheless, Clinton faced continued opposition from Lamar Smith and other restrictionists in Congress who considered efforts to achieve “immigration parity” in Central America to be opposed to Congress’s intent; and Smith and others were active in the regulatory comment period. In response to congressional pressure, the Department of Justice published proposed regulations in the *Federal Register* in November, 1998 which maintained case-by-case decision-making regarding Guatemalan and Salvadoran nationals applying for relief under NACARA guidelines, a set of rules which Lamar Smith considered “entirely consistent with Congressional intent in passing NACARA.” Smith emphasized that “there was no intent that there be a ‘presumption of extreme hardship’ for aliens covered” by the law (Smith 1999a). However, a decision was made at the top levels within the White House to overrule the Justice Department after preliminary publication of the regulations, prompting no less than four additional letters from Smith to the Attorney General and the I.N.S., one of which concluded: Quite honestly, it is inconceivable to me that the administration would even consider making a blanket ‘presumption of extreme hardship,’ based on the plain language of the law, the representations made to me, and the history of suspension of deportation. Granting all cases in the name of ‘administrative efficiency’ would be absurd. I need not remind you of the lessons that should have been learned from ‘Citizenship USA’ (Smith 1999b).⁵⁸

⁵⁷ The only other issue of major significance was a trade question: Central American and Caribbean efforts to expand the Caribbean Basin Initiative. As of this writing, several competing CBI proposals are still pending, and I will not address CBI enhancement in this chapter..

⁵⁸ The latter was a veiled threat, making a reference to congressional investigations of alleged abuses of the naturalization process by the Justice Department; Congress accused the Clinton administration of intentionally

Nonetheless, in May of 1999—one-and-a-half years after NACARA was signed into law—the administration issued final regulations which did exactly this: shifting the burden of proof from immigrants fighting removal to the I.N.S. by mandating a *blanket presumption* of extreme hardship for all individuals covered by the statute, rather than requiring each individual migrant to prove their hardship. That is, while El Salvadoran and Guatemalan amnesty claims would be investigated on a case by case basis as Congress intended, amnesty would be extended in all (individual) cases in which the I.N.S. could not *prove* that deportation would not cause excessive hardship, a very difficult task. While these regulations stopped short of the stated goal of migration policy parity, there is some truth to House Judiciary Chairman Lamar Smith’s accusation that the regulations amount to a “de facto amnesty” and were “not what Congress intended” (Branigin and Pan 1999). At a minimum, as a key administration official put it, the regulations were “a *creative* legal interpretation of the statute.”

Finally, the administration also took administrative steps to soften the impact of the IIRIRA and, especially, of Hurricane Mitch. In the immediate aftermath of Hurricane Mitch, the administration unilaterally declared a moratorium on deportations to all affected countries for one month, and later extended the moratorium to 90 days, the maximum allowed under the law. Moreover, sending state officials privately expressed the belief that I.N.S. agents were informally instructed to look the other way and allow undocumented immigrants from Mitch-affected countries to illegally enter the United States in great numbers.⁵⁹ Finally, in January, the administration announced the decision to grant temporary protected status (TPS) to an estimated 150,000 Nicaraguans and Hondurans, the largest group ever covered by a TPS decision. While only a handful of Nicaraguans accepted the TPS offer since they were also covered by generous NACARA provisions, the Honduran embassy expected at least 90,000 Hondurans to apply for the relief. There is every reason to believe that the generous TPS decision was in large part an effort to provide a consolation prize to Hondurans who had been omitted from NACARA. As one official explained: “The government in Tegucigalpa urgently hopes that TPS will evolve into a permanent solution for some undocumented Hondurans who will qualify for permanent residency. . . . 90,000 Hondurans working legally in the United States—and perhaps staying—will make a substantial difference in the amount of remittances, which is especially important now.”

Analysis

In this section, I will answer the questions asked at the outset of this chapter: Do the president and sending states take actions to influence U.S. immigration policy, and how important are those actions? Can salience and foreign policy value help explain how conflicts among Congress, the president, and sending states are resolved? Does the president’s influence vary by issue area and/or by the stage of policy-making (legislative versus enforcement)? In addition, I identify a fourth factor which is important in the preceding analysis: the ability of the executive branch to resolve inter-agency disputes and advance a coherent immigration agenda.⁶⁰

allowing inadmissible aliens to naturalize in advance of the 1996 elections to boost Democratic voter turnout.

⁵⁹ This assertion is also supported by the fact that apprehensions of Central Americans showed little increase after Mitch struck even though there was evidence of increasing (undocumented) emigration from the region.

⁶⁰ Mexico has had a similar problem historically, as the conflicting goals of access to the United States and protection of citizens abroad have often divided the presidency. Typically, Gobernación, the Interior Ministry, is more concerned with the former issue and SRE, the Foreign Ministry, is more concerned with the latter. Responding in part to Mexican democratization and a more activist opposition Congress, Mexican President Ernesto Zedillo initiated an inter-agency review of migration policy in 1995, headed by the heads of Gobernación and SRE. The review was charged with developing a single policy to cover all of Mexico’s migration issues: that is, migration to, from, and through Mexico. This more self-conscious approach *within* Mexico is credited by many well-placed

Players' Actions

First, I evaluate one of the core assumptions of my argument: that in addition to Congress, the president and migrant-sending states *actively* seek to influence U.S. immigration policy. This case study has provided ample evidence that they do so, during both the legislative and enforcement rounds of policy-making.

