UNIVERSITY OF CALIFORNIA,
IRVINE

Captive Legalities - How Grievances and Institutional Targets Influence Media-based and Political Outcomes

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Sociology

by

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2017

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DEDICATION

To

my family and friends

in recognition of their worth

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ACKNOWLEDGMENTS

I would like to express my deepest appreciation to my committee chair, Professor Edwin Amenta, who has been a continual guiding and supportive presence throughout the graduate school and dissertation process. Without his continued advice, generosity of time, and valuable insight, this dissertation and degree would not have been possible.

I would like to thank my kind and brilliant committee members, Professor Francesca Polletta and Professor Louis DeSipio, whose sharp insight, time, and patience went well beyond the average call of duty - this was made possible through your time. Professor Polletta, thank-you for all of the assistance in moving my career forward.

In addition, I would like numerous other individuals who were integral to my completion of this dissertation. First, I wish to thank Professor Ann Hironaka, whose continued support has been a lifeline. Next, John Sommerhauser deserves my thanks for assistance from my first day here at UCI, through my final day – always a kind and a welcomed friend.

I am also grateful for the willingness of Professor Mizuko Ito and Amanda Wortman for bringing me on as a researcher with the Connected Learning Research Network throughout the final year of my graduate career. This experience has been incredibly rewarding and exposed me to a great network of scholars and the generous financial support to complete my final year of dissertation research.

I must additionally thank the generous and wonderful archival crew at the Vanderbilt Television Archives. Under the direction of John Lynch, I was graciously welcomed as a visiting researcher for several months – I simply would not have been able to complete this data collection without this generous gift. Thank-you, John, Skip, Russ, Lara, and Steve – Nashville will forever be in my heart! Thank you, Carly Rush, for everything!

This project has benefitted considerably from the thoughtful feedback and friendship provided by my colleagues. I am indebted to the assistance of Nicole Shortt, Thomas Elliot, Didem Türkoğlu, Jessica Kizer, and Alice Motes - my work has improved substantially as a result of their feedback and my time here has been happier for knowing them. Thank-you to Matthew Rafalow – your insight, friendship, and motivation made it all possible. Thank you for the wonderful support from Carlyle Gollogly – a friend for all times. Thank you Rick Puent and Sharon Johnson, who took me under their wing, and created a home away from home for me here in Southern California – I am forever indebted.

Finally, thank you to my family whose unyielding support has carried me through to this point – Kyle Tierney, Bill Kiley, Ayla Kiley, Aleah Kiley, Wayne Tierney, Barbara Tierney, and David Everson - It took us all – my cup runneth over.

In closing, thank you to the Pacific Ocean, who has traced my path all along: “Close your eyes and look around, you will see me in front of you.”

CURRICULUM VITAE

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Amenta, Edwin, Thomas Alan Elliott, Nicole Shortt, Amber C. Tierney, Didem Turkoglu, & Burrel Vann. (2017). "The News Media and the Coverage of Movements." *Sociology Compass V 11 Issue 3.*

Amenta, Edwin, Thomas Elliott, Amber C. Tierney. 2017. "Political Reform and the Newspaper Coverage of U.S. Movements in Depression, Recession, and Historical Perspective." *Mobilization: An International Quarterly.*

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Amenta, Edwin; Beth Gharrity Gardner, Amber C. Tierney, Anaid Yerena, Thomas Elliot. 2012. "A Story-Centered Approach to the Newspaper Coverage of High-Profile SMOs." *Research in Social Movements, Conflicts, and Change*; Vol 33; edited by Jennifer Earl and Deana A. Rohlinger.

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ABSTRACT OF THE DISSERTATION

Captive Legalities - How Grievances and Institutional Targets Influence Legal Mobilization and Consequent Outcomes

By

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Doctor of Philosophy in Sociology

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Professor Edwin Amenta

This dissertation examines why, in response to their similarly disadvantageous citizenship arrangements, indigenous social movements in the U.S. have historically responded to ensuing marginalization in different ways and to different effects. Applying a two-pronged research design, I first employ a comparative historical strategy to evaluate why two social movement organizations – the American Indian Movement and the United Farmworkers Movement – who represented constituents that stemmed from pre-existent U.S. colonial groups, such as the American Indians and Mexicans in the Southwest, engaged in varying forms of protest against policies of incorporation and why some were able to renegotiate their situations more effectively. Next, I perform mixed-methods analyses to investigate why these similarly situated groups also experienced such divergent coverage in the media. I argue that that variance in chosen protest approaches and consequent political and media based outcomes can be explained by what I refer to as a process of "captive legalities," where three factors: 1.) the legal statuses of the SMO actors, 2.) the institutional target to which the SMO seeks to leverage change, and 3.) the nature of the

specific grievance - interact to limit or bind options for mobilization and potential impacts. Taken as a whole story, this dissertation is an account of how citizenship policies leave path dependent effects that mediate protest actor's strategic choices.

INTRODUCTION

"Once social change begins, it cannot be reversed." --Cesar Chavez

"Our struggle is not easy. Those who oppose our cause are rich and powerful and they have many allies in high places. We are poor. Our allies are few. But we have something the rich do not own. We have our bodies and spirits and the justice of our cause as our weapons." --Cesar Chavez

"Americans realized that native people are still here, that they have a moral standing, a legal standing." --Carter Camp, AIM activist, Ponca Tribe

"Things come full circle, back to where they started. That's revolution." --John Trudell, AIM activist, Santee Dakota

Nearly 52 years ago, on Wednesday September 8, 1965 in Coachella, CA - Filipino grape pickers, led by union leader Larry Itliong, walked out of the fields to strike against poor pay and intolerant working conditions that defined agricultural labor in California's Central Valley at the time. Two weeks later in Delano, CA Itliong reached out to field organizer, Cesar Chavez, who then led the National Farm Workers Association (NFWA). Together the two brokered a partnership that would become an historic social movement for migrant worker's rights (Bacon 2015; Ganz 2009). Over the course of the next 15 years, under the leadership of Chavez and Dolores Huerta, the newly formed United Farm Workers Movement (UFW) waged nationwide boycotts, state-wide strikes, and widely publicized hunger fasts, in order to press for state-level changes to: working conditions in the fields, reforms for unionization processes and affordances, as well as to push for increased protections for migrant workers. The UFW were largely successful in locking down state-level legislation, specifically in California - such as the California Labor Relations Act, which provided rights to unionize (1975), the California Environmental

Quality Act, which regulated pesticide applications (1970), as well as important wins in the California State Supreme Court throughout the 1970's.

Meanwhile, in a much lesser known protest campaign, angered by the death of Native American activist, Richard Oakes in Fall of 1972, over 800 American Indians, began a cross-country protest (Richardson 2010; Deloria 1974), dubbed the *Trail of Broken Treaties.* Caravanning from the West, the members of the American Indian Movement (AIM) and other pan-Indian organizations, traveled to the Bureau of Indian Affairs (BIA) headquartered in Washington D.C., with plans to negotiate grievances with federal representatives (*The Twenty Points*; Means 1995) and to bring national attention to issues affecting Native American communities. However, when the Nixon administration refused to meet with the AIM delegation and when a series of hostile interactions with BIA security left the protestors feeling betrayed (Smith & Warrior 1996), a violent siege and occupation of the BIA office broke out. The week-long AIM occupation of the BIA headquarters came to mark the beginning of the a nearly decade long campaign of widely publicized and sometimes violent occupations. AIM emerged as the leading organization in the movement for Red Power and increased political enfranchisement for American Indians. Unlike the UFW, who mounted a protracted series of non-violent boycotts and strikes designed to attract media attention and push through state level reforms; AIM garnered national media attention through armed, often violent occupations in an attempt to capture public attention and access negotiations through federal level channels. Indeed, each of these groups managed to garner substantial public support for their cause. The UFW drew widespread national support (Weber 1996) for their boycotts, marches and hunger strikes – including from influential politicians like California Governor Jerry Brown and Senator

Robert Kennedy. AIM similarly attracted public sympathy despite their militant public perception. A Louis-Harris poll taken during March 1973 indicated 93% of those polled had followed coverage of the Wounded Knee occupation – with the vast majority supporting the Indian activists, and disapproving of the FBI action in the standoff (Baylor 1996). Each of the social movement organizations (SMOs) were able to secure significant and favorable, or "substantive" media attention, as a result of their protest campaigns.[1]

Both groups were able to translate their favorable media attention into meaningful political action, AIM succeeded in big judicial wins such as *Menominee Tribe v. United States* (1968) and *Santa Clara vs. Martinez* (1978), as well as in advantageous federal level policy reforms, such as the Indian Civil Rights Act (1968), the Alaska Native Claims Settlement (1971), the Menominee Restoration Act (1973), the American Indian Religious Freedom Act (1978), and the Indian Child Welfare Act (1978). In addition, the attention AIM drew brought about alterations to institutional systems that impacted American Indians, such as the wholesale restructuring of the BIA with the creation of new Senate Indian Congressional Committee (American Indian Policy Review Commission 1975). On the other hand, the UFW succeeded in passing significant state level reform and in winning the majority of California Supreme Court cases impacting their cause. Specifically, between 1968 and the late 1970's, as a direct result of their popularized cause, the UFW were successful in pushing through political change - such as: the California Agricultural Labor Relations Act (1975) which ensured state-level collective bargaining rights for farm workers, representation with the American Federation of Labor - Congress of Industrial Organizations (AFL-CIO; DATE) that put in place labor protections such as job security,

[1] Substantive media attention is discussed in Chapter 2: Media Consequences.

seniority, safe and sanitary regulations in farm labor camps, and also banned discrimination in employment and sexual harassment of female farm workers.

Though, these movements differed in their larger strategies of resistance, in the targets to which they focused their efforts, in the form and content of their media attention, and in their larger socio-political impacts - fundamentally, each of their grievances related to rights that stem from citizenship and to the longitudinal impacts of policies of incorporation. The UFW was largely comprised of politically disenfranchised, non-unionized Mexican guest workers as well as undocumented migrant workers with little to no recourse to press for labor protections, typically afforded to unionized workers or citizens working in regulated industries. AIM, on the other hand, was a pan-tribal movement, composed of Native Americans who possessed dual citizenship through the conferral of tribal sovereignty. Their grievances centered on the failure of the federal government to honor the legal treaties of their sovereign and the deplorable socio-political and economic conditions that followed from the violations of these treaties.

Incorporation

Each of these movement's constituents, and their associated grievances, highlight how throughout the course of American political development, state-making processes have employed colonialist citizenship policies in order to bind, regulate, and relegate these groups to positions of liminal inclusion into the polity through processes of *internal incorporation* or regulation from *within* national boundaries. The U.S. has been referred to as a "nation by design" (Zolberg 2008) in that it strategically engineered and implemented a vast web of overlapping policies to deliberately shape the nation's racial, ethnic, political, religious, economic, social and cultural composition into its own "imagined" vision

(Anderson 1991). First, immigration policies operated to systematically exclude some while simultaneously opening the borders to other more "desirable" ethnic immigrants (Divine 1957; Ngai 2005; Portes and Rumbaut 2014). However, the U.S. government has also had to internally incorporate those peoples that "came with the territory" American Indians and Mexican populations in the Southwest, and subsequent groups of labor migrants that formally or informally came to the US to support the low-wage high-demand agricultural sector.

The settler-government accomplished this by brokering different and variably attenuated legal citizenship "contracts" with each of these populations across time. These contracts included the extension of citizenship through multiple policy-based arrangements. Some of these citizenship compacts were traditionally codified in one pass (i.e. through treaty resolution, such as the *Treaty of Guadalupe Hidalgo*, that granted citizenship to all of the 80,000 Mexicans residing the Southwest at that moment in time; Nostrand 1975). However, a plan was not put into place to easily incorporate those Mexican residents who would continue to the states following the Treaty, or post-1850, other than through temporary labor contracts for low-skilled agricultural labor (e.g. guest worker programs such as the *Bracero Program*, or the *H2[A]* immigration program). Meanwhile, others were rendered citizens through the designation of tribal sovereignty or dual citizenship as in the case of American Indians. However, the nature of tribal sovereignty is one that has proven to be conceptually slippery and tenuous in nature. As a result, the federal government and American Indians have engaged in legal battles over the past century in an attempt to define what it means to have a domestic dependent nation within a nation.

Both American Indians and temporary migrant field laborers, have then struggled to advocate for rights and to ameliorate the impacts of these ambiguous citizenship statuses. Therefore, in practice, policies of incorporation served as "architects of social inequality" (Marshall 1950) or boundary-making devices (Glenn 2002, 2011) that, in effect, internally conscribed full access to membership in the polity to these extraneous ethnic groups. The very nature of citizenship policy, functions as an overriding mediating element, shaping not only the provision of fundamental rights to benefits or safeguards against rights infractions, but also shapes *how* the aggrieved can fight against the consequences of these policies. Policy dynamics such as institutional features, bureaucratic structures, and regulating mechanisms, stemming from the original policy system of incorporation, operate in concert, to shape how protestors can resist the impacts of these attenuated citizenship contracts. I refer to this process, where protest options and subsequent outcomes are conditioned by the very policies they seek to mitigate, as a system of "captive legalities."

Thus, this dissertation is partly the story of how policies, once enacted, become circular feedback systems, self-reinforcing, and often immutable. Institutional structures, political processes, beneficiaries, and stakeholders - constitute the scaffolding and lifeline for the implementation, enforcement, and perpetuity of the policy and its ancillary bureaucracy (Amenta and Tierney 2014; Pierson 2006; Beland 2010). In turn, these self-reinforcing policy systems can distinctively shape subsequent political outcomes (Amenta & Ramsey 2010), as well as constrain the very manner in which the impacted constituents attempt to alter, retrench, or abolish unfavorable policies. In these instances, policy systems become pre-determinative and constitutive structures (Mahoney and Schensul 2006), to which, the individuals they are targeted to impact, become captive and "locked

into" their cyclical effects (Mahoney 2000; Mahoney and Schensul 2006; Streek and Thelen 2005) - disastrous, unfavorable, and far-reaching as these impacts may be.

Policy Impacts, Media Coverage, and Political Change

But this dissertation is also the story of how marginalized political actors find ways to successfully negotiate for political reform, and in doing so, achieve other important gains in advancing their case. With limited resources and minimal access to the political system, disenfranchised groups seeking change must innovate and strategize in order to exploit fissures in the political system. One way that groups do this is by drawing the attention of the media. Media attention allows social movement organizations (SMOs) to: to channel attention to their cause (Ferree, Gamson, Gerhards, and Rucht 2002), to direct attention to their organization (Vliegenthart, Oegema, and Klandermans 2005), to press political representatives and other targets (Lipsky 1968), to garner legitimacy (Koopmans 2004), and to broadcast their grievances, issues, and diagnostic means for resolution (Ryan 1991; Ferree et al. 2002; Gamson 2004; Amenta, Caren, and Tierney 2014). This media coverage can take many forms of content delivery - most pervasive are media coverage via: newspaper, the internet, and television. Television coverage operates as the primary mode by which most individuals consume their news and, for movements gaining coverage on the television news is a highly coveted outcome. Ultimately, media coverage is vital because it opens back channels to political access for groups that would otherwise, be barred from any chance of promoting real influence (Lipsky 1969).

Each of these groups managed to garner a high quantity of quality, or substantive coverage, though in different and meaningful ways. There are variety of markers or

indicators of what constitutes quality or, what I will refer to as "substantive" coverage.[2] For example, when a representative from the movement gets a chance to speak in news coverage or when the movement is able to air their demands or grievances, within the context of the story, the coverage is typically more advantageous for the movement as opposed to a story where the key issues relevant to the SMO are glossed over or omitted. Movements typically want to trigger media attention to a social problem through dramatic events (Smith, McCarthy, McPhail, Augustin 2001). With this, studies generally suggest that particular types of protest, predict particular types of coverage. Generally, the more provocative, disruptive, or violent the protest, the less substantive the content. Movements that engage in less disruptive or "behind the scenes" protest - are generically thought to elicit a higher quality of coverage (Amenta et al. cite 2012).

