

ABSTRACT

SANDERS, MARLA S. Pursuing the American Dream: A Case Study of North Carolina's House Bill 1183. (Under the direction of Dr. Lance D. Fusarelli.)

This case study investigates the social and political factors influencing House Bill 1183, a bill introduced in the North Carolina General Assembly in April 2005 to extend resident-tuition rates to undocumented students seeking postsecondary education. The data indicates that House Bill 1183's defeat was due to a combination of factors. These factors included social and economic concerns, changing demographics of the state, the time and context the bill was introduced, the media, specifically conservative talk radio, and the public's response. A combination of the other factors contributed and significantly influenced the context of the public's response, which undoubtedly led to the defeat of the bill. This study is grounded in the advocacy coalition framework by Jenkins-Smith and Sabatier (1993), which suggests policymaking is a competitive process where advocacy coalitions compete to achieve specific policy objectives. Advocacy coalitions played an important role in this process, as the supporting organizations were key in the conceptual development of the bill, and the opposing coalition was actively involved in calling their constituents to action. However, the data does not indicate the presence of highly structured coalitions as the framework might suggest. The bill's defeat was not solely a result of the opposition's efforts or any lack of planning or strategy on the part of supporters. The data suggest the other factors primarily contributed to the bill's defeat.

**Pursuing the American Dream:
A Case Study of North Carolina's House Bill 1183**

by

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DEDICATION

This work is dedicated to my parents

Sammie and Annie Sanders

For everything

BIOGRAPHY

Marla Saterica Sanders was born in Sumter, South Carolina, on October 17, 1976. She is the daughter of Sammie and Annie Sanders and has four sisters. In 1998, she received the Bachelor of Arts degree in History from Columbia College of South Carolina. She also earned the Master of Education degree from Columbia College in December of 1999. Prior to enrolling in the doctoral program at North Carolina State University, Marla was employed as a middle school teacher for five years.

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TABLE OF CONTENTS

LIST OF FIGURES.....	viii
CHAPTER I: INTRODUCTION.....	1
Statement of the Problem.....	4
Purpose of the Study.....	8
Definition of Terms.....	9
Significance of the Study.....	9
Organization of the Study.....	12
CHAPTER II: REVIEW OF LITERATURE.....	13
Introduction.....	13
The Impact of the Courts.....	13
The Impact of Congress.....	20
Factors Influencing Immigration Policy.....	29
State Politics.....	33
The Policy Process.....	36
Summary.....	43
CHAPTER III: METHODOLOGY.....	44
Introduction.....	44
Site Selection and Sample.....	48
Data Collection.....	48
Data Analysis.....	51
Research Validity and Reliability.....	52
Ethical Issues.....	54

Limitations of the Study.....	54
Summary.....	56
CHAPTER IV: FINDINGS.....	57
Introduction.....	57
Background.....	57
Senate Bill 987.....	70
Social and Political Factors	72
Changing Demographics and Time and Context.....	73
Summary of Changing Demographics.....	83
Media.....	83
Summary of Media.....	100
Social and Economic Concerns.....	100
Supporters and Advocates.....	102
The Oppositional Coalition.....	108
Summary of Social and Economic Concerns.....	113
Illegal Immigration as a Problem Construct.....	113
Summary of Illegal Immigration as a Problem Construct.....	116
Public Opinion.....	117
Summary of Public Opinion.....	143
Advocacy Coalitions.....	144
Summary of Advocacy Coalitions.....	154
CHAPTER V: DISCUSSION.....	155
Introduction.....	155

North Carolina Politics and Political Culture.....	155
Interpretation of Findings.....	162
Implications for Further Research.....	172
Implications for Policymakers.....	175
Conclusion.....	176
REFERENCES.....	177
APPENDICES.....	196
Appendix A.....	197
Appendix B.....	199
Appendix C.....	201

LIST OF FIGURES

Figure 1: Estimates of illegal immigrants 2000.....	10
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CHAPTER I

INTRODUCTION

Illegal immigration is a topic of national concern for many Americans, as many perceive illegal immigrants as a cultural threat and as contributors to a failing economy and high crime rates (Alvarez & Butterfield, 2000; Chandler & Tsai, 2001; Sanchez, 1997). National polls and studies (Chandler & Tsai, 2001; Gallup Poll, 2005; Newport, 2004) indicate the majority of Americans oppose illegal immigration and believe that government restrictions on legal immigration are necessary. In response to Americans' concerns over national security following the September 11, 2001 terrorist attacks, the federal government made significant changes to immigration policies (Peters & Fitz, 2002; Tebo, 2002). These policies have been highly debated, as pro-immigration advocates argue they are unjust, and immigration reformers argue such strict policies are necessary to protect the American economy and national security. Tebo (2002) argues, "As the American government strives to close the loop-holes that allowed foreign nationals to commit terrorist acts on American soil, it continues to widen the civil rights gap between those of us who can call ourselves citizens and those who cannot, whatever their nation of origin" (p. 44).