Presidents' Actions

Carter took several steps to improve bilateral relations generally and immigration relations in particular (institutional steps like the creation of the Consultative Mechanisms and Mexican Coordinator; enforcement steps like the letters to the governors and agency heads). In some ways, the most important action Carter pursued is the one that never materialized: a possible oil-for-guest-worker deal which was proposed “repeatedly” to Mexico throughout the Carter presidency (Rico 1992). As discussed above, there is also evidence which suggests that Carter intentionally failed to escalate border enforcement even after Border Patrol funding was increased. Finally, at least some border enforcement after 1979 occurred in cooperation with Mexican anti-smuggling efforts. While U.S.-Mexican enforcement cooperation in 1979 was limited in scope, it is significant in that its emphasis on concrete issues of common concern (smuggling, which hurts both U.S. and Mexican interests) laid the groundwork for more extensive cooperation during the Clinton administration. Thus, it is safe to conclude that Carter sought with some success to employ immigration as a tool of foreign policy with respect to Mexico. In the Central American cases, Carter employed immigration as a tool of humanitarian aid to Nicaragua and Guatemala, though he did not do so in the case of the more U.S.-friendly El Salvadoran regime

But the administration also failed to take several steps which might have changed outcomes. In the domestic political arena, Carter failed to lobby aggressively to push Congress on his immigration proposal, never “went public” to pressure congressional action, and never treated undocumented immigration as a national security threat as a way to strengthen his bargaining position. On the international level, Carter’s mistake was to repeatedly fail to be sensitive to Mexico’s desire to be treated like an equal. Two years after Schlesinger insulted Mexico by publicly rejecting the natural gas deal, Mexican Coordinator Krueger publicly demanded reparations from Mexico for the Ixtoc I oil spill which polluted U.S. beaches, leaving Mexico little choice but to publicly refuse to do so. Thus, Ixtoc I became yet another source of bilateral tension when it could likely have been resolved relatively easily through closed negotiations. Even more damaging was the public discussion within the Carter administration, never acted on, of sealing the border with a razor wire fence, a proposal which received extensive negative press in Mexico. In short, although Carter appeared to make a concerted effort to turn around his Mexico policy some time around the publication of PRM 41, he never succeeded in acting with a coherent and strong agenda on either U.S.-Mexican relations or immigration policy.

Reagan’s approach to immigration policy-making, like his preferences and the overall policy-making environment, was quite different from Carter’s. Reagan had supported the ideas of employer sanctions and amnesty from before the time he was president. Thus, at the legislative level, contrary to the traditional story of IRCA as a strictly congressional event, Reagan took an active leadership role through the creation of his immigration policy task force which worked very closely with Congress during 1981-1982 when the heart of IRCA was drafted. Later, when Democrats delayed action on the bill, several public messages read as textbook examples of “going public” to pressure Congress; and Reagan privately lobbied lawmakers during the final debate on a number of critical floor amendments, including the EVD

Mexicans with improving Mexico’s ability to negotiate on the subject with the United States. (Berkstein 1998, Hernández Joseph 1996 and 1998, Solís Camara 1998, Aguilar Zinser 1998, Herrera Lasso 1998.)

amendment discussed above. Finally, when his administration was divided on the final bill because of the strong anti-discrimination language which were included to please liberals and Hispanics, the decision was made at the top that IRCA would be signed.⁶¹

Reagan's active use of immigration as a tool of foreign policy was mainly limited to the Central American cases.⁶² First, there is no question that the executive branch manipulated the enforcement refugee and asylum policy. Indeed, one person I interviewed in the I.N.S.' Office of the General Counsel explained that embassy and I.N.S. officials were given printed "answer sheets" during the 1980s which determined whether someone was eligible for asylum based strictly on their country of origin, without regard to other details of their case. Prior to the establishment of a professional asylum corps and strict regulations in 1994, this was an issue area ripe for presidential discretion since there were, literally, no congressional guidelines to regulate the enforcement of asylum policy.

Discrimination by sending state in the non-immigrant and back-door enforcement areas was also consistent with Reagan's foreign policy agenda, but more restrained. In the case of back-door enforcement, especially the EVD and sanctuary controversies, congressional oversight and legislative activity were effective constraints which did not perfectly tie the president's hands, but did limit his range of action. In the case of non-immigrant policy, as well as the enforcement of refugee and asylum policy, the Reagan administration checked itself out of fear of setting a precedent and creating another Cuba. Having witnessed the fiasco of the Mariel boatlift, Reagan walked a fine line throughout his presidency: going out of his way to portray the Sandinistas in a bad light, but not wanting to give the Nicaraguan government or its citizenry the idea that they had a green light to come to the United States.⁶³

Finally, although Clinton has never made immigration a top priority, he was clearly a key player, during both the legislative and enforcement rounds of immigration policy-making during his term. On a legislative level, it is noteworthy that many of the key provisions of IIRIRA were initially developed with administration participation by the Commission on Immigration Reform, including the emphasis on border enforcement, improved technology for immigration documents, and expedited deportation procedures. As noted above, the final IIRIRA was surprisingly close to the president's initial proposal. Although Clinton was forced to accept a bill about which he had some reservations, he achieves important concessions during legislative bargaining after Congress developed its version of the bill; and all of Clinton's concessions favored migrant-sending states.

Second, Clinton has been highly successful at framing immigration issues as being foreign policy concerns, and cooperating with sending states to "trans-nationalize" immigration policy. In sharp contrast

⁶¹ Reagan's Attorney General Ed Meese was prepared to recommend a veto because of the anti-discrimination language. Simpson related his ability to go speak frankly with Meese: "I had a rich discussion with him. I was lyrically profane. I told him, I'm not going to come this far and let you bubbleheads who don't even understand the issues screw it up." But in the end Simpson went directly to Reagan, and had a conversation with the president which he considered critical to assuring the bill's final passage (Simpson interview 1999).

⁶² One could also argue that Reagan used immigration as a tool of foreign policy *against* Mexico in his active support for the IRCA, but it is difficult to analytically distinguish between Reagan's anti-Mexico anti-immigration agenda and his domestic- and national security-oriented anti-immigration agendas.