In their attempts to initiate policy reform, both the UFW and AIM were highly effective in garnering coveted television coverage, though they accomplished this through much different means and to different effects. AIM used highly disruptive and often violent protest tactics, such as armed occupations - but nonetheless, received substantive coverage. Meanwhile, the UFW employed largely non-violent and less disruptive boycotts and strikes to attract television coverage, but achieved significant substantial television coverage throughout the 1970's. Thus, in the larger quest to press for policy reforms, movements can manage to gain favorable and meaningful media attention, and this coverage becomes an important outcome in and of itself, impacting the policy making agenda and the contours of extant policy.

[2] I discuss the many indicators of substantive coverage in Chapter 3: Media Consequences.

Taken as a whole story, this dissertation is an account of how citizenship policies leave path dependent effects that mediate protest actor's strategic choices. Fundamentally, this dissertation explores the larger question of: Why groups with similarly unfavorable citizenship arrangements, behave differently in their bids to renegotiate these policies and their effects? Why do some movements understand their challenges as legal ones and engage in legal activism? Why do others choose to press for reforms through the legislative, and lobby for policy reforms? Why are some more effective than others in pressing for change? Why do these similarly situated movements receive uneven coverage in the media? Finally, does substantive media coverage translate to political change? This dissertation attempts to address these questions and advance scientific theory by developing a sociological conception of citizenship that focuses on the legacy of internal processes of incorporation.

Captive Legalities Framework

I suggest that variance in chosen protest approaches and consequent political and media based outcomes can be explained by what I refer to as a process of "captive legalities," where three factors: 1.) the legal statuses of the SMO actors, 2.) the institutional target to which the SMO seeks to leverage change, and 3.) the nature of the specific grievance - interact to limit or bind options for mobilization and potential impacts. To articulate this concept and describe these processes, I draw upon, and make important theoretical contributions to literature in the fields of: social movements, legal scholarship, media and communication studies, citizenship policy, race and ethnicity, political sociology, and American political development. First, because laws leave lasting path-dependent impacts (Amenta and Tierney 2014), variation in chosen protest strategies can be

explained by differences in these groups' citizenship statuses. I find that legal statuses shape opportunities to engage in certain forms of protest and to ultimately bring about change. Second, the nature of the specific grievance meant that activists' demands that were more radical, or sought fundamental change outside of the existing political system, as compared to more reformist claims, that sought change within the existing political system – would proportionally align with the degree of disruptiveness of the protest tactic. That is, the more radical the grievance, the more disruptive the supplemental form of protest; while more reformist claims would be paired with the deployment of non-violent disruptive protest approaches. Finally, the legal statuses of these groups and the nature of their grievances directed attention to specific institutional targets - either at the state or federal level, and the confluence of these factors–shaped protest strategies and associated outcomes. Thus, as a function of both their legal statuses and demands - SMOs that sought to make state-level changes, engaged protest strategies that would directly target state-levels actors and institutions; while movement actors, who sought federal-level action, would use strategies that would pressure federal-level institutions. In Table 1, I outline the variance in outcomes to be explored in this work:

Table 1: Predominant Movement Strategy by Predominant Outcome

	AIM	UFW
Predominant tactic:		
Assertive - Legal	Judicial	Legislative
Disruptive	Violence/ Occupation	Boycotts/ Strikes
Outcomes:		
Policy Gains	Gain	Gain
Court Rulings	Gain/Loss	Loss/Gain
Media coverage: quality	Substantive	Substantive
Media coverage: quantity	High	High
Target:		
Federal or State	Federal	State
Reformist or Radical	Radical	Reformist
Legal Citizenship Status:		
	Dual	Temporary

In this dissertation, I discuss the ways in which policies, protest, and political change are not only integrally linked but also how this relationship is mediated through the lens of the media.

Methodology – Mixed Methods Approach

Comparative case study: I combine a comparative-historical approach and use a most-similar systems design to investigate the within case variation across the two SMOs: the UFW and AIM, from 1968-1981 (when the groups were most politically active).

Quantitative analysis: I also employ quantitative analyses (logit and regression analyses) on television media coverage of these movements to analyze over 250 nightly news segments of protest coverage, from the American Broadcasting Company (ABC) and the Columbia Broadcasting System (CBS).

Dependent variables: I operationalize two sets of dependent variables: protest strategies and outcomes. First, each of these SMOs used a combination of *disruptive* or

assertive protest tactics to press their claims.[3] I operationalize **protest strategy** as the predominant form of each type of engaged activism during the delimited period of peak activity (1968-1981) as: *disruptive* (e.g. information distribution, petitioning, marches, rallies, occupations, boycotts, or violence), or *assertive mobilization* (e.g. judicial or legislative). Second, each of these groups experienced quite uneven outcomes as a consequence of their protest activity. I operationalize this set of dependent variables in terms of**: policy-based, judicially based,** and **media-based movement outcomes.** For policy-based outcomes, I consider state-level and federal level policy enactment that took place between 1968-1981. For the UFW, I only examine political action in California and at the federal level, for the reason that the SMO was most active and impactful in California, though they made notable inroads in other areas within the Southwest and beyond.

Independent variables: I operationalize independent variables of interest: grievances and their targets. I conceptualize the nature of these groups corresponding political grievances as being either *radical*: seeking radical restructuring of or benefits stemming from the political system; or *reformist*: where movements seek to recognize or make changes to the existing political system (Fitzgerald and Rodgers 2000). Next, I operationalize the target to which the group lodges their protest campaigns as either operating at the federal or state level.

Outline of dissertation

In chapter 1, I address the theoretical framework for the concept of "captive legalities." In this section, I first present a brief background on processes of incorporation in relation to the constituents associated with these groups. I next outline the specific

[3] I fully discuss the distinction between these types of protest in Chapter 2: Captive Legalities.

outcomes or dependent variables – strategies of protest, media outcomes, and policy or legal action – this dissertation explores. To explore the determinants protest tactics, media coverage and political action, I review differing accounts of why variance in protest tactics and strategies occurs. Following these accounts, I sketch the explanations that explain variance in policy influence, judicial influence, & media coverage. Finally, I present my research strategy to test how the captive legalities framework illuminates new ways to think about how policy, protest, coverage, and political change are linked.

In chapter 2, I introduce the television coverage of AIM and UFW protest data. Here I explore the linkages between substantive coverage and movement dynamics. Each of these movements received substantive coverage, but utilized differing protest tactics, targeted different institutional structures as their challengers, and demanded far different reforms. AIM was predominantly covered in television stories for their months long violent occupation at Wounded Knee South Dakota, demanding redress for broken treaties vis-a-vis the White House and the courts. While the UFW were largely covered for their non-violent boycotts, hunger strikes, and pickets to gain unionization rights and labor protections. Interestingly, across a number of different indicators of each of the movements garnered sustained substantive coverage.

In chapter 3, I explore the trajectory of legal change associated with each of these SMOs. Between 1968-1981, each of these groups made substantial strides in bringing about advantageous political change, yet to different effects. AIM was able to secure big wins in the courts as well as substantial policy gains, despite their not directly targeting the legislature for redress for grievances. Meanwhile, the UFW made great inroads in the West in bringing about state-level policy reforms via both the legislature and the judicial. While,

many of the victories won by AIM were broadly long-lasting, UFW legislative gains were subject to retrenchment and "policy drift" (Beland 2016). I argue that this was largely another indicator of how original policies that the groups were fighting against, limited the extent to which major reforms were possible. In this section, I also illustrate how the arc of legal and legislative accomplishments aligned with periods of greater media coverage – underscoring the importance of media coverage for policy change, regardless of the short term or long term staying power of the changes.

In chapter 4, I return to the original thesis put forward, that policies impinge upon future attempts at reform in nuanced and meaningful ways.

Chapter 1:

The Captive Legalities Framework

"Our opponents in the agricultural industry are very powerful and farm workers are still weak in money and influence. But we have another kind of power that comes from the justice of our cause. So long as we are willing to sacrifice for that cause, so long as we persist in non-violence and work to spread the message of our struggle, then millions of people around the world will respond from their heart, will support our efforts...and in the end we will overcome."—Cesar Chavez.

"The message that went out is that a band of Indians could take on this government. Tecumseh had his day and Geronimo, Sitting Bull, Crazy Horse. And we had ours." –Dennis Banks, AIM activist, Ojibwa tribe.

By the early 1960's grumblings began to escalate in both volume and tone on isolated reservations in South Dakota, in urban American Indian communities like Minneapolis, and in other reservation communities flanked throughout the U.S. To address the longstanding mismanagement of Indian tribes by the Department of the Interior, as well as the grinding poverty experienced by the average Native American at the time, the federal government implemented a wholesale overhaul of Indian citizenship policy. In 1953, the federal government implemented House Concurrent Resolution 108 (HR 108), which stripped Indians of their tribal affiliation and relocated them throughout the country in the name of mainstream "assimilation." The larger objective was to eliminate their unique citizenship arrangement, by doing away with tribal sovereignty, for good. Buttressed by Public Law 280 (PL 280), state governments were given the power to assume jurisdiction over Indian reservations, which, under tribal sovereignty had always theoretically been off-limits. The two policies represented yet another policy iteration in Indian incorporation – another attempt to retrench tribal sovereignty. The policies operated in tandem to "assimilate" and re-incorporate Indians by: 1.) stripping them of

jurisdictional control of their lands, 2.) removing their dual citizenship statuses through tribal dis-enrollment, and 3.) physically removing them from reservations and relocating them to new locations throughout the U.S. to "mainstream" (Francis, Leeds, Organick, and Jefferson Exum 2011).

Over fifteen years after the implementation of termination, the policies came to be viewed as disastrous and immoral and in 1968 President Johnson formally abandoned the program (Gross 1989). However, the damage had been done. By 1969, over 1.3 million acres of tribal lands had been dispossessed, nearly 750,000 Indians had either relocated or migrated from the reservations to the cities, and about 13,263 individual Indians were terminated as "tribal members" (Cobb and Fowler 2007). Yet, the policies also gave rise to the renewal of Indian identity, or "Red-power." The Red Power movement launched a decade long campaign of political activism that resulted in increased media attention, public support for their cause, and the subsequent era of Indian self-determination that was reflected in the implementation of advantageous federal Indian policy throughout the decade. At the helm of the Red Power movement was AIM, whose highly publicized protest events made Americans aware of the woes on Indian lands in ways not before known.

Mexican resistance to policies of incorporation would also emerge on a national scale in the late 1960's-1970's. In 1924, the Johnson Reed Act was implemented as the guiding agenda for national immigration policy, and it centered around the principle of national origin "quotas." The quota system would shape the racial/ethnic and national makeup of the U.S. by allowing the passage of specific percentages of immigrants from specific countries. However, in practice the policy was a veiled system of exclusion that equated "national origin" with racial composition and eligibility. The resulting quota

dividends allowed for larger quotas for particular European countries and smaller quotas for other countries (Ngai 2004). Though Blacks and Asians were abjectly discriminated against in the policy, Mexicans were in a unique position, since the Act exempted Mexico and other countries of the Western hemisphere from quotas. Mexicans were also deemed to be "white" by law following the resolution of the Mexican-American War.

Also driving this exemption was the reliance we had developed on Mexican labor. With the exclusion of Asian and many European immigrants, a special need for farm labor had emerged in the Southwest. Following the annexation of the Western U.S. with the termination of the Mexican-American War, Mexicans were given citizenship, however it was left undetermined how subsequent Mexicans who came to the U.S. would be designated or whether there would be accessible tracts to seek citizenship for the neighbors from the South. At the time, not was assumed that Mexicans, other than the upper-class land-owning elite, would seek U.S. citizenship and would simply travel back and forth across the border as the labor demands required. When the economy was good and labor in demand, Mexicans were allowed to work under temporary work visas through programs such as the *Braceros Guest Worker* program. However, when the economy took downturns, Mexicans were deported through massive deportation projects (e.g. *Operation Wetback*) and new deportation laws gave rise to legal discourse that created the notion of the "illegal alien" (Ngai 2004). This fluid citizenship arrangement from the early 19th Century to the post-WWII era, meant that the millions of Mexicans living and working in the U.S., would be vulnerable to wide-scale injustice and constant deportation raids, without the protections afforded through formal citizenship.

By the mid-1960's the Bracero program was terminated, but the Department of Labor estimated that roughly 5 million Braceros had worked in the U.S. during the programs 22-year period, many of which complained of unpaid wages, extremely unsafe and unsanitary living conditions, and wide scale abuses in the system. The failures of the Bracero program highlighted the many problems associated with a resident labor sector represented by workers that do not have formal protections typically extended through citizenship. Many, of the Braceros remained in the U.S. following the termination of the program, and migrants continued to reside in the U.S. to work in the agricultural sector. By the 1960's unrest from the miserable working conditions in the fields, and resentments at the treatment of the Braceros, had given rise to the UFW. The UFW sought to press for protections for workers that otherwise would not be entitled to them by virtue of their citizenship statuses.

Each of these groups situations, highlights the how policies of incorporation can leave lasting impacts on groups and create unfavorable arrangements that they would rationally seek to augment. Specifically, the cases of the UFW and AIM highlight how fluid and changing incorporation policies can give rise to political actors who wish to alter disadvantageous situations stemming from citizenship arrangements. However, AIM and the UFW used different means to attempt to repeal their situations. AIM engaged in a series of often violent occupations – such as the occupation and vandalism at the BIA headquarters in 1972 and the siege at Wounded Knee in 1973. In doing so, they attracted sustained and substantive media coverage and focused their efforts on leveraging the judicial to create federal level redress for broken treaties. In the end, they achieved meaningful judicial and legislative gains. Meanwhile, the UFW engaged in mostly non-

violent boycotts of table grapes, lettuce, and select products – as well as widely publicized hunger strikes and unionization drives. In the main, the UFW sought to secure labor protections typically afforded in more regulated industries of the economy (Ganz 2009). However, as the vast majority of migrant workers were not citizens they operated in a largely unregulated labor sector where minimum mechanisms for safety were absent. The UFW targeted state level channels to enact policy reforms for labor rights and protections. These efforts paid off and they were successful in garnering very favorable television coverage that aligned with the acquisition of unionization rights and state-level labor protections. Unfortunately, many of the gains made by the UFW were subject to retrenchment.

These cases highlight larger puzzles related to the intersection of policy, protest, media, and political change. Why do groups with similarly unfavorable citizenship arrangements behave differently in their bids to renegotiate these policies and their effects? Moreover, why are some able to renegotiate their situations more effectively? If movements employ similar strategic approaches to change, why and under what conditions do some roll back restrictive policies, while others do not – that is, if tactical choice does not predict movement outcomes, what does? Finally, how does media coverage of movement activity impact larger outcomes? Are different types of strategies associated with different coverage? Do particular types of coverage beget particular types of political outcomes?

To answer these questions, I examine the similar, yet equally dissimilar trajectories of AIM and the UFW during the peak of their activity as well as compare their media coverage and overall political influence - from 1968-1981. I argue that by developing a

sociological conception of citizenship that comparatively focuses on the legacy of a lesser-known policy tract of *internal incorporation*, we can move closer to unlocking this puzzle. My dissertation evaluates the various strategic patterns of collective action invoked by two of the indigenous and ethnic groups that "came with the territory," during the period of Manifest Destiny. In doing so, I disentangle and make sense of the disparate outcomes related to these patterns of collective action. In particular, I will examine how, despite similarly disadvantageous citizenship arrangements meant to incorporate and marginalize American Indians and Mexicans in the Southwest,[4] these movements varied in the means by which and the ultimate efforts to renegotiate their subsequent positions of inequality. Using a comparative-historical strategy, I focus on the most prominent SMOs associated with these populations – AIM and the UFW – during the peak of their activity, in order to analyze the repertoires of contention (Tilly 1978, 1979) and associated outcomes – conceptualized as television media coverage, policy, and judicial action at the state and federal levels.

Background

In an earlier version of this argument, I wrote about how the majority of the work on citizenship and its effects tends to focus on the dynamics of citizenship policy in relation to its impact on immigrant populations, and why this is problematic (Tierney 2014).[5] This predisposition orients us to think about citizenship as a tool wielded at the margins of the state – regulating, monitoring, and absorbing the populous from the outside, in. In doing so, sociological scholarship, in particular, has produced many overarching theories on the

[4] Here I consider groups that neither immigrated to the U.S. proper, nor were brought here as a part of the slave trade, but those groups that were already on what became the U.S., proper.