Despite federal policies which have been enacted over the past 30 years to prevent illegal immigration, the percentage of illegal immigrants continues to rise forcing the federal and state governments and federal courts to determine whether illegal aliens should have access to social benefits such as health care, welfare benefits, and K-12 and postsecondary public education. The percentage of illegal immigrants residing in the United States doubled between 1990 and 2000, increasing from 3.5 million to 7 million

(The Department of Homeland Security, 2002). Under current federal policy, children of illegal immigrants, often referred to as undocumented students, are eligible to receive public K-12 educational services. As a result, no state can deny undocumented students access to a public K-12 education (Olivas, 1986). However, in the late 1990s, access to higher education became a concern for many immigrant rights advocates, as thousands of undocumented students faced increased barriers to postsecondary education upon graduating from public high schools. Although no federal or state law prohibits undocumented students from being admitted to state institutions, many of these students are denied access to postsecondary education due to restrictions, making them ineligible for benefits such as in-state tuition and student aid, posed under the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (Badger & Yale-Loehr, 2002). Signed into law by President Bill Clinton in September 1996, Section 505 of the IIRIRA reads:

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a state (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident. (p. 3009-672)

Thus, states are prohibited from providing any postsecondary education benefit such as in-state tuition to any illegal immigrant, unless a United States citizen residing in another state is eligible for that same benefit (Alfred, 2003; Badger & Yale-Loehr, 2002; Galassi, 2003). Section 507 of the IIRIRA and Title IV of The Higher Education Act of 1965 also

exclude undocumented students from receiving federal student financial aid. Section 507 requires higher education institutions to provide the Immigration and Naturalization Service (INS), now under the Department of Homeland security, with documentation of citizenship or legal alien status for those individuals applying for federal student aid. Title IV of The Higher Education Act of 1965 provides that only U.S. citizens and eligible non-citizens are able to benefit from federal financial assistance (Badger, Ericksen, & Yale-Loehr, 2000; Badger & Yale-Loehr, 2002).

In October of 1996, the number of illegal immigrants residing in the United States was estimated to be 5 million and was increasing by 275,000 people per year (Department of Homeland Security, 2001). A Gallup poll indicated that between 1993 and 1995, 65% of Americans felt that immigration levels in the United States needed to be decreased (Newport, 2004). Similarly, in December of 1994, 57% of Americans surveyed stated that immigrants cost taxpayers too much money because of their use of public services such as education and healthcare (Gallup poll, 2005). Americans' concerns about immigration during the early 1990s contributed to the passage of immigration reform laws in 1996, including IIRIRA (DeLaet, 2000).

IIRIRA was introduced in the House of Representatives in August of 1995 by Representative Lamar Smith of Texas, chairman of the House Subcommittee on Immigration and Claims during the 104th Congress, and was supported by 129 co-sponsors (Gimpel & Edwards, 1998). In a 1997 law journal, Representative Smith described IIRIRA as, "the most comprehensive immigration reform package of the past generation" and emphasized the law as necessary as it "protects the safety of American citizens and legal residents" (Smith & Grant, 1997, p. 891). Enacted five months after the

Antiterrorism and Effective Death Penalty Act (1996), another law that significantly impacted immigrants, IIRIRA is considered to contain some of the “toughest measures ever taken against illegal immigration” (Fragomen, 1997, p. 438). In September of 1996, IIRIRA was passed by the United States Congress and subsequently signed into law by President Bill Clinton (Gelernt, 2001; Wolchok, 1997). IIRIRA passed the House of Representatives with a 333 to 87 vote, and the Senate with a 97 to 3 vote. Section 505 of IIRIRA went into effect as of July 1, 1998; however, there are no specific regulations for implementation (Badger, Ericksen, & Yale-Loehr, 2000).

Statement of the Problem

State legislatures have interpreted Section 505 of IIRIRA differently. Some states have concluded that as federal legislation the law restricts them from granting undocumented students in-state tuition rates for higher education because the Constitution provides that state laws must coincide with federal laws and Congress has authority over immigration. Governor Scott McCallum of Wisconsin and Governor Gray Davis of California vetoed bills seeking to extend resident tuition rates to undocumented students on the basis of Section 505 (Galassi, 2003; *Harvard Law Review*, 2002). Following the passage of IIRIRA, the State University of New York system, whose previous policy allowed undocumented students to qualify for resident tuition rates, changed its policy (Badger & Yale-Loehr, 2002). Other states have resolved that it is beyond the scope of the federal government to stipulate how states disperse benefits to its residents. Those states have based ensuing legislation on the provisions of other statutes that provide states are able to disperse public benefits to illegal immigrants by passing state laws (Galassi, 2003).