⁶³ Ever since Mariel, U.S. presidents have made an effort to walk this line in the Cuban case as well, with Reagan and Clinton actually signing written agreements with the Castro regime requiring that the latter assist in *preventing* emigration. In the Cuban case a legislative history which began under Johnson during the height of the Cold War in Latin America, and a well-established domestic Cuban community both greatly limit the extent to which the desire to control migration can check the desire to allow people to "escape the communist regime."

to his predecessors, Clinton not only is willing to discuss bilateral immigration issues on a regular and public basis, but he consistently raises concrete U.S. immigration policy questions in public forums located *within* migrant-sending states. The most notable examples of this tactic were the pledge to seek a redress of the IIRIRA provisions on Clinton's 1997 Central America trip, and his pledge to seek parity on his March, 1999 trip. On the latter trip, in a speech to the Salvadoran Legislative Assembly (which was also attended by a dozen members of the U.S. Congress), Clinton promised: "I will work with our Congress to write laws that are more even-handed. Our treatment of people from Central America should reflect what they suffered, rather than who caused the suffering. This is wrong, and we should change it" (Presidential Address 3/10/99). This was a powerful statement coming, as it did, from within the country most directly affected by discriminatory U.S. immigration laws; administration officials confirm that the statement was aimed primarily at a U.S. audience.

Third, Clinton has also consistently taken advantage of his flexibility during policy enforcement to insure that U.S. immigration policy serves his foreign policy goals. In the case of Mexico, the highly visible, large scale flow of undocumented immigrants makes flexible enforcement difficult, and the president's emphasis has been on the rhetorical level (no language about Mexican immigrants as a national security *threat* comes out of the Clinton White House), at the diplomatic level (high-level officials communicate very regularly with their Mexican counterparts), and at the local level (through the creation of institutions which make immigration policy enforcement less confrontational). In the case of Central America, the Clinton administration issued the maximum possible suspension of deportation order to a wide group of immigrants, extended the most generous TPS provision in the history of the program, and clearly defied congressional intent when issuing NACARA regulations. There is also anecdotal evidence, based on my interviews with Central America officials, that a quieter form of shirking also occurred, and that countries which failed to benefit from legislative relief were especially likely to benefit from enforcement round relief: There was an unspoken shift, especially in the White House, after Hurricane Mitch: which consisted largely of the whole issue of looking the other way. . . . My perception is that deportation efforts could easily be stepped up, but that they are not because it would draw a lot of fire from our authorities. We'd be up in arms if they started deporting more of our people. . . . [Lax enforcement] lessens the defeat suffered on NACARA in Congress.

Migrant-Sending States' Actions

Just as Carter missed opportunities to cooperate with Mexico, López Portillo did not go out of his way to create such opportunities. Most importantly, of course, was Mexico's refusal to consider linking oil sales to an immigration agreement, a necessary step in the 1970s to such a deal. In the past, (excluding the 1940s, as discussed in chapter four) the United States repeatedly resisted Mexican efforts to link bilateral issues because on immigration and all other single issues, the United States had a one-dimensional bargaining advantage. U.S. negotiators perceived issue linkage itself as an unnecessary concession. Now, on the single most-important bilateral issue, oil, it was Mexico which had all the cards, and Mexico steadfastly refused to consider an oil-for-guest-worker agreement or any other deal which linked U.S. access to oil with Mexican access to U.S. labor markets.

While Mexico's refusal to negotiate is surprising from the perspective of the 1990s and in light of Mexico's repeated efforts to renew the Bracero Program after 1964, there are several reasons why López Portillo remained firm. First, given the intense Mexican nationalism of the time, the domestic opposition to dealing with the United States would have been enormous for a state with shaky legitimacy among core leftist supporters.⁶⁴ This was especially true given that the U.S. was only willing to make a deal which

⁶⁴Writing in 1981, Rico noted, "openly accepting the principle of integration in a common market would be equivalent to recognizing the failure of the aims of independence and sovereignty that are central to the ideology of

included Mexican oil, which has a unique place in Mexico's history and political culture. Second, Mexico perceived no urgency. On the one hand, López Portillo considered that Mexico enjoyed a significant bargaining advantage for the first time, and could hold out for a truly generous offer.⁶⁵ And at the same time, Mexico was not terribly unhappy with the immigration policy status quo in the 1970s. While human rights abuses of migrants were unfortunate, most Mexicans who sought to emigrate to the United States did so without difficulty. Finally, given Congress's reaction to the 1977 Carter plan, Mexico did not believe unilateral actions to curb Mexican immigration were likely. Thus, Mexico's actions during the Carter period were perfectly rational. First, Mexico took advantage of every opportunity in bilateral relations and the broader foreign policy agenda to take a tough anti-U.S. position, from its reaction to the natural gas deal, to the disagreement over GATT, to its position on the Shah of Iran, Nicaragua, and the East Bloc states. Second, more importantly for the present discussion, Mexico rejected repeated offers to sign a formal or informal immigration accord.

By 1982 the two trends of Mexico's declining economic situation and growing support within Congress for what appeared to be meaningful controls on undocumented immigration reversed the bilateral balance; and there was frequent "protest" in Mexico "that *its* interests were not being taken into account" (Glazer 1990, 16-17). Glazer notes that the issue was debated in the Mexican Senate Foreign Relations Committee, within the then-active Binational Commission, and raised by Mexico within three other international agencies. As the U.S. Congress was in the midst of its final debate over the IRCA, the Mexican Chamber of Deputies resolved that "migration is an international problem, and its solutions ought to be reached by the countries involved and not by the unilateral decisions of a government" (quoted in Glazer 1990, 17). But Mexico made a strategic decision to limit its lobbying efforts to its own domestic arena, and to the Binational Commission and other international institutions which carried little weight with U.S. policy-makers at the time: Mexican participation in *domestic* U.S. debates related to congressional action on this issue was extremely limited if not nonexistent. . . . Mexican authorities insisted on having migration included in the agenda of almost any meeting that took place between officials or legislators of both countries and emphasized the need for 'bilateral solutions' to the problem but refused to be involved in limited consultations about legislative reform (Rico 1992, 265).