[5] See: "The Scaffolding of Citizenship: Assembling a Nation from the Inside, Out," (*Mobilizing Ideas: The Center for the Study of Social Movements at Notre Dame*; November 10, 2014).

wholesale impacts of citizenship policy on *immigrant* populations. Yet this rich area of study has failed to foster any general theory that comprehensively makes sense of the impacts of citizenship policy on those pre-existent populations that occupied American soil prior to the union seizure. However, there is much to be gained by interrogating citizenship policy and its effects from the *inside, out*. At present, studies about the incorporation of pre-existing groups are often relegated to individual case studies and remain epiphenomenal to most accounts of nation building in American political development (Tierney 2014).

Yet we know that the U.S. federal government engineered and implemented a vast web of overlapping policy to deliberately shape the nation's racial, ethnic, political, religious, economic, social, and cultural composition into its own "imagined" vision (Anderson 1991). Historically, this included a bifurcated, yet mutually reinforcing system of exclusionary immigration and citizenship policies. These policy systems were designed to operate on two different fronts. First, as mentioned above, and has been well documented in the literature – immigration policy was designed to systematically exclude some while simultaneously opening the borders to other, more "desirable," ethnic immigrants (Ngai 2004; Divine 1957; Portes and Rumbaut 2014).

However, the rapidly expanding union also had to find ways to incorporate those peoples that "came with the territory." In nearly all cases, these superfluous populations did not comport with the larger imagined vision; and so, pre-existing populations posed fundamental challenges to the colonizing American state. From American Indians who spanned the continent to Mexicans who populated a broad expanse of the Southwestern region of the country – the growing American state had to find a way to manage the incorporation of these "inconvenient" populations.

The federal government set about the task of fashioning a self-constituted union by internally conscribing full access to membership in the polity to these pre-existing groups. The government did this by brokering different citizenship "contracts" with each of these distinct populations. As has been noted, citizenship can operate as an "architect of social inequality" (Marshall 1950) or an instrument of social closure (Brubaker 1992; Weber 1968). Drawn from ideological conceptions of whiteness that inextricably bound eligibility and belonging to race, citizenship policy in the U.S. institutionally reified the boundaries between those who were formally included into the state – vis-à-vis racial precepts – and accordingly entitled to the civil, political, and social rights stemming from the recognition of those rights, and those who were not (Glenn 2002, 2011). Consequently, citizenship policy served to attenuate the socio-political power of these pre-extant groups. Yet, despite their subordinate social and political positions, the social movements that emerged from these populations have waged long-standing collective action campaigns against these policies and their associated effects. I argue that inherent differences in citizenship contracts, constructed within, and influenced by, a web of numerous political institutional considerations, meant that the universe of potential collective action strategies and consequent outcomes were uniquely determined.

Incorporation - American Indians

American Indians, were "absorbed" into the expanding union through a series of patchwork, overlapping, and inherently disingenuous means – that were challenged and protracted from the onset. As *Manifest Destiny* lurched westward, tribal sovereignty was granted to tribes, as they were encountered by settlers and the establishment of new territories and states. Tribal sovereignty essentially meant that tribes would be "domestic

dependent nations," within a nation; this confusing distinction (much like individual state 'federalism' within the larger confederation) prompted the federal government to enact numerous subsequent laws in an attempt to more clearly delineate this complex relationship between tribal governments, the state, and the federal government. This sovereign designation also meant that tribes could enter into treaty agreements with the federal government, which, as is well known – has not played out well for American Indians, who have suffered massive land and resource dispossession, at the hands of broken treaties not honored by the government. Finally, the muddiness of the "domestic dependent nation" - or *sovereign* designation - has spurred numerous clarifying pieces of legislation and judicial action that challenged and undercut the conception of sovereignty. From the beginning of the allotment era in 1871, where Congress ended the practice of treaty making (Cobb and Fowler 2007), through the 1924 American Indian Citizenship Act, which granted American Indians U.S. citizenship (that would overlay tribal sovereignty status), the federal government nonetheless retained supervisory ('trustee') authority over tribes and reserved the power to uphold or disregard treaty agreements, regardless of changes to citizenship policy throughout the 19th and 20th Centuries.

From the 1940's through the mid-1960's some of the biggest challenges to tribal sovereignty and citizenship rights would come in the form of termination policy. House Concurrent Resolution-108 outlined the federal policy of termination – where the "trust" relationship between the federal government and tribes would be "terminated." In theory, this policy was an attempt to once again, "absorb" or assimilate native peoples into the mainstream "as rapidly as possible" by dissolving the unique relationship between the federal government and tribes and promote "complete integration" (Cobb and Fowler

2007, p. 39). This move would literally, disband, relocate, and terminate tribal statuses with the intention of eliminating native's perceived dependence on the federal government and the BIA, whose mismanagement had been widely chronicled (Wunder 1999). By the end of the policy period, 1.3 million acres of tribal lands were lost and 13,263 individual Indians were terminated as "tribal members" (Cobb and Fowler 2007). Thus, by the early 1960's, American Indians ability to take back lost lands or efforts to seek compensation for numerous broken treaty agreements by invoking claims of sovereignty, were impaired by the retrenchment of their citizenship contracts and the very incorporation policies to which they fought against.

Incorporation – Latinos in the Southwest

Latinos in the Southwest had a similar but different incorporation story. Prior to the Treaty of Guadalupe Hidalgo, Mexicans controlled the land in what is currently California, half of New Mexico, and most of Arizona, Nevada, Utah and segments of Colorado and Wyoming. In fact, the Mexicans had claimed the area since winning independence from Spain in 1821, and had occupied the land from Spanish ancestors since 1769, when Spanish missionaries began erecting the California missions. Leading up to the Mexican-American War, it was reported that about 80,000 Mexicans occupied the lands in the Southwest (Norstrand 1975). Following the Mexican surrender in 1848, Mexicans were granted an outright one-time conferral of U.S. citizenship as a condition of the surrender. Despite vast differences between conceptions of identity for Latinos living in Texas (*Tejanos*), those living in California (*Californios*), and those living in other parts of the Southwest, who identified more with Spanish rather than Mexican ancestry, the Latino population in the Southwest, were technically citizens in the post-Guadalupe Hidalgo era. However, as is not

an uncommon story in American nation building – this treaty was vulnerable to retrenchment. Through an astonishingly rapid process of intermarriage, intimidation, and the technical details of the Treaty, which inherently did not include mechanisms to adjudicate land claims, the *Californios* and other Latinos in the Southwest, were disposed of large swaths of their land in a short amount of time. With the loss of lands, came the loss of political influence and dominance in the area. As such, Latino prominence in the Southwest receded, quickly, and the once land-owning elite were reduced to "*los tuvos*" ('the has beens;' Montejano 1987). In the several decades following the Treaty, Latinos residing in California would never see a wholesale conferral of citizenship again.

Instead, what would follow was a system defined by tightly regulated borders, where outright citizenship to Mexicans was offered only in rare instances, and instead was replaced by a new kind of "imported colonialism" (Ngai 2004) – the guest worker program. Guest worker programs, like the Bracero Program, would dominate and act as the main mechanism for Latinos residing within the region. This was problematic for generations moving forward however, as guest worker programs operated at the whim of economic fortunes, and provided little to no protections for the Mexicans who for generations had grown accustomed to work in the U.S. and were pushed by stagnant economic forces in Mexico following the Revolution. Thus, without a formal and accessible mechanism to gain citizenship the millions of Mexicans who worked and lived in the Southwest were vulnerable to terrible abuses, and, without citizenship, had very limited ability to actualize reform against abusive labor practices.

Outcomes

Therefore, these detrimental modes of incorporation left each of these groups in an impaired socio-political state, the effect of which, severely curtailed their resistive capacity to press against the negative legacies of many of these policy systems. Nonetheless, despite their attenuated contracts, by the 1960's AIM and the UFW, emerged as powerful SMO organizations, representing these constituent's interests. Each of the organizations engaged a combination of strategic approaches – similar in some cases and divergent in others – to press against these policy systems. However, these varying combinations of movement tactics have been uneven, resulting in a complex mosaic of ensuing policy amendments, pivotal court decisions and variable coverage in the media that simultaneously shaped and reflected the larger fates of these groups. Looking again to Table 1 (reproduced here), we see that tactical decisions do not necessarily align with, or explain movement outcomes, in a predictable way.

Table 1: Predominant Movement Strategy by Predominant Outcome

	AIM	**UFW**
Predominant tactic:		
Assertive - Legal	Judicial	Legislative
Disruptive	Violence/ Occupation	Boycotts/ Strikes
Outcomes:		
Policy Gains	Gain	Gain
Court Rulings	Gain/Loss	Loss/Gain
Media coverage: quality	Substantive	Substantive
Media coverage: quantity	High	High
Target:		
Federal or State	Federal	State
Reformist or Radical	Radical	Reformist
Legal Citizenship Status:		
	Dual	Temporary

That is, even when movements engaged in similar strategic approaches - divergent outcomes followed. In each of these cases movements engaged in both *assertive* and *disruptive* strategic behavior, but differed in their specific tactical approaches, the targets to which they directed their actions, the content of their media coverage, and in the consequent political impacts of their activism.

Dependent Variables: Extant theory does not account for why these groups would behave differently in their bids to renegotiate these policies nor why these efforts would have such differential effects in terms of political and media-based outcomes. In this study, I operationalize two sets of outcomes: protest strategies and their outcomes. First, I operationalize protest strategy as the predominant form of collective action ('repertoire of contention;' Tilly 1978, 1979) engaged in by the SMO during the height of their activity (1968-1981). I categorize the action according to whether or not the strategy was an "assertive" strategy (litigated or legislated) and/or a "disruptive," protest-oriented one. Second, each of these groups experienced quite uneven outcomes as a consequence of their protest activity. I uncover the determinants of the political and cultural consequences of SMOs; as such, I operationalize this set of dependent variables in terms of: media-based, policy-based, and judicially-based movement outcomes.

Captive Legalities Framework

These stories of resistance, waged in response to disadvantageous citizenship contracts, underscore the need to conceive of a sociology of citizenship, that devotes far greater attention to the protest campaigns waged *against* the far-reaching effects of disadvantageous citizenship contracts. Very little in the way of comprehensive accounts have comparatively investigated why groups with similarly unfavorable citizenship

arrangements employ different movement strategies or why some are better able to renegotiate their situations.

In order to develop a sociology of citizenship scholars need to engage comparative case study approaches in order to uncover the mechanisms connecting citizenship contracts to collective action. While pre-existing American populations are by no means a monolith: each of these peoples bear unique histories regarding their ultimate inclusion into the U.S. – in most cases these stories are connected by shameful atrocities of conquest, dispossession, and the direct denial of negotiated rights. However, these shared colonial experiences should not bar scholars from comparatively investigating variance in how these groups attempted to renegotiate these policies and their effects. Adopting a comparative case study approach provides the researcher leverage in uncovering the mechanisms underlying variance in such movement dynamics.

I suggest that variance in chosen legal protest approaches and consequent outcomes can be explained by what I refer to as a process of "captive legalities," where three factors: 1.) the legal statuses of the SMO actors, 2.) the institutional target to which the SMO seeks to leverage change, and 3.) the nature of the specific grievance - limits or binds options for mobilization and potential impacts. First, because laws leave lasting path-dependent impacts (Amenta and Tierney 2015), variation in chosen protest strategies can be explained by differences in these groups' citizenship statuses. I find that legal statuses shape opportunities to engage in certain forms of protest and to ultimately bring about change. Second, the nature of the specific grievance meant that demands that were more *radical*, or sought fundamental change within the existing political system, as compared to more *reformist* claims, that sought more iterative change within the existing political

system – would proportionally align with the degree of disruptiveness of the protest tactic. That is, the more radical the grievance, the more disruptive the supplemental form of protest; while more reformist claims would be paired with the deployment of non-violent disruptive protest approaches. Finally, the legal statuses of these groups and the nature of their grievances directed attention to specific institutional targets, and the confluence of these factors – shaped protest strategies and associated outcomes. Thus, as a function of both their legal statuses and demands - SMOs that sought to make state-level changes, engaged protest strategies that would directly target state-levels actors and institutions; while movement actors, who sought federal-level action, would use strategies that would pressure federal-level institutions. In what follows, I appraise the extant theories that account for variance in protest strategies and consequent outcomes in order to more fully develop the theory of captive legalities.

Variance – Protest Tactics and Strategies

Dominant theoretical paradigms on the chosen protest strategies of SMOs emphasize the importance of analyzing factors and processes that are both internal and external to SMOs, including the goals of the movement, the political opportunity structure, and accessibility of resources. I assess the relative weight of these factors in order to determine whether these explanations account for variation among protest patterns across these cases and develop my own argument alongside these rival explanations.

Types of protest: I operationalize the SMO's predominant mode of collective action as falling into one of two categories. I extend on the idea of what constitute *Assertive* tactics, and define these strategies to include modes of collective action that leverage traditional political channels through sustained political pressure via the judicial or the legislature

(drawing on - Amenta et al. 2012). *Judicially* motivated assertive protest (court-centered activism, involving legal suits and challenges to existing law via the judicial) is treated as conceptually distinct from l*egislatively* motivated assertive protest (legislative activism with the goal of enacting new laws or making changes to existing ones via the legislature). These types of protest work from "within" political institutional channels. *Disruptive* tactics, however, include protest forms that occur "outside" of the traditional institutional systems and are not usually sustained political institutional campaigns, including: statements, protest marches, rallies, dramaturgical displays, civil disobedience, occupations, strikes, boycotts, and violent collective action. Figure 1 summarizes the main protest campaigns for each of these groups during the peak of their activity.

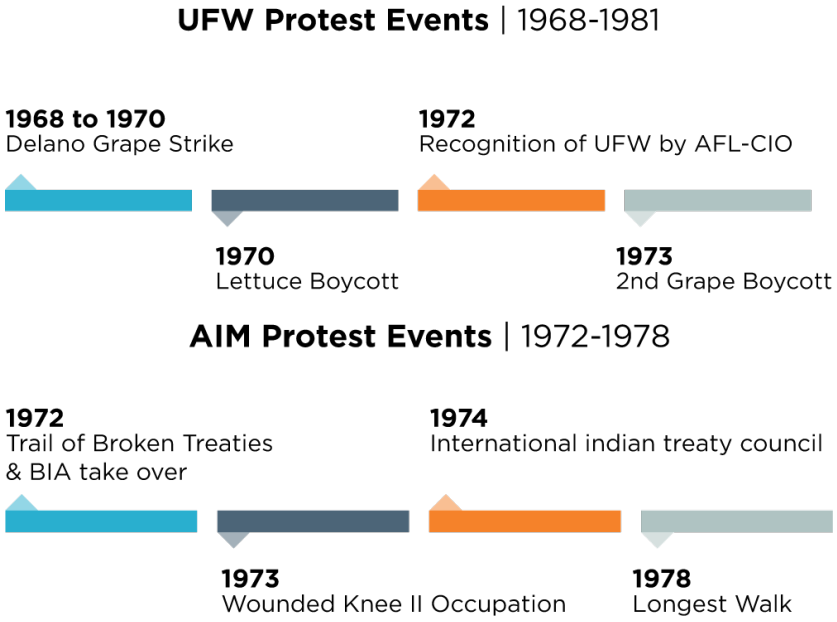


Figure 1: Timeline of major Protest Events – UFW & AIM

Resource Mobilization & Political Opportunity: Resource mobilization theory suggests that SMOs with more developed mobilization infrastructures and access to resources will be able to more effectively mobilize their grievances (McCarthy & Zald

1977). Those with limited resources, such as finite funds or curtailed access to political channels of influence, will be more likely to use disruptive tactics (Gamson 1975; Piven and Cloward 1977; McAdam 1983; Taylor and Van Dyke 2004; Snow and Soule 2010). Both AIM and the UFW are all relatively resource poor with limited access to the political levers of change – however, they did not opt to employ the same assertive or disruptive tactics (see Table 1).