Texas and California legislators have passed similar laws giving undocumented students the opportunity to pursue higher education at in-state tuition costs given that they pursue residency, have been enrolled in high school within their respective state for at least three years, and have attained a high school diploma or its equivalent (National Immigration Law Center, 2003a). Texas state leaders argued that their law circumvents the IIRIRA because the law's criteria for determining tuition rates is graduation from a state high school rather than legal state residency (Badger & Yale-Loehr, 2002; Galassi, 2003). As of November 2003, 18 state legislatures had introduced legislation extending in-state tuition rates to undocumented students, and an additional seven states had enacted such legislation. Currently, nine states have enacted such legislation (National Immigration Law Center, 2003a & 2005a).

Because states have taken different positions on this issue, undocumented students in some states have easier access to postsecondary education than those students in other states. Because they do not qualify for resident-tuition rates and are not eligible for federal financial aid, many students are unable to afford to pay nonresident tuition fees, as they are from low-income families (Badger, Ericksen, & Yale-Loehr, 2000). A 2002 report written by the American Association of State Colleges and Universities (AASCU) and the National Association of State Universities and Land Grant Colleges (NASULGC) indicates that nonresident tuition and fees at all public colleges and universities increased by 5.9% from the 2000-2001 to the 2001-2002 school year. The report also says that on average, nonresident students pay \$10,419 per year, while the average tuition and fees for resident students is \$3,763 per year.

In 2003, North Carolina entered this policy debate. State Senator Eric Reeves sponsored Senate Bill 987, Increase Access to Education, in the North Carolina General Assembly in April 2003. The bill had four sponsors and was later referred to the Committee on Education/Higher Education; however, it was never passed into law. Had Senate Bill 987 become law, undocumented students in North Carolina would have been eligible to receive resident tuition rates if they earned a high school diploma or a GED and attended a state high school for four consecutive years. Currently, undocumented students in North Carolina may be admitted to North Carolina Community College System institutions; however, the decision to admit undocumented students is left to each institution. Community colleges are not required to admit these students, and if they are admitted to a state community college, undocumented students must pay nonresident tuition and fees (North Carolina Community College System, 2004).

The University of North Carolina (UNC) System, which consists of 16 public postsecondary education institutions, also has a policy concerning the admission of undocumented students. University policy 700.1.4[G], which was adopted November 12, 2004, states that undocumented aliens are eligible for admission into state public universities if they have graduated from a high school in the United States. The policy also states that these students are not eligible for federal or state financial aid and must be considered out of state residents, regardless of whether they reside in North Carolina. University policy 700.1.3 provides that no more than 18% of an institution's freshman class may be out of state students, and per policy 700.1.4, undocumented students must be included in that 18%. As North Carolina postsecondary policies currently require undocumented students to pay out of state tuition rates, undocumented students in this

state face barriers to higher education. For example, the average cost of resident tuition and fees for the 16 schools within the university system in 2004-2005 is \$3,339 and \$1,270 for community colleges, compared to the nonresident fees \$13,327 and \$6,806 for universities and community colleges respectively (University of North Carolina, 2005).

Because of the concern and the inconsistency surrounding this policy issue, Senator Orrin Hatch of Utah introduced the Development, Relief, and Education for Alien Minors Act (DREAM) (S. 1545) in the United States Senate in July 2003. The bill, which received bipartisan support, had 47 cosponsors. The DREAM Act would have amended IIRIRA and allow states to determine whether or not to extend residency tuition to undocumented students (National Immigration Law Center, 2003b). The DREAM Act and similar proposals have not been passed in Congress, which may be a result of September 11th, as Badger and Yale-Loehr (2002) suggest, “The tragic events of September 11 have moved all pro-immigration legislation to the back burner” (§ 4). The DREAM Act was introduced again in the United States Senate in November of 2005. Under this bill, undocumented students who have earned a high school diploma or GED would be eligible for conditional legal status of up to six years if they came to the U.S. before the age of 16 and resided in the country for at least 5 years. The student must enlist in the military for two years, graduate from a two-year degree program, or complete two years of a four-year degree program. These requirements must be satisfied during the student’s conditional resident period if he or she wishes to be granted permanent residence. This bill is similar to the 2003 version, as it would allow states to determine residency-tuition and fees (Morse, 2005; National Immigration Law Center, 2005b).

Purpose of the Study

The purpose of this study was to investigate the social and political factors influencing state policies to extend resident tuition rates to undocumented students. Specifically, the study will explore the political processes in North Carolina surrounding House Bill 1183, which was introduced in the state legislature in 2005 to extend resident tuition rates to certain undocumented students. This study is grounded in the advocacy coalition theory of policy formation and processes developed by Jenkins-Smith and Sabatier (1993). Thus, a qualitative case study approach, as described by Yin (2003), explored the following research question around which this study is framed:

- What social and political factors influence North Carolina policies to extend resident-tuition rates to undocumented students seeking postsecondary education?