But as one SRE official put it, Mexico "learned from [its] mistake" during its failure to lobby against the passage of IRCA. Mexico also learned from its success in lobbying for NAFTA implementation. Since the late 1980s, Mexico has consistently expanded its direct lobbying efforts, including by hiring, at least periodically, well-connected lobbyists to represent the state. The Mexican Public Information Agency of the Presidency of the Republic has undertaken an ongoing campaign to improve Mexico's image in the United States, including by buying network advertising time (Chabat 1989). Finally, Mexico has also promoted greater integration of Mexicans in the United States. The Program for Mexicans Abroad, established by the Foreign Ministry in the wake of the IRCA, is coordinated by Mexico's 41 consulates in the United States, and seeks to increase communication between migrants and the Mexican government. At the same time, there is evidence that the program encourages long-term migrants to naturalize and vote in the United States as a way to increase Mexico's leverage (Gonzalez Gutierrez 1993). Mexico has also debated allowing dual citizenship as a way to promote naturalization by Mexicans in the United States, but so far the move has been resisted for domestic political reasons.

the Mexican Revolution. The unfavorable reaction that this idea has received in Mexico illustrates the domestic political opposition that would limit the Mexican government's capacity to take on such a project" (Rico 1981, 190).

⁶⁵As Villarreal and Villarreal (1981) argue, it seemed obvious by the late 1970s that the United States needed Mexico as a source of oil more than Mexico needed the United States: Mexican oil could be sold anywhere, and cutting imports from the United States would help Mexico's economy while aggravating the U.S. trade deficit.

In the case of Central America, there is little evidence of direct sending state efforts to influence U.S. immigration policy prior to the 1990s with the notable exception of Duarte's formal request for a suspension of deportation proceedings against Salvadorans following the passage of IRCA. Of course, it is no way surprising that Nicaragua failed to lobby for immigration relief in the 1980s given that the United States was fighting a proxy war there, nor is it surprising that immigration relief was not at the top of the Guatemalan agenda given the lower level of flows from that country, especially on a per capita basis. Regarding El Salvador's effort at back-door relief, Schoultz (1992) claims that an informal stay of deportation *was* implemented in 1987, an argument which receives only cautious support in the enforcement data. Ironically, in the wake of Duarte's 1988 appeal to Congress, it was liberals who had *opposed* U.S. support for the Salvadoran government who finally gave El Salvador the relief it wanted, joined by some traditional opponents of immigration relief who would were willing to support the friendly Duarte regime

Central Americans lobbying of both the executive and Congress on immigration issues has flourished in the 1990s. First, in 1992, the decision to grant deferred enforced departure to 180,000 Salvadorans whose TPS was expiring was made by the Bush administration "largely because of the intercession of the government of El Salvador, which was concerned about the detrimental effect that the return of so many Salvadorans could have on the fragile peace process taking shape in the country" (Russell, 52).

Second, the role played by the Central America states in the passage of the NACARA and its generous regulations cannot be over-emphasized. Officials in the White House and from Central America confirmed that immigration relief was the number one item on the agenda of all the Central American leaders present at Clinton's regional summit in Costa Rica in May, 1997. Clinton pledged at the press conference which followed that: "there will be no mass deportations and no targeting of Central Americans under [the IIRIRA]. I am working with Congress to implement the new law so that it does not produce these unintended results" (presidential press conference 5/8/97). Clinton's precursor to NACARA was introduced just two months later. Already well-accustomed to lobbying Congress after the foreign aid battles of the 1980s, Central Americans were then influential in rounding up votes in favor immigration relief.

Lobbying of both U.S. branches (though not by Nicaragua) intensified in the wake of NACARA passage, and the Honduran government was a late entrant into the game at this point. As in the 1997 summit meeting in Costa Rica in which Central American presidents demanded made the introduction of legislation which became the NACARA their highest priority, the first item on Central Americans' agenda during a November, 1998 summit in Washington was expressing the "utmost importance . . . of permanent immigration relief for Central Americans residing in the United States" (Embassy of El Salvador 1998). During the same visit, Congressional leaders had their own summit with Central American presidents in which the latter emphasized immigration relief as an essential element in U.S. assistance following Hurricane Mitch which had devastated the region weeks earlier. Second, El Salvador's paid "advisor" (i.e., lobbyist) Rick Swartz (the high-profile founder of the National Immigration Forum which helped pass the IIRIRA), is not only reported to have written much of the original Immigration Reform Transition Act (the precursor to NACARA), but definitely took the lead in coordinating a response to Smith's barrage of letters to the Justice Department. With logistical assistance from Swartz and the Central America embassies, the Congressional Hispanic Caucus (CHC) wrote letters to Attorney General Janet Reno (9/29/98) and to I.N.S. Commissioner Doris Meissner (1/21/99) providing plausible justification for the presumption of extreme hardship interpretation of congressional intent, giving friends in the administration support in their internal battles against Justice Department lawyers.

Even more so than for Mexico, Central American (and Caribbean) states explicitly adopted strategies of transnational lobbying, or mobilizing their nationals and naturalized Americans of Central American/Caribbean descent to become active in the American political process. The embassies work directly with expatriate civic and business associations, with wealthy individuals, and with the expatriate media based in the United States. A brochure published by the Dominican Embassy is especially to the point: “The Caribbean community residing in the United States, and particularly the Dominican one, is being hurt by United States legislation Members of that community have to express their opinion on these issues. In order to do that, they must first become citizens of the United States and then they must vote in United States elections” (Vega and Despradel 1999).⁶⁶

Finally, also more than Mexico, the Central Americans were frequently able to lobby the administration and Congress as a multi-state region. On both trade (CBI) and immigration, all five embassies I spoke with reported having closely overlapping preferences, and of making an explicit effort to present a united front to U.S. policy-makers. Thus, even when immigration issues could easily have divided the countries, as when Nicaragua was granted more preferable NACARA terms, or when Nicaragua and Honduras but not Guatemala and El Salvador were granted TPS, representatives from each state did not see immigration relief as a zero-sum game, but rather as an opportunity for regional gains.⁶⁷

Salience and foreign policy value

My model predicts that immigration is more likely to be influence by bilateral foreign policy concerns when the foreign policy value of immigration is high, and less likely to be influence by foreign policy when salience is high. As I have described it in the previous sections, salience climbed throughout the 1970s, but did not become very high until the onset of the Mariel boatlift, in 1980. After a peak in 1980-1, salience remained at historically high levels during the debate over the IRCA, then surged to new all-time highs during the 1990s, peaking in 1994-6 with the passage of Proposition 187 in California and IIRIRA in Washington.