Another line of thinking holds that SMOs are thought to be embedded in historically situated political environments that bestow some SMOs with advantages or "open" political opportunity structures and others with disadvantages or "closed" political opportunity structures. These environments shape how SMOs mobilize (Eisinger 1973; McAdam 1996; Tarrow 1998; Meyer 2004). This shifting structure is thought to produce predominant patterns of protest (Snow and Soule 2010). Yet I find variation in movement strategies for groups with seemingly similar political opportunity structures. Specifically, the nation was highly sensitive to racism in post-WWII era, and the ideology of the civil rights era had shifted the national racial paradigm to de-legitimate the notion of racial paternalism and elevate ideals of racial egalitarianism. Moreover, the *War on Poverty* had funneled monies to both the American Indian and Mexican communities, in order to attempt to mitigate decades of institutional disadvantage. However, as I find, these SMOs successfully leveraged the "open" opportunity structures to varied effects. AIM managed to achieve large and sustained judicial and legislative gains throughout the late 1960's into the early 1980's that were not easily retrenched. The UFW on the other hand achieved huge legislative gains at the state-level providing labor protections and unionization rights to its

constituents. However, many of these regulations were retrenched in later years and subject to weak enforcement.

Legal Statuses & Targets: I find that discrepancies in these extant theoretical explanations can partly be explained by the movement actors' citizenship statuses, making some more or less predisposed to opt for legal collective action strategies that would target the federal government as opposed to the state. AIM was comprised of movement actors with *tribal* or *dual sovereignty status*. This dual citizenship, meant that, based on treaty relationships, these groups had unique, direct, and legally bound relational ties to the federal government, rather than to state-level governmental actors and institutions (Cohen 1942; Deloria 1969; Deloria & Lytle 1984; Wilkins and Kiiwetinepinesiik Stark 2010; Steinman 2011). Put another way, tribal sovereignty positions indigenous populations in a constant struggle of decolonization where the citizenship rights associated with sovereignty must be legally legitimated through the federal government (Alfred 2009; Fenelon and Hall 2008). In addition, AIM sought redress for broken treaties that needed to be validated through reparations or settlements that only the federal government could provide. As a result, this meant that AIM would be more likely to legally mobilize at the federal-level, by targeting the federal courts (AIM), the executive, and in some cases the Congress. In contrast, UFW participants were sometimes U.S. citizens, but more often than not, were migrant workers with temporary or irregular legal statuses and therefore did not have such direct access to federal institutional channels, nor did they seek immediate changes at the federal level. Lobbying state level law makers is not easy, but it is less onerous than gaining access to federal-level influence. Moreover, the UFW had little resources to work with, and therefore relatively inexpensive locally-organized boycotts

and strikes were the most direct route to influence the local change they sought. Therefore, these groups pressured the California state legislature as their primary sites of contention (See Table 1).

- *Conjecture:* The nature of the citizenship contract will be influential to the chosen predominant legal protest tactic, such that those with *dual citizenship* will be more likely to engage in legal mobilization that targets the federal judiciary or Congress (AIM).
- *Conjecture:* The nature of the citizenship contract will be influential to the chosen predominant legal protest tactic, such that those without legal citizenship statuses will be more likely to engage in legal mobilization that targets the state judiciary or state legislatures (UFW).

Radical vs. Reformist Grievances: Next, the nature of the specific grievance also explains variance in tactics deployed. I conceptualize grievances as being either *radical*: seeking radical restructuring of political system, or *reformist*: where movements seek to be recognized by or incorporated into the dominant existing political system (Fitzgerald and Rodgers 2000). Research has found that movements often need to innovate and increasingly escalate their disruptive tactics in order to draw attention to their demands (Gitlin 1980; Morris and Staggenborg 2004). Thus, I expect that the more radical or "far-reaching" the demand made by the movement, the more proportionally flamboyant and radical the associated tactic. That is, the more radical the grievance, the more disruptive, and perhaps violent, the supplemental form of protest; while reformist claims would be paired with the deployment of non-violent and less disruptive protest approaches. Indeed, I find that the radical claims aired by AIM – who both sought acknowledgement of tribal sovereignty and treaty rights and called for remedial action in the form of historic land dispossession, dismantlement of federal institutions (e.g. Bureau of Indian Affairs), and financial compensation for treaty violations (Deloria 1985; Wittstock and Salinas 2017) –

paired their legal mobilization campaigns with more disruptive and violent tactics. Alternatively, the UFW sought more commonplace state-level reforms, via the California state legislature: such as unionization rights, or protections and regulations for working conditions. Thus, I classify the claims made by the UFW as less radical in nature, as such their grievances would demand much less flamboyant or disruptive protest tactics.

- *Conjecture:* The nature of the grievance will be influential to the chosen tactics such that more radically oriented grievances will deploy more confrontational or violent disruptive action (AIM).
- *Conjecture:* The nature of the grievance will be influential to the chosen tactics such that more reformist-oriented grievances will deploy less confrontational or non-violent disruptive action (UFW).

Variation in Outcomes – Media Coverage, Policy influence, and Judicial Influence

Media impacts: SMO activity can often have cultural consequences. Media coverage, for one, is an example of a cultural consequence of collective action that can lead to greater overall influence (Gamson 1975; Berry 1999). SMOs seek to attract media attention for a number of reasons: to channel attention to their issue (Ferree et al. 2002), to direct attention to their organization (Vliegenthart, Oegema, and Klandermans 2005), to press political representatives and other targets (Lipsky 1968), to develop a perception of legitimacy (Koopmans 2004), and to broadcast their grievances, issues, and diagnostic means for resolution (Ryan 1991; Ferree et al. 2002; Gamson 2004; Amenta, Caren, and Tierney 2015). Scholarship has only recently begun to assess the actual quality of this coverage by examining newspaper coverage of SMO activity (Amenta et al. 2012). Quality of coverage measures fall along an array of indicators outlined in studies on protest events in media coverage.

Extant literature conceptualizes substantive or "good" coverage according to: length of the news piece, placement of piece (e.g. front page for newspapers or lead story for nightly news segments), the level of attention to the SMO or its issue (Amenta et al. 2012), whether the SMO receives standing (i.e. an opportunity to talk, get quoted or paraphrased; Ferree et al., 2002; Gamson 2004), whether an SMO's demand, "claim" (Tilly 1999), or "prescription" (how to remedy the 'problem;' Snow & Benford 1988) is present in the piece, or if the SMO receives the best possible coverage, or a "standing demand" in the piece, or in television coverage, whether the SMO receives a visual standing demand – where a representative from the movement is portrayed on screen making a standing demand.

Scholarship examining SMO coverage in newspapers finds, that movements who mimic legitimate political institutional actors – or engage in less disruptive political action – engaging in assertive legal action, or non-violent strikes, marches, boycotts, and occupations - have a greater likelihood of obtaining substantive coverage (Amenta, Elliott, Shortt, Tierney, Türkoğlu, and Vann *under review*). Alternatively, movements that engage in violence typically do not typically gain substantive coverage (Amenta et a. under review). Yet few studies have investigated how SMOs have been covered in television news (Smith et al. 2001), and how this coverage of protest events compares to newspaper coverage. Most analyses of SMOs in television news has been limited to communication and journalism studies (McLeod 1995; McLeod and Detenber 1999) and emphasize "framing effects" rather than unpacking the relative weight of different factors contributing to the substantive coverage. With the decline in print media and shifts moving increasingly toward online and television news media outlets, analyses of the ways SMOs are covered in television news segments are fertile ground for investigation.

As mentioned above, attention of the media is critical to the struggles of challengers and a signifier of their potential for influence. Previous research finds that media outlets similarly report on major events, themes, stories (e.g. social movement activity), and that newspaper coverage of SMOs if often analogous to television news coverage (McCombs and Shaw 1968; Schudson 1997). Accordingly, I draw my predictions for how movements will be covered in television news from what we know of coverage of movements in newspaper: movements that engage in more assertive forms of protest will receive more substantive coverage, and movements that engage in violent and more disruptive collective action will receive lesser quality of coverage. However, little is known about how movements that engage in multiple forms of protest – that is both assertive and disruptive forms – are covered. Accordingly, I predict that the groups that engaged in non-violent forms of disruptive protest, in combination with assertive protest campaigns, will be covered the most favorably. As such, I hypothesize:

- *Conjecture:* SMOs that combined non-violent, disruptive behavior with assertive mobilization campaigns will be most likely to receive more substantive coverage in comparison to those that used more confrontational or violent disruptive tactics.

Policy Impacts: SMOs collective action efforts can result in an array of internal and external outcomes. Evidence suggests that SMOs have been able to influence state legislators (Soule 2004) and influence specific legal systems (Amenta 2006; Amenta et al. 2010b). With notable exceptions, most movement studies only address singular policy outcomes, with fewer studies appraising the bulk of legislation that relates to the SMOs goals in order to ascertain the larger impact of the movement (Amenta et al. 2005; Olzak and Soule 2009; Amenta et al. 2010b). I seek to address this paucity in the scholarship.

Judicial Impacts: Early work examining the impacts of legal mobilization produced mixed results. Some studies find that the law only reinforces the status quo and existing social hierarchies (Galanter 1974; Kairys 1998; Boutcher 2013), are "hollow hopes" in terms of bringing about broad social change (Handler 1978; Rosenberg 1991; Scheingold 2004), and only derail energies and funds from grassroots organizations (Meyer and Boutcher 2007). However, others have found that SMOs recognize that the legal system affords change agents promising opportunities for reform. New lines of thinking emphasize that SMOs view the role of the law as a more constitutive one - one that *indirectly* shapes the very terrain (i.e. legal opportunity structure; Hilson 2002) in which movements maneuver (McCann 1994). This alternate perspective emphasizes how, when pursued in tandem with more *disruptive strategies*, legal mobilization can have sweeping consequences outside of the courtroom. The UFW and AIM ideal types (Weber 1968) to assess this claim as they all simultaneously engage in *both* legal and disruptive protest. As such, I propose:

- *Conjecture:* SMOs that utilize *non-violent disruptive* strategies, in combination with legal mobilization campaigns, will achieve greater policy and judicial gains.
- *Conjecture:* SMOs that utilize *violent disruptive* strategies in combination with legal mobilization campaigns will achieve relatively less in terms of policy and judicial gains.

In the next section, I examine how these protest events were covered in the media and follow this with a discussion of how the media coverage translated to political influence.

Chapter 2:

Media Consequences: AIM and the UFW in Television News, 1968-1982

"The picket line is the best place to train organizers. One day on the picket line is where a man makes his commitment. The longer on the picket line, the stronger the commitment. A lot of workers think they make their commitment by walking off the job when nobody sees them. But you get a guy to walk off the field when his boss is watching and, in front of the other guys, throw down his tools and march right to the picket line that is the guy who makes our strike. The picket line is a beautiful thing because it makes a man more human." –Cesar Chavez

"This generation of Indians in the late-60s, early 70s, who for the most part, they had been to boarding school or their parents had been to boarding school, which was explicitly about getting Indians off the reservations, to not be Indian, to not speak their language. For those Indian people, it was this moment in which you could see, on television, there was another way, there was another possibility. It was electrifying." -- Paul Chaat Smith, AIM scholar, Comanche Nation.

The UFW and AIM made many important inroads in the early 1960's. These strides were mainly made possible by striking the right balance between engaging in protest events that were newsworthy, but that also elicited substantive coverage and could be translated to meaningful political influence.

In 1962 Cesar Chavez moved his family to Delano, CA in the Central Valley where he had decided to devote himself to full time organizing After three years of tedious planning, travel throughout California, and methodical cultivation of a small but growing membership of migrant workers comprising his National Farm Workers Association (NFWA) - in 1965 Chavez decided to partner with the AFL-CIO-affiliated Agricultural Workers Organizing Committee (AWOC). Together they began the five-year Delano Grape Strike (www.ufw.org, 2016). Through their commitment to the Strike, and other non-violent grassroots efforts, the UFW increasingly drew support from the outside of the Valley, from the likes of big political players such as Walter Reuther, U.S. Senator Robert Kennedy, and other notable church, student, civil rights, and labor activists. Soon the

movement had gained widespread national attention (Weber 1996; Ferriss 1998) and the media followed the UFW throughout their protest campaign that included numerous large-scale marches, additional boycotts, and well-publicized hunger strikes over the next decade. Overall, the UFW garnered very substantial and favorable coverage that sustained across a decade. Figure 2 shows the trends in UFW television media coverage across ABC and CBS from 1968-1982.

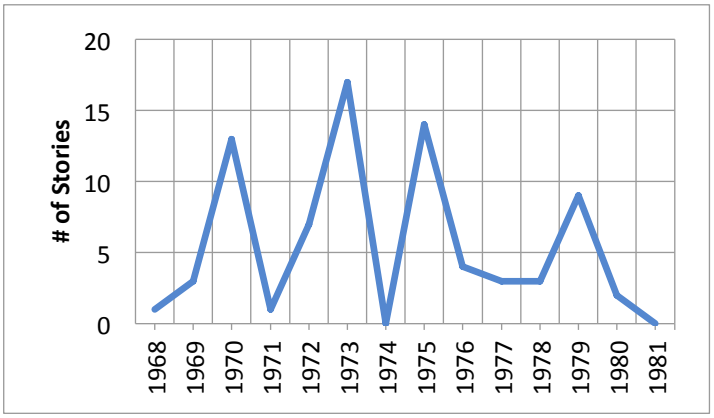


Figure 2: UFW – ABC and CBS Television Coverage, 1968-1982

AIM, on the other hand, did not begin to attract media attention until well into the early 1970's. Unlike the UFW, AIM kicked off their decade long protest campaign, through much less *non*-violent means. The first widely publicized AIM protest event began with the violent occupation of the BIA headquarters in Washington D.C. in 1972, when after a long, planned, and peaceful march, AIM leadership were denied the right to meet with government officials to present and negotiate their "20 Point" memorandum. Moving beyond this initial wave of coverage, AIM attracted even more wide-spread media attention during the Occupation at the Pine Ridge Reservation in 1973. The occupation drew international media attention especially following a hostage situation, the killing of both U.S. Marshalls and AIM members, and negotiations on site with two U.S. Senators. Immediately, following the 4-month siege, AIM was briefly covered for the fall-out from the

Occupation where members of the movement went to trial, and later when Leonard Peltier was jailed for the shooting of two FBI agents on the same reservation in South Dakota, in 1975. Finally, in 1978, AIM saw the last major peak in their coverage during the peaceful cross-country march, the Longest Walk. Despite their reliance on highly disruptive and often violent tactics, AIM received very favorable coverage, comparable to the UFW. Figure 3 shows the trends in AIM television media coverage across ABC and CBS from 1968-1982, while Figure 4 compares the television media coverage for the two groups across the networks.