The following related research questions were also examined:

- Does public opinion contribute to the enactment or denial of such policies? If so, to what extent?
- How is the problem of illegal immigration defined and/or redefined by state political leaders? To what extent do such definitions influence policy and policy change?
- What North Carolina advocacy coalitions are involved in the advocacy of or opposition to House Bill 1183? To what extent does their involvement influence the state legislature's enactment or denial of such policy?

In April 2005, House Bill 1183 was introduced in the North Carolina General Assembly with four primary sponsors and 32 cosponsors, including both Republicans and Democrats. If it had become a law, the bill would have made undocumented students

eligible for in-state tuition rates if they have obtained a high school diploma in North Carolina, have been enrolled in school for four successive years before graduating from high school, file an affidavit stating they have or will pursue legal residency, and meet the admission standards of the prospective postsecondary institution and have been admitted. The bill was referred to the House Committee on Education on April 12, 2005. Since then, no further actions have been made. The bill did not pass the North Carolina General Assembly.

Definition of Terms

Higher education access: The National Postsecondary Education Cooperative (1998) defines higher education access as an individual's opportunity to pursue postsecondary education without regard to race, socio-economic status, academic preparation, and location.

Nativism: Higham, 1988 defines nativism "as intense opposition to an internal minority on the ground of its foreign (i.e., 'un-American') connections" (pg. 4).

Undocumented students: a term generally used to describe undocumented or illegal immigrants enrolled in elementary, secondary, and/or postsecondary institutions.

Significance of the Study

This research study is significant for several reasons. The number of illegal immigrants living in the United States has increased dramatically over the past decade. In 1990, approximately 3.5 million illegal immigrants were living in the United States, whereas, in 2000, an estimated 7 million, with more than fifty percent migrating from Mexico, lived in the United States. More than half of all illegal immigrants live in California, Texas, New York, Illinois, and Florida (Department of Homeland Security,

2002). An estimated 1.6 million illegal immigrants are under the age of 18 (Passel, Capps, & Fix, 2004) and therefore, eligible to receive a free public K-12 education.

Figure 1 provides estimates of the 15 states with the largest numbers of illegal aliens.

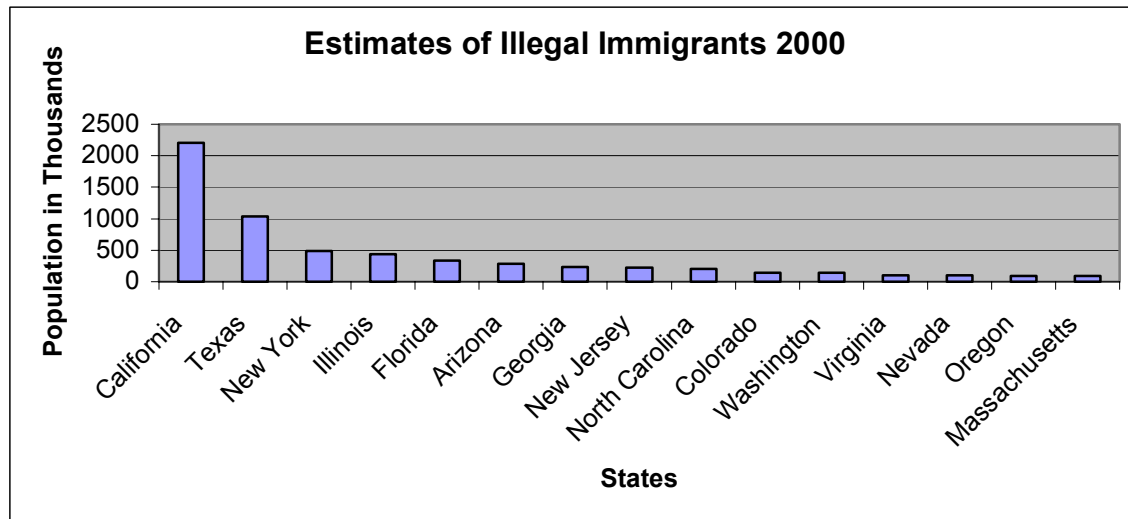


Figure 1. Estimates of illegal immigrants living in the 15 states with the largest numbers of illegal immigrants. Data is provided in the Department of Homeland Security's 2002 Yearbook of Immigration Statistics.