Coding Salience and Foreign Policy Value

After their relative obscurity from an immigration and foreign policy perspective for most of the 1970s, the Central American countries became very important to Reagan. But the Cold War poses a pair of paradoxes from an immigration-as-a-tool-of-foreign-policy perspective. First, while the Cold War clearly raised the inherent foreign policy importance of sending states like El Salvador and Guatemala, it lowered the importance of immigration within the bilateral relationship. Thus, while El Salvador was at the top of Reagan’s foreign policy agenda, El Salvador’s expressed preferences were subsumed to Reagan’s Cold War agenda. It is no coincidence that the biggest obstacle to the Contadora peace process

⁶⁶ The only note of caution expressed by any of the embassies on the subject of their role as transnational organizers came from the Guatemalan embassy: “We ask Guatemalans to explain the importance of [U.S. immigration policy] whenever we meet with them—which is often—but we actively discourage mass demonstrations.” The Guatemalan ambassador, former coffee magnate William Stixrud, believes Guatemala must take steps to shed its image as a controversial country.

⁶⁷ The same was not true of Central American and Caribbean basin attitudes about Mexico, which is seen as competing with Central America on both trade and immigration issues. The CBI geography in the context of like-minded sending state governments undoubtedly plays a role in facilitating cooperative multilateral bargaining of this kind.

was never one or more of the warring parties, but the 250 million pound gorilla to the north. This touches on the second, more general, paradox of the Cold War: while the traditional U.S. anti-Communist program of promoting refugee flows may have had high propaganda value in the context of East versus West politics, the value to countries like El Salvador and Guatemala (not to mention Cuba and Nicaragua) of emigration and migrant remittances clearly outweighs the cost of the United States recognizing that some human rights problems exist (especially given the amount of bad press the regimes received, anyway). Thus, while the foreign policy value of Central American immigration was high in the 1980s, U.S.-Latin American immigration policy during the Cold War was to reward enemies and punish friends.

In the case of Mexico, foreign policy value also climbed throughout the 1970s, peaking in 1979 when Mexico announced large oil reserves, the U.S. faced severe shortages, and Mexico appeared an important player in Central America. Relations soured in several dimensions over the course of the Reagan administration, bottoming out in 1986, and then rebounded during the Bush years. In the 1990s, Mexico and Central America both remained high foreign policy priorities for Clinton who saw them as key partners in his effort to expand free trade and neoliberal economics in the hemisphere, not least because of their unique positions as partners in the NAFTA and CBI trade agreements. Pro-U.S. governments in all four countries faced opposition parties opposed to the neoliberal agenda. All four countries also achieved foreign policy importance from weakness. In Mexico's case, a probable victory by the leftist PRD in 1988 followed by two armed uprisings in 1994 highlighted the possibility of a very different type of country directly across the border from the United States; in the Central American cases, still fragile peace settlements and the previous expenditure of billions of dollars promoting U.S. friendly regimes in the region raised the stakes of economic instability. Figure eight plots salience and foreign policy value as I have described them in two-dimensional issue space.

Salience and Foreign Policy Value as Explanatory Factors

Thus, salience and foreign policy value together are excellent predictors of presidential attempts to employ immigration as a tool of foreign policy. First, Carter's repeated efforts to engage Mexico in bilateral negotiations over immigration issues, though unsuccessful, are completely consistent with the observation of high foreign policy value. In Carter's case, however, the greatest policy tug-of-war which resulted from high foreign policy value *and* high salience came from within the Carter administration. The importance at the domestic level of every aspect of the U.S.-Mexican relationship during the 1970s paralyzed the Carter administration, despite the president's extensive institutional efforts to develop a coherent position (see below). It is difficult to evaluate the ability of the president *and sending state* to negotiate with Congress under conditions of high foreign policy value during the 1970s since it was Mexico which rejected Carter's overture for domestic political reasons in that country. But the Senate's criticism of Schlesinger's handling of the natural gas deal, and Congress's poorly-formed preferences about immigration policy both suggest that Carter would have found congressional support for a bilateral deal if he had been able to ask for it.

The contrast between Reagan's approach to Central America (high foreign policy value, high salience, many efforts to use immigration as a tool of foreign policy) and Mexico (low foreign policy value, high salience, no efforts to do so) also support these hypotheses. Reagan and Congress generally agreed on Mexican immigration issues, a necessary condition which allows IRCA to appear as a domestic-only process. But in a sense, immigration was employed a tool of hostile foreign policy in 1986; and the absence of a Mexican component to the debate under these exceptional conditions makes IRCA the exception that proves the rule. The contrast with U.S.-Central American immigration relations illustrates the point. Here, immigration policy-making was a tug-of-war, just as my model expects. In this

case, domestic political debates over foreign policy spilled over into a dispute on immigration issues.⁶⁸ As a result, each Congress of the 1980s debated EVD for Salvadorans, an immigration issue created as an *executive branch* tool specifically for foreign policy reasons during the 1960s. Reagan's use of national security rhetoric under conditions of high foreign policy value allowed him to win the congressional debates over EVD, but Congress, given high salience, was also able to support the use of a sending state-neutral humanitarian decision-rule in the application of asylum policy, especially through oversight hearings which contributed to the eventual settlement in the ABC case.

And in Clinton's case, the hypotheses are supported by his consistent rhetorical support for sending states on immigration issues (given high foreign policy value throughout his term), by his reluctant willingness to sign the IIRIRA coming as it did under conditions of high salience weeks before the 1996 presidential election, and by the steadily increasing efforts to take concrete immigration policy steps in support of sending states as domestic salience fell after 1996. The far higher salience of U.S.-Mexican immigration issues meant that Congress was more successful at tying the president hands on border issues (though, as noted above, Clinton's border preferences have always been ambiguous or just plain pro-enforcement anyway), although Clinton took important steps to minimize the damage of border enforcement.