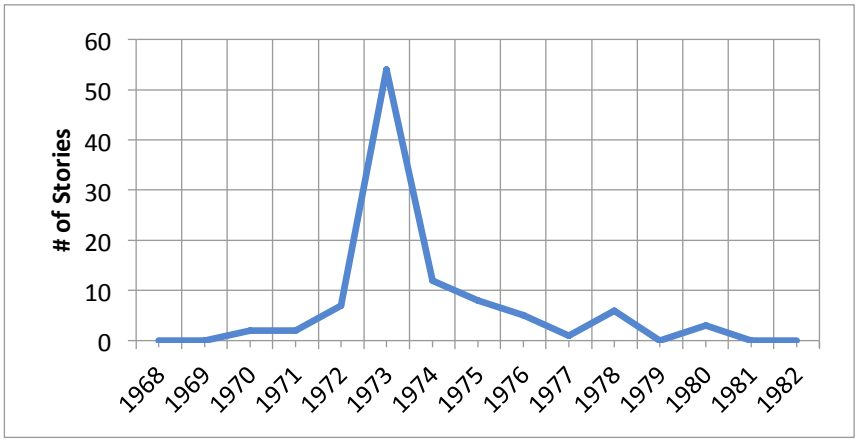


Figure 3: AIM – ABC and CBS Television Coverage, 1968-1982

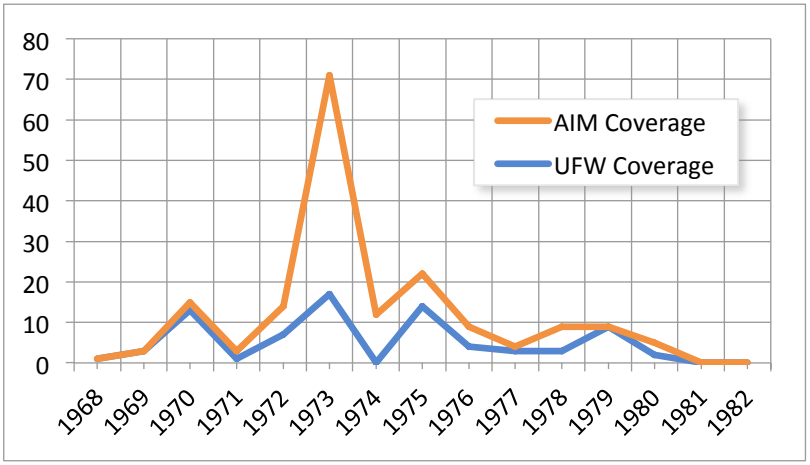


Figure 4: UFW & AIM – ABC and CBS Television Coverage - Compared, 1968-1982

Movements, like the UFW and AIM aspire to draw the attention of the media in order to bring attention to their cause. The media can act as a transmitter for movements – to help broadcast movement goals, demands, and prescriptive suggestions for change. The media, can also serve as a powerful, and sometimes the lone, mechanism for activists with little direct political influence to leverage political influence. Movement scholars have likened the media landscape in which activist's maneuver as a "master forum" in public discourse or as an "arena" wherein various "players" seek to make gains in public debates and discursive contests (Ferree et al., 2002; Gamson and Wolfsfeld, 1993; Gamson, 2004; Amenta, Caren, and Tierney 2015). Yet this metaphor does not capture the highly asymmetric relationship that exists between activists and the media gatekeepers. Therefore, movements have an uphill battle in attracting media attention. Moreover, movements want to attract media attention that is meaningful in advancing their cause – not coverage that will hurt or hinder them through misrepresentation or wasted opportunity to convey demands. Media depictions of movements frame their overall image and legitimacy to the public; therefore, movements walk a delicate balance between attracting media attention at any cause and also attracting quality substantive coverage. Finally, movements want to attract substantive coverage to ultimately achieve the change they seek. For AIM and the UFW, each of these movements sought to actualize political reforms. For movements that are relatively powerless, resource poor, and have very limited political sway, see the media as back channels to gain greater influence to create political change. In what follows I first outline the measures of quality of coverage as they are sketched in the literature. Next, I describe my data and methodology to evaluate how the UFW and AIM were covered in the media during the peak of their activity from 1968-

1981 in ABC and CBS coverage. Finally, I end by outlining the implications of this coverage for their larger political outcomes.

Data

In this dissertation, in order to assess how AIM and the UFW were covered in the media during the delimited time, I examine television nightly news segments that captured the protest events of these organizations. I collected, qualitatively coded, and analyzed over 200 nightly news segments, across over 35 indicators of coverage, from ABC and CBS across 1968-1981. I selected ABC and CBS for a number of reasons. First between the three largest national networks – the National Broadcasting Company (NBC), ABC, and CBS, CBS had the highest viewership at the time (Baylor 1996). Next NBC had a disproportionate amount of coverage devoted to AIM (40% more than CBS and 25% more than ABC) – I therefore worried these results might skew the coverage results for the other networks. Both the Fox News and CNN networks were not active during the period when AIM and the UFW were the most active.

In order to view, collect, and measure coverage from these news clips – I travelled to the Vanderbilt University Television Archives (VUTA) in Nashville, TN. Since 1968 the archivists at VUTA have been recording every scheduled nightly news segment across the five national networks (ABC, CBS, NBC, CNN, and Fox), and archiving these for research. Over the course of three months in the Fall of 2015, I worked in an office located in the archives, graciously supplied by the Archival Team at Vanderbilt. I used their online database scraper to filter, view, and qualitatively code all clips related to these movements. These news segments ranged in time from less than thirty seconds to over two hundred seconds. However, the average news story, covering these movements, rolled from one -

one and half minutes. Coding the average clip required substantial time – as I had to pause the clips to record data along each of the different dimensions of coverage, I detail below. Over the period of peak activity for the movements, AIM had a total of 118 new clips devoted to their protest event coverage and the UFW had 96. Table 2 below summarizes the data. Figure 4 (reproduced here) comparatively depicts individual television coverage for the movements across time.

TABLE 2: Summary of Collected Television Segments Depicting Protest Events by SMO

SMO	#
UFW	96
AIM	118
TOTAL	**214**

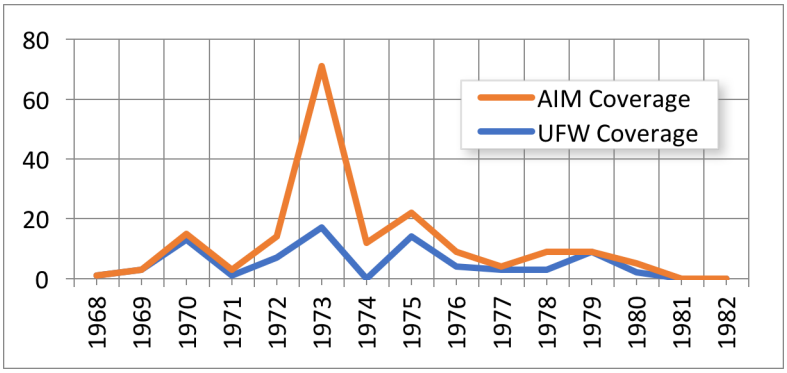


Figure 4: UFW & AIM – ABC and CBS Television Coverage - Compared, 1968-1982

Methods

Content analysis: In order to analyze the news segments, I used qualitative content analysis to appraise the influence of multiple independent variables on these many dimensions of quality of coverage. In order to construct my coding scheme, I devised a particular set of theory-driven conditions (outlined in the hypotheses), to determine which combinations of factors I expected to be associated with different dimensions of quality of coverage. First, I determined the predominant form of protest strategy. To do so, I first

ascertained whether the strategy was assertive vs. disruptive – and then decided if the strategy fell along one of six spheres, as outlined in the codebook of "collective action form" in Amenta et al. 2012. These six spheres include: *Non-Protest/Nonviolent/Non-Constraint-Related/Non-Assertive Action* (e.g. letter writing, petitioning, information distribution), *Protest: Legal, Non-Violent, Non-Constraint-Related* (e.g. marches, rallies, vigils, and demonstrations), *Civil Disobedient Protest: Illegal, but Non-Violent* (e.g, civil disobedience, sit-ins, and occupations), *Violent Collective Action* (any protest that involves violence, destruction, or vandalism), *Strikes, Boycotts, and Collective Bargaining*, and *Assertive Action* (e.g. protest activity seeking to influence institutional political actors through internal institutional channels such as through judicial or legislative action).

I also coded for a number of other measures. I determined whether the organization "initiated" the occasion for coverage. I coded: whether the organization was "acted on" by the state (e.g in a trial, investigation, arrest, etc.), the overall tone of the story (positive, neutral or negative), the dominant frames discussed in the story, and the presence of external political factors, including: The War on Poverty Program time period, presidential partisanship, whether the piece mentioned a particular case, policy, political representative, or political institution, and whether the movement's activity and target were nationally or regionally oriented. For each of the clips, data was collected along these measures. Clips were removed from final analysis that did not involve protest events, but were simply informational.

Multivariate quantitative analysis: I use regression and logistic analysis to measure the influence of the above factors in predicting these quality of coverage indicators.

Measures of substantive coverage

As outlined in the extant literature (Amenta et al. 2012), substantive or "favorable" coverage consists of a number of factors. *Length:* I coded for length of the news piece, I collapsed the length into four categories ranging from less than thirty seconds to two hundred and forty seconds or more. *Attention:* I coded for the level of attention to the SMO or to its issue (Amenta et al. 2012). For this measure, the story could be *mainly*, *significantly,* or *not all* about the SMO's *issue* or the *movement*, itself. *Standing:* I also coded for whether the SMO receives "standing" – or an opportunity to talk, get quoted, or paraphrased within the story (Ferree et al., 2002; Gamson 2004). *Demand:* I captured whether an SMOs' demand, or "claim" (Tilly 1999) – what the movement wanted to happen, was present in the piece, as well as how many claims appeared and if a diagnosis or "prescription" (Snow & Benford 1988) for the claim was included. Finally, I determined whether the SMO received two of the best possible types of coverage. *Standing visual demands* – Includes instances where the movement is able to articulate one of their demands in their own words within the context of the new segment. *Televised grievance* – Includes instances where the movement's grievance (e.g. poverty, abuse, discrimination) is visually shown or present in the piece and draws from past work that examined still images of graphic grievances in newsprint (Evans 2016). Each of these two final measures occurred, but were rare, and as such, could not be included in multivariate analyses. See Tables 3-5, which summarize the distribution of the data with respect to: protest tactics used and the form and content of the coverage.

Table 3: Types of protest engaged by the UFW and AIM

SMO	Assertive	Boycott, Strike, Unionization	Non-violent & Non-constraint	Violence
UFW	18% (15)	61% (56)	15% (14)	1% (1)
AIM	33% (39)	0%	34% (31)	8% (9)
Total	25% (54)	31% (56)	25% (45)	5% (10)

Table 4: Substantive Coverage Measure for the UFW and AIM

SMO	Demands	Standing	Visual Standing Demand	Televised Grievance	High Attention to SMOs Issue
UFW	72% (69)	67% (64)	21% (20)	10% (10)	78% (75)
AIM	45% (53)	60% (71)	20% (24)	17% (20)	67% (81)
Total	57% (122)	63% (135)	21% (44)	14% (30)	73% (156)

Table 5: Action in New Story for the UFW and AIM

SMO	Initiated by SMO	Initiated by State	Acted On	Institutional Target Mention	National or Regional Issue
UFW	60% (58)	18% (17)	6% (6)	52% (50)	32% (31)
AIM	54% (63)	38% (45)	35% (40)	62% (73)	18% (21)
Total	57% (121)	29% (62)	22% (46)	57% (123)	25% (52)

Multivariate Analyses

Overall, the results of this dissertation reveal that protest strategy is highly predictive of substantive protest coverage. I used both multivariate regression and logistic analyses to measure how multiple factors including - protest type, institutional factors, and external political considerations influenced quality of protest coverage for the UFW and AIM. In the main, I find that the movements used particular strategies to target particular institutional targets in order to bring about desired changes stemming from policies of incorporation. I ran a series of three sequential models, designed to weigh how different sets of variables, protest types, features of the news segment, and political external factors impacted substance of coverage. To measure substance of coverage, I trace the trace the causal pathways that lead to the movements gaining demands, standing, or a high attention to their issue. After dropping cases with missing data, I analyzed these results across 175 news segments. In all, there were only ten cases where violence was coded as the predominant form of collective action, and only one of these cases existed for the UFW,

with nine for AIM. Consequently, this variable was removed from the full models of analysis, as the small and uneven distribution skewed results. See Table 6 for the full model results. I review the full model for each of the key outcomes in turn.

TABLE 6: Logistic and OLS Regression of Substantive Coverage of ABC and CBS Nightly News Segments of AIM and the UFW

Measures	Demand ¥	Standing ¥	Attention to issue ‡
Protest Tactics			
Assertive	1.53**	1.58**	0.23*
	(0.55)	(0.56)	(0.15)
Boycott/Strike/Unionization	1.21*	1.41**	0.81***
	(0.53)	(0.54)	(0.14)
Non-violent/Non-constraint	0.65	2.89***	0.18
	(0.005)	(0.73)	(0.16)
Movement Dynamics			
Initiated by SMO	1.22**	1.20**	0.21*
	(0.37)	(0.40)	(1.00)
Acted on	-0.18	-0.85	-0.30*
	(0.50)	(0.57)	(0.14)
News Segment Characteristics			
Length	1.31*	1.61*	1.95
	(0.58)	(0.71)	(0.12)
Political Conditions			
Nixon	-0.08	0.09	-0.003*
	(0.44)	(0.47)	(0.11)
War on Poverty Policies	0.09	0.44	-0.001
	(0.63)	(0.69)	(0.16)
National or Regional Activity	0.762	-0.51	0.84**
	(1.06)	(1.29)	(0.29)
National or Regional Issue	-0.43	0.38	-0.78**
	(1.02)	(1.25)	(0.28)
Constant	-1.12*	-1.43	0.93***
	(0.57)	(0.63)	(0.16)
Observations	175	175	175
Pseudo R-Squared/R-Squared	0.125	0.165	0.366

Note: Standard errors in parentheses;
*** p<0.001, ** p<0.01, *p<0.05 (one-tailed tests)

¥ Logistic Regression
‡ OLS Regression

Demands: First, protest tactics mattered when relaying a demand within the context of a news segment. Looking to each organization individually, with respect to protest tactics in relation to demands, tactical choice was influential. AIM largely used occupations as entrée into political negotiations with US Senators, the FBI, the executive, or even the UN. This finding helps to make sense of the fact that though AIM engaged in what were generally perceived as violent or armed occupations, they nonetheless drew highly substantive coverage. Only six percent of their total cases involved protests where the predominant mode of protest was the occupation, absent any assertive action. AIM managed to gain demands in forty-five percent of their cases. Thus, AIM knew that in order to make inroads with the federal government, to seek redress for broken treaties brokered with their tribal governments, they would need to negotiate with the federal government. Staging dramaturgical occupations at Wounded Knee served as an effective move to draw this attention through the more provocative armed occupations that drew federal level responses and allowed their demands to be transmitted via the media. The occupations also served as platforms to elicit public sympathy, support, and thereby pressure politicians to act. In one example, during the peak of the Wounded Knee Occupation, Marlon Brando refused to accept his Oscar for the best actor win in the Godfather. Instead, Sacheen Littlefeather - American Indian activist, Apache tribal member, and President National Native American Affirmative Image Committee, spoke on his behalf about the injustices on Indian land to the Oscar crowd.

Meanwhile, the UFW was comprised of a largely migrant farmworker constituency, without their own reservations to occupy and less limited means to draw media attention in the same way that AIM had. An armed occupation would likely have resulted in

wholesale deportations for the migrant worker already in precarious situations. The UFW were managed to gain demands in their television coverage seventy-two percent of the time, illustrating the utility of engaging in non-violent tactics. Sixty-one percent of the time that demands were transmitted in UFW news segments, the SMO had been engaged in either boycotts, strikes, or unionization drives. Moreover, the UFW sought to enact changes at the state-level in order to bring about immediate and direct change in California's agricultural sector, therefore it made sense to directly target the state through boycotts, strikes, and unionization efforts – all of which could, with minimal cost to the resource poor UFW – catalyze quick impacts to industries bottom lines. The results of the regression analyses support these findings, revealing that engaging in boycotts, strikes, and unionization drives were associated with demonstrating UFW demands in television coverage. Non-violent and non-constraint protest tactics were not found to be significantly related to gaining a demand within a news segment.

Next, movement dynamics also seem to have played a role in the dissemination of demands in news stories. For both the SMOs, initiating the coverage was a highly significant predictor of relaying a demand within a television segment. While, being acted on, by the state, was not associated with transmitting a demand, though this was not significantly related to demands, within article. News segment characteristics were also influential, as longer news stories also seemed to provide more space for the new story to include information related to the SMOs demand.

Political contextual variables, however, were not influential to gaining demands in the context of nightly news segments on the protest activity of AIM and the UFW. Neither the time period during the Nixon presidency nor the War on Poverty policies, that targeted

these groups with earmarked funding streams, appeared to influence overall substantive coverage. Moreover, neither the presence of either national or regional protest activity nor the presence of national or regionally related movement issues, mentioned in the news clip, was associated with the transmission of demands for AIM or the UFW.

Standing: The results of the analyses show that in order to gain standing within the context of the news clip, the tactics used by AIM and the UFW were again highly meaningful. For AIM, of the thirty-nine news segments where they deployed assertive tactics – which usually involved negotiations of tribal treaties with political figures – thirty of these led to gaining standing within the story (77 percent of the cases). Thus, using occupations, as the backdrop for their primary mode of gaining a seat at the negotiating table with the federal government helped them to gain purchase on their cause by speaking directly into the homes of Americans, via the nightly news. This was especially meaningful for AIM as most Indian activists at the time lived in and performed their activism in very isolated pockets of the country on remote reservations.