Each year, 65,000 undocumented students, who have resided in the United States for at least five years, graduate from American high schools (Passel, 2003). Given the research indicating the correlation between educational attainment and income level (Day & Newburger, 2002), the inability of illegal immigrants to further their education disadvantages them because they will lack the training and skills necessary to obtain higher-paying jobs. Proponents of policies affording undocumented students residency tuition rates argue that providing opportunities for these students to pursue higher education has both economic and social benefits, as they will be equipped to succeed in America's workforce and will be able to make positive contributions to American society (Alfred, 2003; National Immigration Law Center, 2003b & 2005a). Proponents also suggest the inability to pursue higher education may contribute to the high dropout rates

of Hispanic students, who have the highest dropout percentages of any ethnic group (National Immigration Law Center, 2005c; Peters & Fitz, 2002). The National Center for Education Statistics (NCES) estimates as of 2001, the event dropout rate of Hispanic youth ages 15 and 24 in grades 10-12 was 8.8%, compared to 6.3% of Black youth and 4.1% of White youth. Event dropout rates refer to the percentage of students who dropout of school each year before earning a high school diploma. The status dropout rate, the number of students not enrolled in school and have not attained a high school diploma regardless of when they dropped out of school, of Hispanic students in 2001 was 27%. NCES also notes that 43.4% of foreign-born Hispanic youth between the ages of 16 and 24 were high school dropouts in 2001. Peters and Fitz (2002) argue restricting undocumented students' access to higher education "preserves the status quo by cementing in place a class of low-skill laborers" (p. 568).

As education is an important value in American society, this research study contributes to the literature on policy formation and processes and informs state policy decisions on an issue that is controversial and has significant economic and social implications for society. Furthermore, studies have been conducted to research the policy actors and circumstances that influence the policy process in regard to other social issues; however, research that focuses on the policy process in regards to states' decisions to extend residency tuition rates to undocumented students is needed.

Organization of the Study

Chapter Two of this study provides a brief history of immigration policies on both the federal and state levels, particularly those policies addressing the rights of illegal immigrants and access to public benefits. This chapter also contains a review of the literature on the policy-making process. A description of the research methodology used in this study is presented in Chapter Three. In Chapter Four, the findings of the study are presented. Chapter Five presents a discussion of the study's findings in relation to the literature review. Implications for future research and theory are discussed as well as the practical lessons learned for policymakers.

CHAPTER II

REVIEW OF THE LITERATURE

Introduction

A fundamental question underlying the debate on whether undocumented students, or illegal immigrants enrolled in U.S. schools, should be eligible for in-state tuition benefits is, *Should illegal immigrants be afforded the rights and privileges of American citizens?* This question has been the focus of federal and state legislative sessions and court proceedings. Since the 1980s, Congress, in an effort to regulate and reform immigration, has passed laws that substantially restrict illegal immigrants' rights and access to public benefits, while the federal courts, specifically the Supreme Court, have been influential in extending their rights to benefits, especially in education.

This review of the literature begins with a summary of the judicial system's role in determining illegal and legal aliens' rights and access to public benefits, specifically in regards to education. A brief history of federal immigration policy since 1950 and an explanation of the impact of those policies on immigrants' rights to public benefits are provided since these policies have to some extent influenced the current policy debate. A discussion of the factors that have historically shaped those policies is also included. Because this study addresses the political process and the formation of public policy, this review will also explain the advocacy coalition model by which this study is grounded.

The Impact of the Courts

Since the 1900s, federal courts have decided several cases concerning whether or not legal and illegal aliens are protected under constitutional provisions and eligible for public benefits. Consequently, state policies denying immigrant's access to public

services have met opposition in the federal courts, resulting in federal policies granting legal and illegal immigrants increased access to public benefits (Contreras, 2002). Adams (1983) explains federal courts have ruled “most state regulations singling out aliens for dissimilar treatment violates the equal protection clause of the fourteenth amendment” (p. 837).

Three Supreme Court decisions, *Yick Wo v. Hopkins* (1886), *Wong Wing v. United States* (1896), and *United States v. Barbera* (1975), established that although illegal immigrants are not legal residents of the United States, they are protected under constitutional provisions. In *Yick Wo v. Hopkins*, the Court ruled that Fourteenth Amendment due process provisions apply to all people residing in the United States, including illegal immigrants. The Court also ruled in *Wong Wing v. United States* that illegal immigrants are protected under the due process provisions of the Fifth Amendment and the Sixth Amendment provisions, and later in *United States v. Barbera* that illegal aliens can assert Fourth Amendment rights (Olivas, 1995).

In the 1970s and 1980s, the Supreme Court heard several cases involving immigrants and their rights to public benefits. In the 1971 *Graham v. Richardson* case, resident aliens from Arizona and Pennsylvania were denied public disability benefits because both states had laws denying such benefits to anyone not a legal U.S. citizen. Additionally, the Arizona law also denied benefits to legal residents living in the state for less than fifteen years (Epstein & Walker, 2004). In delivering the opinion of the Court, Justice Blackmun cited previous cases, such as *Yick Wo v. Hopkins* in declaring state statutes denying welfare benefits to resident aliens because they are not United States Citizens or have not resided in the United States for specified number of years a violation

of the equal protection clause of the Fourteenth Amendment (Epstein & Walker, 2004; *Graham v. Richardson*). The Court also dismissed the states' argument that such statutes were necessary to protect their financial resources (Curran, 1998; Olivas, 1986).