But the greatest example of inter-branch bargaining in the context of high salience and high foreign policy value was also the clearest case in which immigration was employed as a tool of foreign policy: the passage of NACARA and its regulations. Administration officials interviewed confirmed that this legislation was conceived in direct response to Central American appeals made during Clinton's May 1997 visit;⁶⁹ and Clinton's comments in support of the bill consistently justified it on current (expanding free markets, supporting democracy in the hemisphere) and former (in light of the United States' role in Central America's civil wars) foreign policy grounds.⁷⁰ While high foreign policy value was essential to getting generous legislation through a restrictionist Congress, Congress's imposition of a Cold War double standard created an even greater foreign policy issue. Officials from El Salvador and Guatemala place their highest priority on avoiding mass deportations, consider themselves to have been among the United States' closest allies during the Cold War, and yet saw themselves as being punished by the NACARA legislation. As a White House official said, the lack of parity on NACARA "has real consequences for our relationship with these other countries, and we have spent the last year-and-a-half dealing with this. It has major, major consequences for diplomatic relationships with these countries." The White House remained in close communication with the embassies of El Salvador and Guatemala throughout the NACARA regulatory process, and took credit, on a diplomatic level, once (approximate) NACARA parity was finally delivered.⁷¹ In this case, high foreign policy value was also complemented

⁶⁸ Thus, Reagan's successful effort to link immigration to national security issues--including references to "feet people swarming across the border"--may have been of ambiguous value to him, from an interbranch bargaining perspective.

⁶⁹ One well-placed administration official insisted that NACARA was "motivated primarily, or almost exclusively, by foreign policy concerns." She noted that "domestic politics alone could not have made NACARA happen" since the domestic constituencies affected were small and had relatively little economic or political power. While the Central American presidents made NACARA their number one priority at the 1997 Central American Summit with Clinton, domestic interest groups which did address these issues mainly did so by placing NACARA in a foreign policy setting (i.e., not by saying that they wanted the bill for themselves, but for their sending states).

⁷⁰ See, for example, Clinton's statement upon submitting the legislation (President's statement 7/24/97).

⁷¹ Note also that it is not easy to explain NACARA and its regulations on domestic political grounds. Central American migrant communities are relatively small, poorly funded, and not well-organized on migration issues. To the extent this is not the case, it is largely a function of facilitating steps taken by Central American embassies, and

by overlapping preferences between the president and the countries of Central America; and the added lobbying and transnational organizing efforts of El Salvador in particular went a long way toward neutralizing congressional resistance.

Issue Area and Legislative Versus Enforcement Outcomes

I hypothesize in this dissertation that the president should have greater ability to influence immigration outcomes during the enforcement of policy than during the legislative process, and that his ability to influence outcomes should be greatest in back-door and refugee/asylum issue areas, followed by non-immigrant policies, and then front-door policies. While I have not made a systematic effort to test these hypotheses my findings provide strong anecdotal support for both.

First, regarding the legislative and enforcement rounds of policy-making, all the presidents discussed here had at least some flexibility during policy enforcement. Although Reagan and Clinton also had some success in influencing the legislative process, in both cases their mark on outcomes was probably greater during the enforcement round. At a minimum, it can safely be stated that presidents were more comfortable taking explicit steps in support of narrowly country-specific immigration policies outside of the legislative process whenever that had the ability to do so. Thus, for example, while Reagan never introduced legislation related to Central American immigration issues, he routinely manipulated refugee and asylum, non-immigrant, and back-door procedures to advance his Central America agenda.⁷² And while Clinton achieved limited successes by demanding amendments before signing IIRIRA and by introducing the Immigration Reform Transition Act, in both cases sending states were far more impressed with the steps Clinton took after signing the bills into law.⁷³

therefore domestic interest groups make demands based on sending state concerns, not their own concerns.

⁷² Reagan did work hard to defeat Congress's effort to join the immigration-as-foreign-policy process through liberals' support of EVD legislation. Naturally, Congress was mainly active during the legislative process (i.e., by introducing EVD), but Congress also held 30 hearings during Reagan's eight years in office specifically on Central America or on one of the four countries directly involved in the Central American civil wars (counting four hearings held on Honduras, and not counting the five hearings held on Panama). Five of these hearings dealt specifically with refugee and asylum issues and the Reagan administration's apparent disregard for congressional intent in its execution of the 1980 Refugee Act.

⁷³ Note, however, that the successful implementation of generous NACARA regulations may have laid the groundwork for further legislative action in support of these and other sending states. In December 1997, as payback to congressional black Caucus supporters of NACARA, Clinton invoked deferred enforced departure (DED) for 60,000 Haitian parolees and Asylum applicants who had been excluded from the NACARA legislation. In 1998, the administration introduced the Haitian Relief and Immigration Fairness Act (HRIFA), which granted the same group of Haitians the right to permanent cancellation of removal on the same case-by-case basis as NACARA beneficiaries. Subsequently, they were also granted the same generous regulatory procedures with NACARA as the precedent that lowered the bar. More significantly, in August of 1999, the administration proposed the Central American and Haitian Parity Act of 1999 which would extend the regulatory procedures already granted to Salvadorans, Guatemalans, and Haitians to Hondurans, and, for all of them, make the procedures statutory. As one administration official closely involved with the process commented: "The irony of NACARA is that the Cold War is what allowed NACARA to pass, and NACARA allowed the implementation of regulations which treat Salvadorans and Guatemalans much better than we would ever have been able to do. And now that those regulations exist, we are able to introduce this new bill that we would never have otherwise introduced." The 1999 Act is current stalled in the Senate Immigration Subcommittee.

Second, regarding issue areas, most new policy-making during this period occurred in the areas of back-door and refugee/asylum policy, making it difficult to assess the use of immigration as a tool of foreign policy in front-door and non-immigrant issue areas. My findings in this chapter—that Carter and Reagan both appeared able, at a minimum, to make moderate adjustments to how they enforced back-door policies—are entirely consistent with my findings in chapter three about differential enforcement of back-door policies in general. That chapter does not include the Clinton administration; but my read of the most recent period is that the overwhelming focus by Congress and the general public on border enforcement per se has greatly limited the president's ability to adjust-down enforcement, though it does seem likely that Clinton did so following Hurricane Mitch. Finally, all three presidents were highly successful at manipulating the differential enforcement of refugee and asylum policy was explicitly justified on national security grounds even when doing so was contrary to the letter and spirit of refugee and asylum law.