For the UFW, who predominately engaged in strikes, boycotts, and unionization drives, a different route to achieving standing emerged in the analyses. Of the fifty-six cases where the UFW managed to gain standing in the news segment, they were engaged in these predominant types of action in forty-one of these instances, or 73 percent of the time. The UFW's reliance on these non-violent means to amplify their goals clearly paid off in helping them to gain legitimacy and exposure through standing in national news media. Interestingly, both groups engaged in a fair amount of non-violent and non-constraint related protest that was covered by the television news media. This strategy was associated with gaining standing for both organizations. Of the fourteen television news

stories where the UFW engaged in this type of protest, they gained standing 86 percent of the time (or twelve in fourteen cases). For AIM, of the thirty-one instances where they were covered using this type of tactic, they achieved standing 84 percent of the time (or twenty-six in thirty-one cases).

I found that movement dynamics were also associated with substantive coverage in the form of standing. Again, when AIM or the UFW initiated the action, this was associated with a higher likelihood of gaining standing. For AIM of the sixty-three times they initiated the occasion for coverage, they gained standing 71 percent of the time (or forty-five out of sixty-three cases). Meanwhile, the UFW showed a similar pattern; of the fifty-eight times they initiated coverage 78 percent of the time they gained standing (or forty-five out of fifty-eight cases). However, *not* being acted on was not significantly related to gaining standing for the SMOs. For both AIM and the UFW roughly about 50 percent of the time when the movements were not acted upon by the state, or in covered in the context of a reactive frame, they gained standing (UFW: 50 percent - three out of three cases and AIM: 45 percent - eighteen out of forty cases). These findings underscore the idea that when movements have control over their strategic choices and are not acting in retaliation to state sponsored sanctions, they are able to achieve higher quality television coverage.

Neither news segment characteristics nor external political contextual variables were consequential to these movements gaining standing, with the exception of shorter news segments being associated with standing in some cases. This suggests that the threshold for gaining standing is easier than transmitting a demand in the context of a story or gaining a high level of attention within the story.

Attention to Issue: In order to achieve a high level of attention to their issue, the UFW relied on boycotts, strikes, and union negotiations. Of the eighty-nine cases where the UFW was covered in nightly news segments engaging in these protest tactics, they gained a high level of attention that was *significantly about* or *mainly about* the SMOs issue 63 percent of the time (or fifty-six of the eighty-nine cases). AIM tended to use the backdrop of occupations in order to engage in assertive action with federal level political representatives as their main course of action. Of the thirty-nine times that AIM was engaged in assertive action they managed to achieve a high level of attention to their issue 86 percent of the time (or thirty-three of the thirty-nine cases). Assertive action was significantly associated with gaining a higher level of attention to their issue. Non-violent and non-constraint protest did not coincide with high levels of attention to movements causes in the television new segments. This might suggest that when AIM was covered within the context of negotiations taking part amidst violent occupations, the larger issues of the group were lost to the spectacle of the occupation and the interaction with high profile politicians. On the other hand, the UFW used more non-violent boycotts, strikes, and unionization drives were able to maintain more control over their message when aired in news segments. Strategically, however, this may have not been a negative for AIM who, in all, needed to get to the bargaining table with federal officials to mitigate their specific grievances. Thus, certain types of substantive coverage, such as gaining a high level of attention to their issue, may not have been as vital for AIM as it was for the UFW, who needed to rally localized support. Non-violent/non-constraint protest did not lead to higher levels of news attention to these movement's issues.

When the movement initiated the occasion for coverage a higher level of attention to their issues was reached. For AIM of the sixty-three times the movement initiated the coverage, they garnered a higher level of attention to their issue 71 percent of the time (or forty-five out of sixty-three cases). For the UFW of the fifty-eight instances where the new segment was mainly about the movements issue, they initiated the coverage 100 percent of the time. Moreover, the negative coefficient suggests that movements received greater attention to their issues in the news coverage when they were not being acted on by the state, and so not framed in a defensive position in the story. AIM managed to attain a high level of attention to their issue in forty stories, of this, in 40 percent of the cases, they were being acted on – suggesting that not being acted on is a better route to substantive coverage. Due to the UFW's predominant use of non-violent tactics, they were rarely acted on by the state. As such, in the rare instances when they were acted upon – only six instances - they still managed to gain a high level of attention in every one of these cases, or 100% of the time. The length of the news story did not seem to render into gaining higher levels of attention for the SMO's.

Political contextual circumstances substantially impacted attention devoted to the SMOs issue, except when Richard Nixon was not in office. The negatively signed and significant coefficient implies that movements had a better chance of attaining a higher level of attention to their issue from 1968 - January 1969 and August 1974-1981. This may in large part have been due to lack of presidential support for their issue.

Overall: Taken together these results imply that a few key features boosted the substantive coverage of both the UFW and AIM in unique ways and, as I will show in the next chapter – to different effects. Overall, the non-violent approach of relying on boycotts,

strikes, and devoting attention to unionization drives paid off for the UFW in substantive media coverage. In each of the models this tactic was associated with transmitting demands, gaining standing, or conveying a high level of attention to the UFW's issue. Against the backdrop of the armed occupations AIM waged, they were nonetheless able to negotiate many of their grievances with high level federal officials by marshaling widespread support for their cause that was funneled by media and into the nightly news of all Americans. In what follows I discuss how this substantive coverage translated into political action for each of these groups.

Chapter 3:

Political Consequences: Legislative and Judicial Action

"The road to social justice for the farm worker is the road of unionization. Our cause, our strike against table grapes and our international boycott are all founded upon our deep conviction that the form of collective self-help, which is unionization, holds far more hope for the farm worker than any other single approach, whether public or private. This conviction is what brings spirit, high hope and optimism to everything we do." –Cesar Chavez

"The economic, religious, political, social system….we don't really have power in there. We're just in there. Our power is in us." –John Trudell, AIM activist, Santee Dakota

Overview and Next Steps

This dissertation chapter represents only the most preliminary and tentative results related to the political consequences of AIM and UFW's protest activity. In future developments of this analysis, I will further examine the political consequences of these movements in order to gain insight into their overall impact.

First, in addition to correlating the time of protest events with changes in legislation and judicial action, I will also engage some quantitative analyses that regresses political protest events on political action related to these groups constituents. I will model this after past social movements studies that have statistically evaluated how protest activity impacts Congressional roll-call voting (McAdam and Su 2002). In addition to the federal-level data judicial and legislative action I have collected in relation to AIM, and the California state-level compilation of legislative and state Supreme Court cases related to the UFW's constituents, I will collect Congressional roll-call data related to American Indians and migrant workers from 1968-1982 and regress protest activity on the incidence of roll call votes. This will allow to gain a more comprehensive account of how protest activity aligns with, not just the passage of legislation, but also Congressional action and attention

to the cause of these movements issues. Movements strive to use protest to highlight attention to their cause. As such, increased attention to their issues in the agenda setting process is an additional and important sign of their overall influence.

Next, I will collect data on political action beyond the federal-level for AIM and beyond the California state-level for the UFW. Owning to the expectations of the captive legalities framework, AIM was expected to target federal-level targets to press for repartitions for the abrogation of treaties, while the UFW was expected to targets state-level institutions to secure protections and safety guards in the fields as well as solidify rights to collective bargaining. While this approach is helpful in delineating how the expectations of the model were realized, it does not account for the overall level of political influence the movements made as a result of their political activity. AIM made meaningful political inroads in individual states as a consequence of their protest activity throughout the Midwest and beyond, while the UFW managed to attain federal-level influence as well as pushed for significant reforms at the state-level outside of California. Analyses of these additional indicators of influence will paint a broader picture of the consequences of protest in the political realm

Tentative Results

Both the UFW and AIM were strategic in the protest campaigns they waged. Each of these groups sought to press for changes that stemmed from the deleterious effects of citizenship policy, which attenuated their capacity and opportunity for political influence. For the UFW, a group largely comprised of non-citizen farmworkers, pressing for regulations in labor protections and the right to unionize, was a difficult one. In order to gain any leverage in making direct and immediate changes to regulating the unsafe

working conditions in the field and to obstacles in unionization, the UFW sought to deploy a combination of non-violent assertive action in the form of unionization drives, and less disruptive boycotts, hunger strikes, and marches. They pressed to make non-radical reforms targeted at state level agricultural policy and state-level to unionization practices, mainly within California. As a consequence, they sought to leverage the media to amplify their cause and engender support. In doing so, they were able to make gains by pressuring the California legislature to pass policies that would protect workers in the fields and provide safeguards in elections processes for unionization representation. Without the favorable media attention they garnered, these changes would have been very difficult to achieve.

AIM, on the other hand, sought to seek redress for abrogated treaties brokered with their tribal governments. The federal government was the enforcing mechanism for these treaties, AIM therefore, needed to target the federal level institutional channels in order to seek relatively more radical reforms. In comparison to other activist organizations, like the UFW, who sought to enact policy or reform existing policy, American Indians were comparatively (and justifiably) seeking more unique and radical reforms – reparations in the millions of dollars, self-determination, etc. However, gaining the necessary attention and influence of federal institutional players was no easy feat. Consequently, AIM knew they needed to engage more provocative means of armed and sometimes violent occupations in order to draw media attention that would put pressure on federal level actors to negotiate with them. Thus, AIM used disruption in order to draw media attention and ultimately make assertive political protest possible and effective.

Thus far, I have discussed the framework for the captive legalities model, and have shown how movements act in rational and strategic ways given the constraints of the policy legacies impinging upon them and the ultimate goals they wish to achieve. In particular, policies of incorporation uniquely impact the resistive capacity of political actors. Efforts to make changes to the disadvantageous effects of these policies, can be tricky and require careful consideration of: the nature of the grievance, the targets to which the movements seek to enact the change, and the status of the constituents' incorporation story. I have shown how the UFW and AIM tactically sought media attention as a pathway to gaining increased attention and as an avenue to broadcast their grievances, given their unique statuses and associated demands. That is, we have seen how the process of captive legalities impacts protest choice and subsequent media attention. We also know that for these groups, the ultimate goal of drawing attention of the media to ultimately bring about political change to augment the negative legacies of incorporation policies. But how successful were they in creating these changes? In what follows I examine how political change, via legislative and judicial action at both the state and federal level, aligned with the preponderance of substantive media coverage. That is, increases in media attention were a springboard to political reform for these groups.

Media Frames

The content of their television media coverage not only highlights the necessity to strategically deploy the right tactics given the circumstances, goals, and constraints of the movement – but the qualitative content also validates the presupposition of the captive legalities framework. In the next section, I examine the predominant frames portrayed in news coverage of AIM and the UFW. I show how the frames, transmitted by the movements

in news segments, aligned with the outlined calculus of the captive legalities framework, with respect to: institutional state and federal-level targets, radical or reformist grievances, and protest tactics. That is, the content prevalent in UFW nightly news segments highlight, unionization, boycott, and labor rights frames as well as state-level institutional measures and state-level policies. For AIM, I show how more disruptive protest frames of occupation and violence are consistent with co-existence of references to the federal-level institutions, abrogated treaties, and self-determination.

For each news clip, in addition to the measures of quality of coverage, I also recorded the predominant frames present in the segment. Segments could have more than one frame. After collecting and coding all of the frames for each movement across their television news coverage, I created a thematic set of codes, by looking at the patterns of frames across each of the movements. For AIM, across a total of 565 identified frames, I devised a coding scheme of twenty-five overall frames, which dominated their media coverage. For the UFW, across a total of 526 frames, I identified a total of forty-four total frames that were repeatedly prevalent in their news stories. Table 7, displays the breakdown of the top most frequently occurring frames, according to each movement.

Table 7: Predominant Frames in Nightly News Segments for the UFW and AIM

UFW	FRAMES	AIM	FRAMES
Unionization	46	Occupation	58
Boycott	42	Crime	57
Labor/labor rights	29	Wounded Knee II	47
Teamsters v UFW dispute	28	Legal system	43
Grapes-boycott/strike	25	Violence	43
State-level institutional mention	25	Militant	42
California	23	Negotiations	33
Policy mention	19	Member mention	27
Contracts	19	Federal-level Institutional mention	26
Elections	18	AIM trial	22
Lettuce boycott/strike	18	Red power	19
Migrant workers	15	Human/civil rights	18
UFW internal dispute	14	Broken treaties	15
Violence	13	Self determination	15
Pesticides/living conditions/health	13	Arms	14
Death	12	Intertribal	14
Negotiations	12	Wounded Knee I	12
In the fields	12	FBI	10

UFW: The frames depicted in the UFW coverage, underscore the basic components of the captive legalities framework. First, the most predominant frames: unionization, boycott, and labor rights – were the main modes of protest that the theory underscores would make the most sense for the group to deploy. That is, the movement sought to enact reforms to labor practices and regulations in the field as well as to press for unionization rights for the largely noncitizen constituent group. As such, these engaged protest modes, were clearly evident in the content of the television news segments. Next, the nature of the more reformist grievances of this SMO meant that they would espouse less disruptive protest strategies. Labor/labor rights, negotiations, Teamsters, contracts, and elections are among the top noted frames, evoking their predisposition to press for reforms to existing unionization practices and policies. In comparison to AIM, the frames present in UFW

coverage, make far fewer references to violence; there are only thirteen references to violence present in UFW coverage, in comparison to forty-three for AIM and additional references to militancy and crime. Instead, frames persistent throughout UFW coverage attached to the targets and goals of the movement. The UFW sought to make state-level changes to policy, mainly in California – where they were most active. Accordingly, the frame "state-level institutional mention" (policies, political representatives, or institutions) were mentioned twenty-five times, "California" is present twenty-three times, with nineteen mentions of "policy," and multiple references to conditions in the local fields (i.e. 'pesticides/living conditions/health' and 'in the fields') – all of which evoke a sense of regional urgency and regional activity. It should be noted, that within the top most referenced frames, in comparison to AIM, there are no mentions of judicial action. This absence underscores the conjectures presented by the captive legalities framework, that the UFW, by virtue of their attenuated noncitizen legal statuses, had little recourse to directly press the judicial for reforms. Instead, their best bet was to garner media attention and pressure state level politicians to enact changes in the fields and to unionization practices.

AIM: The frames most commonly identified in AIM television news coverage also underscores the expectations of the captive legalities framework. The American Indian members of AIM, bore dual citizenship statuses, and sought to negotiate reparations or redress for broken treaties, which they claimed, contributed to the deplorable living conditions on the reservation. The federal government oversaw enforcement of the treaties brokered with tribal governments. Therefore, AIM endeavored to negotiate the terms of the treaties with federal level representatives. In comparison to claims of the UFW, the

American Indian activists pressed for more radical reform – reparations in the millions of dollars by way of negotiations with a sovereign domestic nation within the U.S. (not that this was unjustifiable, but unusual in comparison, to demands made by the UFW). Consequently, AIM was bound by the nature of the legacies of their incorporation, to seek justice by negotiating with federal level targets, which not surprisingly are difficult to access, especially for a very resource poor and isolated population with limited influence. AIM strategized to use highly disruptive, armed, and violent occupations in order to draw media attention to their cause and pressure the federal government to negotiate their demands. This combined strategy of deploying assertive negotiations with federal governmental officials against the backdrop of violent occupations, is represented in their media coverage. Most notably, the top three frames articulated by AIM reflect this strategy: occupation, crime, and "Wounded Knee II" are referenced one hundred and sixty-two times. These relatively more violent tactics are also apparent in the frames analyses – crimes, violence, militancy, and arms are among the top cited frames in their coverage. Additionally, the more "radical" or *unusual* grievance claims are represented by mentions of "self-determination" and "broken treaties." AIM sought to engage the federal government; subsequently, there were twenty-six mentions of federal level institutions (e.g. BIA, federal legislatures, the Supreme Court, the President, the Congress, etc.). AIM chose to pair disruptive armed occupations with assertive action that largely focused on negotiations and judicial action. This strategic approach, as outlined in the captive legalities framework, is represented by the frames present in their coverage. For example, the "legal system" is mentioned forty-three times and "negotiations" thirty-three times.