Lau v. Nichols (1974) was a result of a class action suit against the San Francisco Unified School System on behalf of non-English speaking Chinese students, who were denied English-language instruction. The case was argued before the United States District Court for the Northern District of California which agreed with the defendants in this case and denied the plaintiffs claims for basic English instruction. The case was appealed to the United States Court of Appeals for the Ninth Circuit, and in upholding the district court's ruling, the Court of Appeals declared that denying these students English language instruction was not a violation of the equal protection clause of the Fourteenth Amendment or §601 of the Civil Rights Acts of 1964 (Alexander & Alexander, 2005). Section 601 states "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Supreme Court, upon hearing the case, reversed the previous decisions, arguing that as the school district violated §601. Justice Douglas, delivering the opinion for the Court, said

there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education. Basic English skills are at the core of what these public schools teach... We know that those who

do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful. (p. 360)

Here, the Court firmly established a school systems obligation to provide necessary basic educational services to immigrant students.

Eight years after the *Lau v. Nichols* decision the Supreme Court decided one of the most significant and controversial cases impacting the educational opportunities of illegal immigrants, *Plyler v. Doe* (1982). In a five to four decision, the Court ruled public schools cannot deny a free public education to undocumented students. This case resulted from a 1975 Texas law denying illegal immigrants access to a free public school education. Prior to this law, undocumented students attended state schools “without a special classification” (Cardenas & Cortez, 1986, p. 1). Cardenas and Cortez (1986) even note “Mexican children routinely crossed the border for the sole purpose of attending public schools in Texas” (p. 1). The state’s Attorney General, John L. Hill, had even declared legal and illegal immigrants were permitted to attend the state’s public schools. Following the 1975 statute, only U.S. citizens and legal aliens were eligible to receive a free public school education. School districts, therefore, were not permitted to include undocumented students in state reports for public school aid and were given the authority to admit or exclude them. Because many school districts determined that undocumented students should pay tuition that would be equivalent to per pupil expenditures, many undocumented students were not able to afford public education (Cardenas & Cortez, 1986).

As was the argument in the *Graham v. Richardson* case, Texas asserted that the policy was necessary to protect educational resources created for lawful state citizens

(Olivas, 1986). Justice William Brennan, in providing the majority opinion for the Court, reaffirmed the ruling in the *Rodriguez* case that education is not a “fundamental right” (Olivas, 1995); however, he did acknowledge the importance of education as he said denying education to these children disadvantaged them, as “the stigma of illiteracy will mark them for the rest of their lives” (Calhoun, 1982, p. 3). The court ruled the Texas law violated the equal protection clause of the Fourteenth Amendment (Adams, 1983; Olivas, 1995). According to Gimpel & Edwards (1998), *Plyer v. Doe* continues to be a controversial ruling, as conservatives and strict constitutionalists argue this case is an example of the federal government’s intruding on the rights of states and that the decision to provide a free public education to undocumented students is the responsibility of the state.

The Supreme Court has also ruled against state policies denying resident tuition to immigrants. In a case addressing aliens’ rights to higher education, the Supreme Court in the 1982 *Toll v. Moreno* case ruled against a University of Maryland policy denying in-state tuition to “domiciled treaty organization individuals, or ‘G-4’ aliens” (Olivas, 1995, p. 1047). G-4 visas were given to family members and employees of specific international organizations, and many individuals granted G-4 visas were eligible for privileges and exemptions as designated by Congress, including being excused from paying federal income taxes (Adams, 1983). Justice Brennan found that the policy was inconsistent with federal law because the federal government has “preeminent” authority to establish immigration policy and alien classification; therefore, the Court ruled the policy was in violation of the Constitution’s supremacy clause (Adams, 1983; Olivas, 1986).

In a similar case, *Nyquist v. Mauclet* (1977), the Supreme Court ruled against a New York state law which made permanent resident aliens ineligible for state financial aid unless they had applied or submitted a statement indicating their intent to apply for citizenship. Two resident aliens filed the lawsuit because they did not wish to pursue full citizenship. The Court in a five to four decision affirmed the district court's ruling that the statute violated the equal protection clause of the Fourteenth Amendment (*Nyquist v. Mauclet*, 1977).

Another case involving immigrants and higher education is *Leticia "A" v. Board of Regents of the University of California* (1985). This case evolved because several undocumented students, all of whom had resided in California for 3 or more years and graduated from California public high schools, were denied in-state tuition rates to California universities. Two years prior to this case, the California legislature changed residency requirements; therefore, aliens were eligible to establish residence unless the Immigration and Nationality Act prohibited them from doing so. As a result, the University of California system interpreted the changes to exclude undocumented students from establishing residency because of their illegal status (Olivas, 1995; Rosas, 1995). The state's attorney general supported the policy, arguing it was consistent with federal law, as emphasized in the *Toll v. Morreno* ruling (Olivas, 1986). California Superior Court Judge Ken W. Kawaichi dismissed the university's argument and concluded that the University of California's policy of excluding undocumented students from establishing residency violated the California Constitution (Olivas, 1995; Rosas, 1995).