The Plural Presidency

Just as cross-cutting cleavages make it difficult to define a single congressional preference, the complexity of immigration policy makes it difficult for the executive branch to define a single national interest in immigration policy. Pluralism within the executive branch itself is structurally guaranteed by the large number of agencies involved in immigration policy-making, which include, at a minimum, the Departments of Labor, Justice (country/regional desks and Bureau of Population, Refugees, and Migration), State, Agriculture, and Commerce, as well as the Office of Refugee Resettlement (within the Department of Health and Human Services) and the NSC and White House staff on controversial issues. Executive branch pluralism becomes especially problematic when agencies work at cross purposes, as was repeatedly the case during the Bracero Program, discussed in chapter four. The ability of presidents to resolve inter-agency disputes appears to be a key determinate of their ability to guide immigration policy.

The Plural Carter Administration

Executive branch pluralism seems to have been particularly severe during the Carter administration despite the latter's explicit efforts to address them. Schlesinger's 1977 decision to veto the natural gas agreement with Mexico, for example, appears to have been a decision made within the Energy Department without consultation with Mexico experts in the State Department who, at a minimum, would have insisted on a more sensitive announcement of the decision. The anti-dumping complaints filed in 1978 are another important example. In this case, pre-existing regulations forced Carter's Treasury Department to initiate a sensitive investigation immediately before Carter's February, 1979 trip, which contributed to the negative reception Carter received in Mexico.

With this in mind, the creation of the Mechanisms of Consultation and the writing of PRM 41 and subsequent creation of the Office of the Coordinator of Mexican Affairs may both be read as explicit efforts by Carter to develop a stronger leadership position on immigration issues. Nonetheless, none of these institutions received the support required to decisively address U.S.-Mexican immigration relations, especially under the highly salient conditions of the time. In the case of the Consultative Mechanisms, neither government treated the bilateral institution as a place to make substantive decisions. The natural gas veto, for example, completely circumvented the bilateral group, nor was Carter's immigration proposal debated within the Consultative Mechanisms. In part, the problem on the U.S. side was that there was no consistent, high-level participation within the Consultative Mechanisms; the Secretary of State was involved once each year, and other activity occurred primarily at the staff level. Furthermore,

executive branch pluralism was taken to an extreme within the Consultative Mechanisms, in which more than 20 different executive branch components played a role.

The PRM 41 specifically addressed these problems, and the Office of the Coordinator of Mexican Affairs was, potentially, an appropriate response. In the event, however, PRM 41 was ambivalent in the priority it attached to U.S.-Mexican relations, and that ambivalence was reflected in the appointment to the Coordinator position, Robert Kreuger. In a dispute not discussed here over Mexican restrictions on auto imports, Kreuger and the State Department came out strongly in favor of a moderate response, but the Departments of Treasury and Commerce over-rode their position, resulting in a formal complaint. When Mexico refused to enter the GATT, Kreuger's preferential (to Mexico) response was to propose a bilateral trade agreement, but the U.S. Trade Representative emphatically rejected the proposal. In short, as Feinberg (1981) argues, only by placing a Mexican Coordinator within the White House, and guaranteeing close access to the president, would PRM 41 be likely to produce a cohesive, "preferential" policy which gives meaning to the idea of a special relationship with Mexico; but PRM 41 did not go this far (also see Rico 1981).

The Plural Reagan Administration

The 1980s reconfirm the importance of executive branch institutions in explaining outcomes, as well as the broader U.S. pluralist institutional structure. Within executive branch, the Reagan administration's downgrading of Mexico's foreign policy value was reflected by institutional changes, as the Office of the Special Coordinator for Mexican Affairs was eliminated and the Binational Commission was eliminated in all but name.⁷⁴ The evidence suggests that Reagan's role in general immigration policy-making was formulated near the top by the former California governor. Second, high foreign policy value centralized Central American immigration issues within the Pentagon, causing the Cold War paradox that El Salvador's preferences (favored by the State Department) were subsumed to those of the United States. But on Central American issues in the 1980s, foreign policy in general was the subject of intense inter-branch bargaining. Thus, the EVD and sanctuary issues were not conflictual within the executive branch as were many of the debates about U.S.-Mexican relations during the Carter administration, but between Congress and the White House, as was often the case during the bracero program. Likewise, Guatemalan and El Salvadoran asylum applicants were only able to obtain their due process rights by turning to the courts, though, as the IIRIRA and NACARA events illustrate, the courts did not have the last word on this dispute.

The Plural Clinton Administration

Immigration policy-making during the Clinton administration illustrates both sides of the U.S. institutional issue. On one hand, the same problems faced by Reagan on Central America and Carter on Mexico clearly beset the Clinton administration as it was constrained by an aggressive Congress and by inter-agency conflicts.⁷⁵ The latter were especially important during the writing of NACARA regulations.

⁷⁴ Two of the main recommendations made by the private Bilateral Commission on the Future of U.S.-Mexican Relations (1989) were to re-establish a working (political) binational commission, preferably at the cabinet level, and to re-create the Office of Coordinator for Mexican Affairs.

⁷⁵ John Fraser, a career civil servant in the Labor Department, described the following nine-step process which the executive branch goes through to form "a position" on immigration, or other, issues. identified at least nine steps which precede the formation of an "executive branch position" on a congressional initiative: 1) legislation is introduced and the administration is asked for, or chooses to offer, a position; 2) a copy of the legislation is

The president himself, as well as leaders in the State Department, NSC, and the White House staff rejected differential treatment under NACARA from the beginning. The decision to sign the bill was, from the beginning, premised on the intention of making an adjustment during the enforcement round. However, the Justice Department dragged its feet on producing the regulations Clinton wanted. One administration official described Justice Department and I.N.S. lawyers as “the main obstacle to getting the NACARA regulations we wanted” because they presented particular choices as the only option available within the statute, when they meant that other options contained great *political risks*. These were risks the president was willing to take.