The frames analyses illuminate how the substantive coverage the UFW and AIM attracted, translated to political change. Their grievances, chosen protest strategies, and institutional targets are all reflected in the television news segments covering the groups. In the next section, I show how the substantive media coverage, and associated frames translated into: policy and judicial change at the state-level for the UFW and policy and judicial change, at the federal-level, for AIM.

Political Outcomes

Tables 8 and 9 reveal overviews of the major policy and judicial changes related to these groups constituencies that took place during the peak of their activity. Each of these items of political action, are noted by a "W" for an action that was advantageous for the group's constituencies and a "L" for an action that was a detrimental advancement.

Table 8: Major Judicial and Legislative Action - UFW

State Legislation (CA)
1970—California Environmental Quality Act - California Regulation of Pesticides (W)
June 4, 1975—California Labor Relations Act (W)
CA Supreme Court
1967-United Farm Workers Organizing Committee, AFL-CIO v. Superior Court of Kern County (L)
1971 - Uribe v. Howie (W)
1972-Englund v. Chavez (W)
1975-Bradley v. Bruce Church, Inc. (L)
1975-Murgia v. Municipal Court for Bakersfield (W)
1975-Safer v. Superior Court of Ventura County (W)
1975-United Farm Workers of America, AFL-CIO v. The Superior Court of Santa Cruz (L)
1976-United Farm Workers of America, AFL-CIO v. Superior Court of Monterey (L)
1978-Belridge Farms v. Agricultural Labor Relations Board (W)
1978-Vargas v. Municipal Court for Riverside (W)
1979-J.R. Norton Co., Inc. v. Agricultural Labor Relations Board (W)
1979-Kaplan's Fruit & Produce Co. v. Superior Court of Los Angeles County (L)
US Supreme Court (Date Decided):
May 20, 1974--Allee v. Medrano (W)
November 25, 1974—Saxbe v. Bustos (L)
June 5, 1979—Babbitt v. United Farm Workers National Union (L)

Table 9: Major Judicial and Legislative Action - AIM

Federal Legislation
April 11, 1968-Indian Civil Rights Act (W)
1971 – Alaskan Native Claims Act
December 22, 1973-Menominee Restoration Act (W)
1974-Native American Programs Act (W)
January 2, 1975-American Indian Policy Review Commission Established (W)
January, 4, 1975-Indian Self-Determination and Education Assistance Act (W)
September 30, 1976-Indian Health Care Improvement Act (W)
August 11, 1978-American Indian Religious Freedom Act (W)
November 8, 1978-Indian Child Welfare Act (W)

Supreme Court Cases (Date Decided):
May 27, 1968—*Puyallup Tribe v. Department of Game* (L)
May 27, 1968—*Menominee Tribe v. United States* (W)
April 26, 1971—*United States v. Southern Ute Indians* (W)
March 27, 1973—*McClanahan v. Arizona State Tax Commission* (W)
March 27, 1973—*Mescalero Apache Tribe v. Jones* (W)
February 20, 1974—*Morton v. Ruiz* (W)
June 17, 1974—*Morton v. Mancari* (W)
January 21, 1975—United States v. Mazurie*
February 19, 1975—Antoine v. Washington (W)
April 27, 1976—Moe v. Confederated Salish and Kootenai Tribes (L)
June 14, 1976—Bryan v. Itasca County (W)
February 23, 1977—Delaware Tribal Business Committee v. Weeks (L)
April 19, 1977—United States v. Antelope (L)
March 6, 1978—Oliphant v. Suquamish Indian Tribe (L)
March 22, 1978—United States v. Wheeler (L)
May 15, 1978—*Santa Clara Pueblo v. Martinez* (W)
June 23, 1978—*United States v. John* (W)
January 16, 1979—Washington v. Confederated Bands and Tribes of the Yakima Indian Nation (L)
July 2, 1979—Washington v. Washington State Commercial Passenger Fishing Vessel Association (W)

UFW – Political Consequences

As I have emphasized, the UFW sought to enact state-level changes by virtue of their goals and the political options that they had given their level of influence and constraints. Though the UFW accomplished political action across the Southwest, the vast majority of their political activity took place in California, followed closely by Texas. For the purposes

of this dissertation, I focus on California state-level action, as measured by policy enactment and court decisions. Table 8 outlines the broad contours of this political action. The two largest wins that the UFW made took place in 1969 and 1975 after long campaigns to create policy. In 1969, California passed the California Environmental Quality Act, which regulated with the passage of the California Regulation of Pesticides. This was seen as a huge win and initial step in regulating safety conditions for agricultural field workers. Many of the grievances expressed by the UFW related to the harms of widespread and long-term pesticide exposure. About thirteen frames refer to the ills associated with unregulated exposure and the need to regulate pesticide use through inspection and safety protocols. In 1975, the UFW won what was most likely its biggest victory with the passage of the California Labor Relations Act. The bill was a landmark statue in labor law and a game changer for California farm workers. The bill established collective bargaining rights for farmworkers in the state (Martin 2001) and had reverberations throughout the Southwest. The Act was groundbreaking in that it established rules and regulations akin to those of the National Labor Relations Act (Higgins and Janus 2006) that protected the rights of most American workers – with the exception of farm and domestic service workers, many of whom were not citizens. Figure 5 shows the key political reforms the UFW accomplished by policy action, across time.

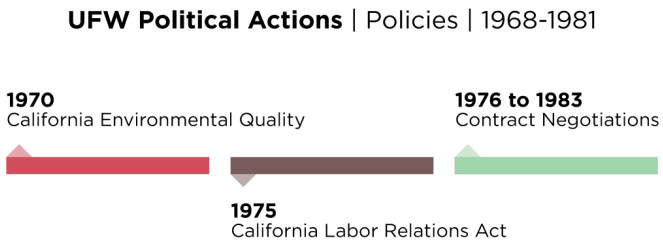


Figure 5: Key UFW Legislative Reforms

In addition to the direct impact the UFW had on California legislation, there impact also percolated up to the federal level in a few instances. In 1970 the Migrant Worker Health Care Act was established that theoretically extended health care to temporary workers although the efficacy of this policy was variable. In 1974 the Farm Labor Contractor Registration Act Amendments were passed to regulate the activities of contractors who recruit and employ migrant workers, however the act was later repealed and replaced by the Migrant and Seasonal Agricultural Worker Protection Act in 1983.

The protest and media exposure also led to substantial legal activity at the California Supreme Court level. Between 1967 and 1979, the UFW was involved in twelve state level Supreme Court cases. Of the twelve cases, seven or 58% were viewed as advantageous to improving the situation of UFW's constituents. Three cases related to the issues of the UFW also made it to the Supreme Court, where they suffered two losses, and one win. This heightened political action paralleled the trends I have discussed related to: increased UFW protest activity, increases in television news stories covering the UFW in substantive ways, and the frames transmitted by the movement when being covered for their protest activity. Figure 6 arrays the noteworthy California Supreme court cases impacted by the UFW's activism, during the peak of their activism.

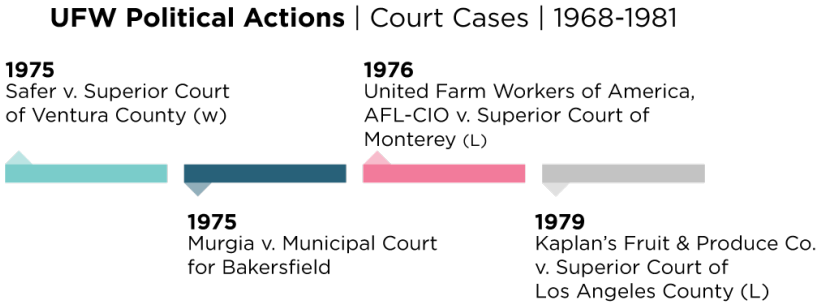


Figure 6: Key UFW Judicial Reforms

AIM – Political Consequences

AIM organizers sought to negotiate reparations for unenforced treaty agreements with the federal government. To do so, and as I have articulated throughout, they did so by engaging in both disruptive armed occupations in order to gain attention of the media, engender public support, and pressure federal channels to negotiate with them. The effects of AIM's short-lived protest campaign, however, had remarkable impacts. From 1968 through 1978, American Indians made huge inroads in federal policy with the enactment of eight pivotal policy implementations. These policy victories were initiated with the passage of the Indian Civil Rights Act, for example, which essentially ensured that rights guaranteed within the U.S. Bill of Rights would also apply within tribes. This legislation was seen as a win in that it sought to remedy the corruption that was reportedly rampant in many tribal justice systems. In 1973, about five months after the occupation at Wounded Knee, the Menominee Restoration Act was passed, and was the first piece of federal-level legislation to reverse the Termination policies of the 1950's, and return sovereignty to the Menominee tribe in Wisconsin (Prucha 2000). This ruling identified key aspects of AIM's larger demands to self-determination and enforcement of sovereignty. See Figure 7 for a timeline of noteworthy policy enactments following AIM action, and Table 9 for the overall political action achieved during this period for American Indians.

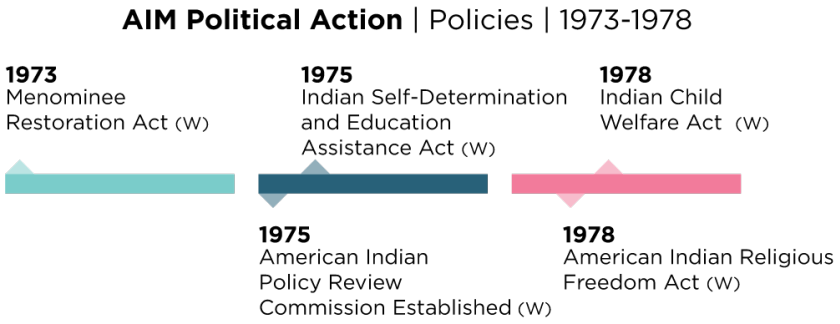


Figure 7: Key AIM Legislative Reforms

Between 1974-1974 two key pieces of legislation were enacted that drastically restructured federal administration of Indian Affairs. First, in 1974 the Native American Programs Act established the new Administration for Native Americans Department within the United States Department of Health and Human Services. The newly formed department represented a huge departure from termination policies of the 1950's and was designed to promote economic and social self-sufficiency to American Indigenous populations through the provision of community-based project funding (Administration for Native Americans; SEDS, accessed 2017). Following the establishment of this program, the American Indian Policy Review Commission was created within the Senate (PL 93-580) to oversee all legal, policy, and administration functioning as it related to Indian affairs. The establishment of this Commission marked a break from the corruption and mismanagement that had plagued the BIA for decades.

Finally, between the remainder of 1975 and 1978 four major pieces of federal legislation were passed: the Indian Self-determination and Education Assistance Act (1975), the Indian Health Care Improvement Act (1976), the American Indian Religious Freedom Act (1978), and the Indian Child Welfare Act (1978). Each of these policies was a hugely consequential and marked a period of beneficial policy making that would not be repeated.

Turning to the courts, the outcomes as they relate to the goals of AIM were mixed. See Figure 8 that depicts major cases along the peak of AIM's activity.

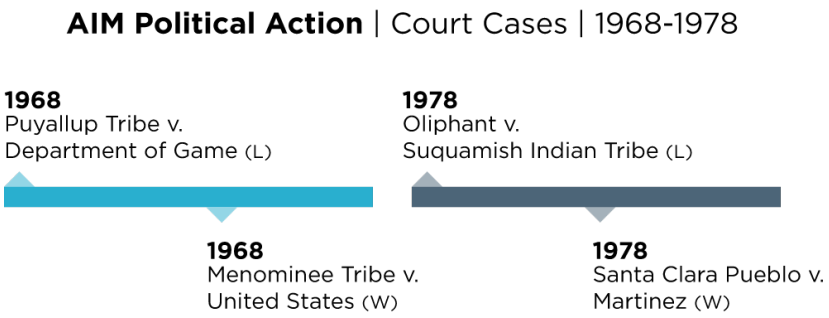


Figure 8: Key AIM Judicial Reforms

Between 1968 and 1979, American Indian issues were elevated to the highest courts in unprecedented numbers. As a direct consequence of the broad political activism and widespread public support for AIM, the Supreme Court took up nineteen cases directly related to American Indian issues during this period. Though many of these cases were admittedly multi-faceted in their outcome, of the nineteen cases, seven, or 37 perent of these did not fall in favor of Indian interests, though the cases engendered many considerations and were not clear-cut wins. However, of the twelve cases that did tilt in their favor, this period represents an era where Indian activism and consequent national attention to their cause – helped to elevate their issues to the highest courts. Though the period admittedly represented a lost opportunity where the Supreme Court had the chance to correct injustices (Wilkins 1997), the elevation of these issues to the court nonetheless signifies the importance of activism for political influence.

Activism, Television Coverage, and Political Influence

Taken together this dissertation reveals the interconnections between social movement activity, media coverage of it, and the impact of this intersection on increasing political influence for otherwise underrepresented groups like farm workers and American Indians. Tables 10 and 11 reveal the close interplay between these trends – as media coverage rises, so too does political action.

Table 10: AIM TV Coverage, Legislation, & Judicial Action

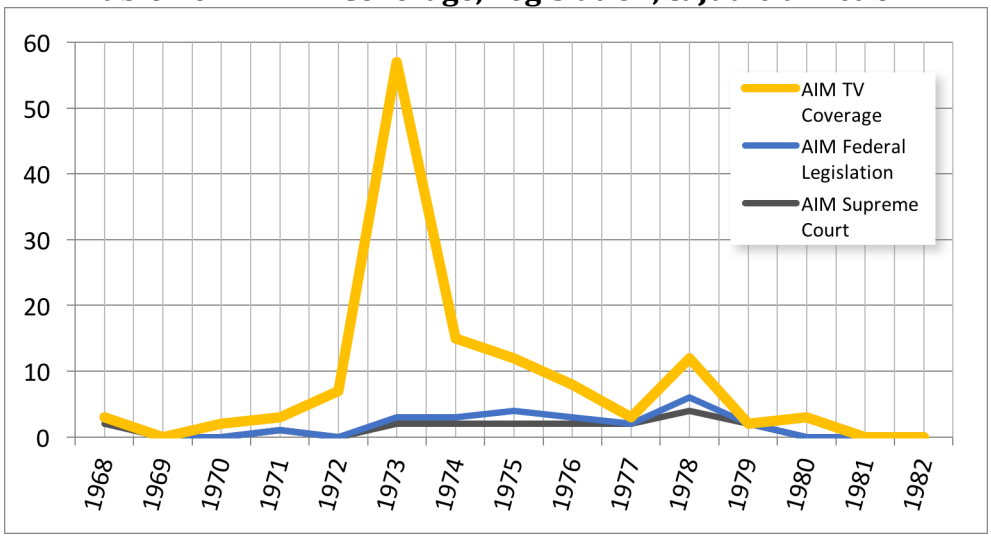
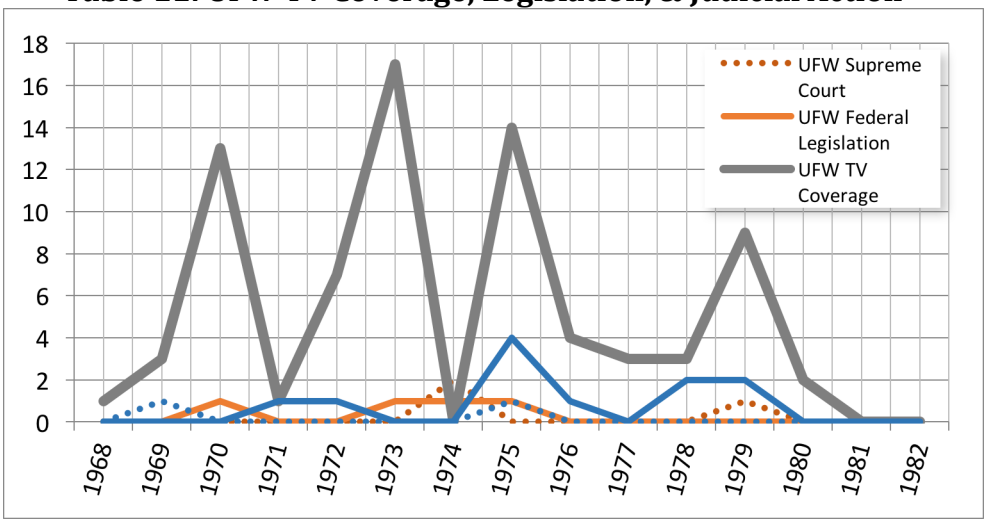


Table 11: UFW TV Coverage, Legislation, & Judicial Action



These findings impress upon the notion that these movements were strategic in their approaches. Given their statuses and goals, they directed their protest efforts to the appropriate targets in order to achieve the desired changes. As we can see in each of these graphics, when media coverage peaks, political action is closely associated, for shortly thereafter follows, revealing the importance of media for political gains. In the final chapter to follow, I offer suggestions for next steps to further unpack these findings and the

implications of this work for understanding the interconnections of policy legacies on activism and political change.