The growing population of illegal immigrants in California led to concerns over the economic and social implications of illegal immigration. Those concerns led to proposals designed to address illegal immigration in the state. In 1994, 30 bills dealing with illegal and legal immigration were introduced in the California state legislature. Proposition 187 or the “Save Our State” initiative was a ballot initiative dealing with illegal immigrants’ access to public K-12 and postsecondary education (Alvarez & Butterfield, 2000). In 1990, about 1.5 million of the number of illegal immigrants living in America resided in California (Department of Homeland Security, 2002). Because some California legislators and citizens believed the costs of providing public benefits to illegal immigrants were too high, supposedly an estimated \$5 billion each year, Proposition 187 was proposed and approved by 59% of the voters in the 1994 state election (Alvarez & Butterfield, 2000; Fox, 1997). Proposition 187 sought to deny approximately 308,000 illegal immigrants access to public K-12 education and admission to public higher education institutions, while also barring adults and children from the benefits of public health care and social services. This policy also required teachers, administrators, police officers, and social services employees to report illegal aliens to INS for deportation (Alvarez & Butterfield, 2000; Fox, 1997). Supporters of the initiative argued that it was necessary to protect the interests of state citizens and the economy, which had been suffering a recession (Alvarez & Butterfield, 2000; Fox, 1997).

Opponents of Proposition 187 argued that denying education to undocumented students would cause the state economic problems in the future because these children would be uneducated and unprepared to enter the workforce and more likely to require public services, such as welfare. They also expressed concerns about the denial of health

care services to illegal immigrants, as Proposition 187 denied health care to even those individuals who could afford such services (Fox, 1997). Preparing for a legal challenge, opponents argued that the policy was a violation of the equal protection clause and existing federal policy, including the Court ruling in *Plyler v. Doe*. Therefore, in 1997, a federal court heard the case, *League of United Latin American Citizens v. Wilson*. The court ruled Proposition 187 unconstitutional as it violated federal law, including *Plyler vs. Doe* (Badger, Ericksen, & Yale-Loehr, 2000; Fox, 1997). With Proposition 187, California has been the only state to pass a law denying undocumented students access to K-12 and postsecondary education (Badger, Ericksen, & Yale-Loehr, 2000).

The Impact of Congress

Although the Constitution does not specifically address immigration (Curran, 1998), Article I § 8 of the Constitution gives Congress the authority to create a “uniform Rule of Naturalization.” Prior to 1870, state legislatures held central authority in regards to immigration matters and established their own laws governing immigrant admissions and regulation in their respective states (Curran, 1998). Curran (1998) suggests because of the variations in state laws, the “regulations were ineffective, allowing aliens to merely shop for the most hospitable port of entry to enter the United States unchallenged” (p. 81). Challenges to state policies led the Supreme Court to address the issue of immigration authority, and in cases arising in 1876, the Court broadened the authority of Congress to include immigration (Curran, 1998). As a result, Congress is ultimately responsible for determining admission standards and alien classification, basically who can enter and who will be excluded. States are permitted, however, to establish policies regarding immigrants’ access to public services (Gimpel & Edwards, 1998). Because

Congress has the authority to create immigration laws and naturalization standards and as federal law supersedes state laws, state policies cannot conflict with the immigration policies established by the federal government (Adams, 1983).

Prior to the 1960s, immigration policy in the United States was highly restrictive and based on a national quotas system that was a deliberate attempt to exclude people on the basis of their ethnicity (DeLaet, 2000). These quotas set limits to the number of immigrants allowed to enter the U.S. from Asian and eastern and southern European countries (Contreras, 2002; DeLaet, 2000; Heer, 1996; Van de Mark, 1996). Between 1882 and 1896 the majority of immigrants were from the “old immigrant countries” of northwest Europe; however, in the early 20th century, large numbers of immigrants began migrating from southern and eastern Europe (DeLaet, 2000, p. 29). This new immigration pattern generated nativist attitudes (Alvarez & Butterfield, 2000), and demands for racial exclusion, as many U.S. citizens believed these immigrants were racially inferior and incapable of integrating into American society. Social scientists and psychologists supported these positions as they developed theories and tests that purportedly proved racial and intellectual differences (DeLaet, 2000).

In 1904, Congress created the Dillingham Commission in an effort to study and make recommendations on immigration policy (Curran, 1998; DeLaet, 2000). The commission report, which was released in 1911, reflected the prejudices of the public as it offered “irrefutable proof” that the immigrants from southern and eastern Europe were inferior and would inevitably lead to the social deterioration of American society (Curran, 1998, p. 93). The report called for immigration restrictions and literacy tests (Curran, 1998; DeLaet, 2000). As a result of concerns over declining economic

conditions, racism, and nativism during and following World War I, Congress passed the Immigration Act of 1917 despite a veto by President Woodrow Wilson (DeLaet, 2000).