Despite the reluctance of the Justice Department, NACARA was a case of decision-making at the apex. One executive branch official who was in attendance at a meeting where the president received a briefing on the amendments made to the NACARA legislation described the moment when Clinton “got it,” and understood the bill, with its far-right support, as “a way for the Reagan Republicans to screw it to Central America one more time.” The decision was made at that meeting, by Clinton, to achieve parity in NAFTA enforcement. From that point on, as several interviewees confirmed, all negotiations on NACARA were handled by Maria Echaveste, the White House Deputy Chief of Staff, whose office is about 30 yards from the oval office. Echaveste kept the president updated on a regular basis, and was unquestionably able to speak for him on the issue. I.N.S. officials confirmed that decisions about NACARA and TPS, both of which would normally be addressed by the agency, were “made above the I.N.S.” because “the administration weighs in on anything involving Central America—senior White House people are very interested in those relationships and improving them.”

Finally, regarding U.S.-Mexican immigration issues, the Clinton administration also moved policy-making closer to the White House, consistently sending, at a minimum, a Sub-secretary of State and the Commissioner of the I.N.S. to all immigration working group meetings. Mexican officials considered I.N.S. Commissioner Doris Meisner and her Deputy Bob Bach, both of whom had a greater role in making policy decisions than their predecessors, to be among the most important factors explaining the greater success of bilateral negotiations.

Conclusions

In this chapter, I have reviewed U.S. immigration policy-making with respect to Mexico, El Salvador, Guatemala, and Nicaragua under U.S. presidents Carter, Reagan, and Clinton. The chapter provides substantial evidence that U.S. presidents and migrant-sending states have strong preferences about U.S. immigration issues, and that they have been active participants in the U.S. immigration policy-making process.

While all three U.S. presidents were unabashed in their treatment of immigration as a foreign policy issue, the willingness and/or ability of the migrant-sending states to become involved in the U.S.

delivered to the Office of Management and Budget (OMB) legislative area; 3) OMB faxes a copy of the legislation to each lawyer in each relevant department of each relevant agency of the executive branch; 4) the lawyers in each agency send the legislation to the 20 or so people in each agency who are likely to have an opinion on the bill; 5) these people read and respond to the lawyers; 6) who then consolidate an agency position; 7) OMB gets all the agency positions, and then crafts a single administration opinion; 8) the opinion is transmitted via letter, testimony, or some other method by one or more executive branch agent to Congress; 9) most disputes are resolved at staff levels, but difficult disputes are resolved at political, sub-Secretary, or Secretary levels; particularly difficult and/or important cases are resolved by the Domestic Policy Council, the National Economic Council, or the National Security Council. Fraser believed the process was more cumbersome under Clinton than either of his two most recent predecessors.

policy-making process appears to have increased over time. In the 1970s Mexico was unwilling to address immigration as a bilateral issue, and Central America was unable to. In the 1980s, only Central America had the distinction of receiving special treatment from U.S. immigration policy-makers, but the paradox of the Cold War was that the Communist-led Nicaragua benefited more from this attention than did Cold War allies El Salvador and Guatemala. Finally, during the 1990s, the Clinton administration has made a concerted effort to employ immigration policy toward both as tool of a foreign policy agenda that emphasizes hemispheric integration. In both cases, Mexican and Central American actors have enjoyed access to Congress and the president, and good bilateral relations have been a check on congressional restrictionism despite high salience and popular anti-immigrant attitudes.

Variation in the degree to which immigration policies are consistent with presidential foreign policy agendas appears to support the hypotheses advanced in this dissertation. High salience was clearly a check on Reagan's ability to extend his Central America agenda to immigration policy, and Clinton was forced to work within sharp constraints established by Congress. The greater visibility of Mexican immigration and the high salience of the U.S.-Mexican border in the 1990s were a special check on the Clinton administration, limiting presidential actions to mitigating the effects of congressional restrictionism. On the other hand, in all three cases of high foreign policy value (Central America in the 1980s and both regions in the 1990s), presidents had significant success, especially during the enforcement stage of policy-making and especially on back-door and refugee/asylum issues.

A final point uncovered by the case studies is the importance of executive branch institutions, and the ability of the executive branch to develop and pursue a coherent position on immigration and its importance as a foreign policy issue. In this regard, the Carter administration faced the greatest difficulties, at times showing apparent resolve, as in the publication of PRM 41 and the establishment of the Office of the Special Coordinator for Mexican affairs, but at other times seeing progress in one aspect of the bilateral relationship sabotaged by conflict in other dimension. Mexico's sudden rise in importance, and the need to begin negotiations among relative equals, appears to have caught the United States off guard. Reagan had no such problems since he simply rejected the premise and the use of immigration as a (positive) tool of foreign policy in the case of Mexico. He also had no problems in the Central American case since immigration relations were unambiguously subsumed to a strict national security agenda. In both cases, Reagan was highly successful in accomplishing his goals of immigration as it related to foreign policy. Finally, in Clinton's case, hemispheric relations after the Cold War and in an age of regional integration have clearly taken on importance at a level unseen in the previous administrations. Thus, despite high salience and highly adversarial relations with Congress, Clinton was successful in establishing strong relationships with migrant-sending states and with employing immigration policy as an important tool of foreign policy.

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Baxter, Laura. Counsel, Subcommittee on Immigration and Claims and aide to Rep. Lamar Smith, U.S. House of Representatives. Washington, DC, 3/31/99.

Busby, Scott. Director, Office of Multilateral and Humanitarian Affairs, National Security Council. Washington, D.C., 7/30/99.

Colvin, Jr., George. Minority Staff Director, House International Relations Committee, Subcommittee on International Operations and Human Rights and aide to Rep Cynthia McKinney. Washington, D.C., 4/22/99.

Davidson, Christine. Supervisory Asylum Officer, Immigration and Naturalization Service, U.S. Department of Justice. Washington, D.C., 7/16/99.

Despradel, Roberto. Minister Counselor, Embassy of the Dominican Republic. Washington, DC, 5/13/99.

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Echaveste, Maria. Deputy Chief of Staff to the President. Washington, D.C., 5/22/99.

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