Summary and Conclusion

"Society is made up of groups, and as long as the smaller groups do not have the same rights and the same protection as others - I don't care whether you call it capitalism or communism -it is not going to work. Somehow, the guys in power have to be reached by counterpower, or through a change in their hearts and minds, or change will not come." –Cesar Chavez

"The American Indian Movement's motto was 'anytime, anywhere, any place.' And that was the most important job that we could do, is to be where there was injustice and to confront it." -- Dennis Banks, AIM activist, Ojibwa tribe.

This dissertation has been a story about how policies leave legacies that shape how political actors maneuver within and against their effects. Specifically, I have examined how policies of incorporation conscribed options for future protest efforts when movement actors sought to mitigate the disadvantageous impacts stemming from these policy systems. Against the backdrop of the story of American expansionism and union building, I have traced how citizenship contracts were used to absorb pre-existent populations, such as Mexicans in the Southwest or American Indians throughout the continental U.S., in order to explore this claim. These self-reinforcing policy systems become pre-determinative policy systems locking in the modes by which the aggrieved groups could press for reforms.

Immediately following the Mexican-American War, Mexicans present in the Southwest from 1848-1850, were given citizenship through land annexation. However, future plans were not put into place to "absorb" subsequent residents, who were already regularly migrating between the two countries as labor flows demanded. Instead a fluid system of guest worker programs provided temporary visas to Mexican migrants in the agricultural sector. The demands of the agricultural sector opened borders for Mexican field laborers in times of economic prosperity, yet when the economy took downturns, the borders quickly closed and sweeping deportation programs, facilitated by the INS, and

organized “repatriations” by local welfare bureaucracies (Ngai 2006) – led to wholesale forced southward Migration of Mexican residents. Both undocumented migrants, temporary workers, and Mexican American citizens were included in these movements to repatriate large groups of those living in the West. This system created the foundations for institutionalized vulnerability for the Latinos living in the Southwest. Without the protections or rights afforded and enforced through inviolable citizenship contracts, Latinos living in the U.S. following the annexation of Mexican territories, had limited recourse to campaign for political change to mitigate their positions of precarity.

American Indians were incorporated into the union through the conferral of tribal sovereignty as colonialism pressed through in a westward expansion. By 1924, American Indians were also granted U.S. citizenship through the Indian Citizenship Act. However, this unique dual and sovereign citizenship status – would be subject to repeated re-interpretation by the law and retrenchment by federal and state governmental bodies. The complex nature of the *domestic dependent nations*, within a nation model, was an inherently opaque one and allowed the governments a wealth of opportunities to attempt to scale-back and undercut the bounds of tribal jurisdictional power. In addition, the conceptual slipperiness of tribal sovereignty meant that treaties brokered with tribes during colonial expansion would also be subject to interpretation and abrogation. The twentieth century was marked by the constant curtailment of American Indian sovereignty through interpretive legal challenges and continual land and resource depletion through treaty violations. By the 1950’s the retrenchment of Indian sovereignty had reached a new nadir with the implementation of Termination era policies, as thousands of Indians were stripped of tribal affiliation and taken out of the reservation system in order to mainstream

into society. Thus, by the late 1960's Indian policy had effectively diminished much of their potential influence through legal rulings, institutional mismanagement of resources, and the consequent poverty that existed on Indian reservations.

But, as shown throughout this dissertation, this is also a story about how, despite disadvantageous citizenship contracts and their restrictive effects, movement actors find ways to successfully negotiate for political reform. In each of these cases, I have outlined how SMOs emerged from these constituencies to protest against the situations caused directly or indirectly by their attenuated legal statuses. Both the UFW, who fought to secure labor protections and unionization rights for their largely non-citizen constituency, and for AIM, who sought redress for the denial of broken treaties and legal validation of sovereign authority – found ways to strategically maneuver to access back-door political influence and create change. The nature of their particular incorporation story, also helps to explain why we see variance in their chosen protest approaches and their effects.

The captive legalities framework discussed throughout this dissertation explains why we see the UFW and AIM, two groups with similarly disadvantageous incorporation stories, deploy distinct campaigns of resistance, target their efforts toward different institutional bodies, garner substantive but unique media coverage, and ultimately impact political change in divergent and particular ways. But can the experiences of the UFW and AIM tell us something about how other groups might mobilize against the legacies of citizenship? Can the framework help us to understand how the determinants of citizenship policy define the protest efforts of other groups to create reform?

To answer these questions, I review the main findings associated with the UFW and AIM cases. In order to elucidate the utility of the captive legalities framework, I highlight

how these movements strategically deployed differential tactics, aimed at different institutional targets, in relation to their goals, grievances and citizenship statuses. These tactical decisions were largely shaped by the policy legacies of their incorporation stories, yet the movements were also able to strategically leverage their situations to the best of their advantage. Thus, following a brief summary of the overall impacts of these movements' protest activities, in relation to media coverage and political consequences, I then discuss the limitations of the dissertation research strategy and ancillary data. I finish by sketching suggestions for ways to develop upon and extend this work.

Impact of Captive Legalities Framework

The attenuated legal situations of each of these groups left their constituents with limited options to press for change. Despite their constraints, the UFW and AIM emerged during approximately the same time and advocated for expanded rights and reform. AIM sought changes that would strengthen their sovereign authority as well as reparations for abrogated treaties. In order to advocate for these changes, they would have to target the federal government, who would be the responsible institutional arm to effectuate any reparations or validate claims to their sovereign authority. Their comparatively more radical grievances, which (justifiably) sought millions of dollars to counter the loss of lands and resources, brought about by the abrogation of treaties, required more radical forms of disruption in order to draw the federal government into negotiations. They staged a series of several armed occupations in the early 1970's which resulted in substantial media coverage. Meanwhile, the UFW sought to secure labor protections and the right to engage in collective bargaining for their, largely non-citizen, constituents. The UFW advocated for comparatively more reformist, as opposed to radical, changes. As such, they employed

much less disruptive protest strategies – such as non-violent marches, boycotts, and hunger strikes in order to press for state-level reforms. Their widely publicized protest events, attracted substantial coverage throughout the late 1960's through the 1970's. The Grape Boycott led by the UFW was a household name by the 1970's and "la causa" was widely supported by Americans outside of California.

Media Coverage

Each of these organizations successfully garnered national media attention. In particular, in this dissertation, I examine the scope of television coverage devoted to their protest campaigns in ABC and CBS news segments from 1968-1981.

The content of this increased coverage was also substantive in nature. Across a number of measures, including – instances where the movement gains standing, or relays a demand within the news story, or achieves a high level of attention to their issue – both the UFW and AIM achieved more substantive coverage than non-substantive coverage. AIM achieved a high level of standing in 67 percent of their news stories, while the UFW did so 78 percent of the time. AIM gained demands in 45 percent of their news segments, while the UFW was able to transmit demands 72 percent of the time in these news stories. Finally, AIM managed to achieve standing 60 percent of the time while the UFW did so 67 percent of the time. Though the UFW garnered slightly better coverage according to these measures (especially with respect to gaining demands in their coverage), each of the groups nonetheless made substantial inroads, politically.

Political Outcomes

Results from the multivariate analyses examining predictors of substantive measures of coverage, revealed that, in the main: assertive tactics, boycotts, strikes, and

unionizations were protest strategies associated with achieving standing, demands, or a high level of attention to their issue. These findings aligned with the expectations of the captive legalities framework, suggesting that these non-disruptive types of protest would ultimately need to be deployed to catalyze substantive television coverage and leverage political change. When movements initiated the news coverage, they were also found to be more likely to gain substantive coverage along the same three indicators. In the preceding chapter, I outlined how this substantive coverage served as a bridge to greater political influence through legislative and judicial reform. AIM managed to elevate Indian issues to the Supreme court nineteen times within the period, and passed numerous pieces of federal level legislation – ushering in a period of political activity that would not be repeated for this constituency. The UFW also managed to secure substantial state-level reforms to ensure safety regulations would be undertaken in the fields and to protect collective bargaining rights. In addition, the UFW also elevated their issue to the California Supreme Court twelve times and three times to the Supreme Court. The UFW and AIM highlight how policies shape the ultimate protest approaches that movements can take to amend them, but also demonstrate how movements can be savvy in negotiating around these constraints and engage the media as a back channel to achieving their goals.

Limitations

Though this study underscores how movements can leverage change from within constraining policy systems, limitations to this study exist and should be noted. First, though I have made claims that there are associations between the types of protest actions engaged and substantive quality of coverage, and that policy and judicial action follows from these trends in media coverage, I cannot *causally* connect these events, with the

collected data. The study, instead, reveals that as substantive coverage increased, political activity also increased – but I cannot rule out the influence of other impactful forces such as powerful political allies that may have helped to pass legislation or elevate particular issues relevant to these constituents, for example. Next, the dissertation examines these movements beginning in 1968, when the television archives began to record the nightly news segments. Though the period under investigation represented the peak of these movements activity, the years preceding were also periods of increased political activism (especially for the UFW), and it is possible that the political action was a lagged effect of some of this pre-1968 activity. This is a much more likely possibility for the UFW who had staged large-scale boycotts earlier than 1968. For AIM however, this is probably not as problematic, as their first major televised protest event takes place in 1972.

Next, though these movements represented the largest and most active movements in a larger movement family, there were other active and influential organizations that may have contributed to the overall political influence these movements achieved. Overall counts of movement mentions in newspaper stories, provides a useful heuristic to ascertain which organization within these movements gained the most media publicity and were the most active during the time of interest. The Political Organizations in the News database (Amenta and Caren 2017), provides counts of all social movement organizations from the 20th Century as well as their newspaper coverage in the five main national newspapers (*The New York Times, The Chicago Sun, The Los Angeles Times, The Washington Post,* and *The Wall Street Journal*). This database would enable the researcher to identify the most covered organizations within these movement families and could then trace the protest action of multiple movements against political action. For example, the League of

United Latin American Citizens (LULAC) is the oldest surviving Latino civil rights advocacy organization. Founded in 1929, they have been vocal in pressing for rights and redress against grievances for decades. In some cases, they worked in concert with the UFW and assisted in many of their legal challenges. It is difficult, therefore, to - not only disentangle their impact from the larger struggle for Latino civil rights, but to not partially credit some of UFW's wins to the assistance of LULAC. Along these lines, other advocacy groups also boosted the issues of AIM and were active before AIM gained mainstream media attention. One movement in particular, that engaged in a substantial amount of assertive protest was the National Congress of American Indians (NCAI), a long-standing organization founded in the 1940's. NCAI, were largely responsible for putting into motion much of the internal political shake-up that took place in the Senate and the BIA, beginning in the late 1960's. What is more, they were partially responsible for elevating "Indian" issues to the Johnson administration and securing ear marked funds in War on Poverty programs. Thus, it is difficult to attribute all of the political wins to the attention garnered by AIM and the UFW alone – as movements often work within larger SMO industries, that are focused on pressing for similar reforms for the same groups of constituents.

Lastly, this dissertation explores these movements across thirteen years. However, in order to make claims about the connection between media attention and political action, a more longitudinal study would leverage insight. Without examining baseline levels of political action and media attention, prior to 1968, it is difficult to examine the peak of attention against a baseline level of protest action media attention, and political action. That is, the time period under investigation does not allow for comparison to negative cases. Instead, the dissertation analyzed positive cases where high levels of substantial

media coverage, protest activity, and high levels of political action, all existed, simultaneously.

Utility of the Captive Legalities Framework for Future Scholarship

This work provides many avenues for future scholarship to extend upon and further test the suppositions of the captive legalities framework. To begin, more cases can be apprised against the framework. This study has examined how policies of incorporation impacted Mexicans living in the Southwest and American Indians throughout the U.S. However, other pre-colonial groups also, "came with the territory," and provide very useful cases with which to test the bounds of this framework. For example, in earlier versions of this dissertation, I included Native Hawaiians, Alaskan Natives, and Puerto Ricans into the comparative analysis. Native Hawaiians would serve as a good pair to the Latino case, as they were somewhat similarly incorporated into the union, vis-à-vis the removal of their monarch and subsequent annexation of their land. Following these events, they were granted outright citizenship. The Native Hawaiian movements that emerged later in the 1960's, pressed for native sovereignty and redress for land and resource dispossession. These movements used similarly non-violent protest tactics, but were not as successful in gaining state or federal level political action. Alaskan natives, on the other hand were most similar to American Indians in that they were granted tribal sovereignty upon incorporation. However, they engaged in much less disruptive protest but managed to attract high level and influential political allies through assertive action. These political allies helped Alaskan Native advocates to clench a huge legislative win: The Alaskan Natives Claims Settlement Act (1971), which effectively froze the distribution and allotment of Alaskan land thereby, preserving ensuring that future resources extracted

from the lands would remain in the ownership of Native communities. Finally, Puerto Ricans were brought into the union as a territory following the Spanish-American War in 1898. Since the initial period of incorporation, the relationship between the territory and the U.S. has changed and evolved – with the citizenship status for islanders changing shape. Puerto Ricans were granted American citizenship in 1917, but movements for Puerto Rican sovereignty and independence has been an omnipresent thread during substantial periods of the 20th Century. In some of these movements for independence, violence ensued – even on the Puerto Rican Congressional House Floor! Thus, these examples provide further case study examples of pre-colonial groups that were absorbed into the nation, through variable policy means. Each of these groups also mounted protest campaigns against the impacts of these policies of incorporation, Therefore, it would be instructive to explore how these SMOs protested against these policy systems and examine how these protests were covered in the media or determine whether they were associated with increases in political activity.

Other areas for development would look to expand the locus of political impact beyond the current design. For the UFW, this dissertation has only examined legislative and judicial action within California and a few examples of federal level political action. Though the activity of the UFW were largely concentrated in California, they expanded, and had substantial impacts elsewhere such as Texas, Arizona, and beyond. Future work, could collect a larger range of political impacts associated with this SMO to see how protest action aligned with television coverage and political reform, *writ large*. In the same vein, though this dissertation only examined federal-level action related to American Indians, there were many state level developments that took place across the U.S., in relation to

tribal communities. To further this study, scholars could collect state-level developments and ascertain if and how these political reforms, map on to national television coverage. To further this line of study, regional news coverage of American Indian activism or UFW activism could also be collected and compared to advancements in political action across time.

Further examinations of other measures of coverage would also be fruitful. One particular area for advancement would involve the development of specific indicators of quality of coverage that are unique to television. In the data collection portion of this study, I sought to collect data on indicators of substantive coverage that were exclusive to television coverage, such as *visual standing demands* or *televised grievances*. However, the data collection yielded very small results for these measures that could not be comparatively evaluated in the given research design. But future extensions of this work, could take a deeper dive to qualitatively examine these small N instances of measures of substantive coverage in television, in order to understand how and under what circumstances movements manage to achieve these types specific television of coverage.

In all, this dissertation has been an attempt to develop a sociological conception of citizenship that highlights how policies of incorporation long outlive their original advent. I have sought to show how these policies constrain future populations by attenuating their political potential and also condition the very modes by which they can resist ensuing political situations. Yet, I have also examined how these marginalized groups are savvy, and strategically use differing modes of protest given their grievances, targets, and individual constraints. That is, they are exacting in their attempts to draw the media in, with the presupposition that political influence will follow. In both of these cases, this gamble paid

off- and the groups' constituents, benefitted. Thus, it is a story about how movements, comprised of marginalized political actors, can create change, even in the face of compromised legal statuses and limited political options.

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