The Immigration Act of 1917 imposed literacy tests as a means to reduce migration from southern and eastern Europe, as it was believed that these individuals were intellectually inferior and uneducated, and it established “an Asiatic barred zone from which immigration for permanent residence was prohibited” (DeLaet, 2000, p. 31). However, immigration from southern and eastern Europe did not decrease, and anti-immigration groups began to demand national quotas to employ numerical limits on immigration from foreign nations (DeLaet, 2000). Congress enacted the Immigration Act of 1924 which “put in place the first numerical immigration limits” and essentially restricted legal immigration to countries in northern and western Europe (Gimpel & Edwards, 1998, p. 95). Under the national quotas system, a country was allotted visas based on the number of foreign-born citizens from that country already living in the United States (Gimpel & Edwards, 1998).

The 1940s and 1950s saw changes in the way Americans perceived immigrants. Growing concern over foreign and economic policy and increased awareness of civil rights and humanitarian causes contributed to immigration policy change in the United States after World War II (DeLaet, 2000). Daniels and Graham (2001) assert that World War II was a “positive turning point” in terms of immigration policy as “questions of ideology and international politics began to supersede questions of race, ethnicity, and narrow nationalism” (p. 29). Although during his term President Franklin Roosevelt was reluctant to endorse appeals to admit European refugees because public opinion largely disapproved of such (Daniels & Graham, 2001; Heer, 1996), Harry Truman called for an

increase in the number of visas allotted for those displaced during the war. Media outlets increased public knowledge of the atrocities of the Holocaust, leading to more support for immigration (Daniels & Graham, 2001). This sentiment was evident in demands to admit refugees from Germany, the Soviet Union, and other communist countries and appeals to lift the restrictions of the national quotas system (DeLaet, 2000).

These factors contributed to the Immigration and Nationality Act of 1952, also called the McCarran-Walter Act. The law preserved most of the national quotas system provisions but ended the exclusion of Asian immigrants, who for the first time since the 1920s were eligible for full citizenship. Despite this change in policy, immigration from Asian countries was limited to very small numbers. Congress established quotas that gave preference to individuals with skills and education considered desirable to the American workforce and to relatives of U.S. citizens (Gimpel & Edwards, 1998). The 1952 Immigration Act made some progress in ending the racial discrimination of U.S. immigration policy; however, Delaet (2000) considers it “restrictive” and “discriminatory,” as Asian and southern and eastern Europe quotas were noticeably limited (p. 37).

Political change, economic security, and support for civil and humanitarian rights paved the way for a more liberal immigration policy agenda in the 1960s (Alfred, 2003; DeLaet, 2000). Immigration advocates argued for an end to national origins quotas, which was supported by former presidents Dwight Eisenhower, Harry Truman, and John Kennedy; however, these presidents were unable to gain enough Congressional support to accomplish this during their administrations (Gimpel & Edwards, 1998). The Immigration and Nationality Act of 1965 represented a significant change in immigration

policy. Enactment of this law was supported by a number of religious, civil liberties, and social groups including the American Veterans Committee and the American Civil Liberties Union, and it received much political support in Congress (Gimpel & Edwards, 1998). The law repealed the national origins system and shifted the focus of immigration policy from race to family reunification and the contributions immigrants with special skills and education could have on American society (Gimpel & Edwards, 1998; Heer, 1996). Further, this new policy changed the face of immigration as “immigrants were for the first time allowed to enter the United States without regard to national or racial origin” (Contreras, 2002, p. 135). The 1965 Act led to an increase in the numbers of Asian and Latin-American immigrants, while the number of European immigrants has decreased (Bean, Edmonston, & Passel, 1990).

The Bracero Program, which began in 1942, also contributed to a change in the makeup of immigration and inadvertently to increased illegal immigration. This program was a government-sponsored program with Mexico to use Mexican agricultural workers to fill farming jobs vacated by Americans deployed during World War II (Bean, Edmonston, & Passel, 1990; Bickerton, 2001). Bracero workers were not considered immigrants because they were to be contracted as temporary workers. While in the country, the Bracero workers were provided housing, transportation, food, medical care, and wages (Heer, 1996).

The program continued in the 1950s with the advent of the Korean War because American farmers again faced labor shortages and was ended in 1964. In 1950, the agricultural unemployment rate was 9% compared to an overall unemployment rate of 5.3%. In the 22 years of the program’s existence, five million Mexican workers were

brought to the United States to work in 24 states. Because it was easier for American farmers to hire illegal immigrants than to contract migrant workers through the Bracero Program, illegal immigration increased considerably (Bickerton, 2001). According to Bickerton (2001), research suggests the program had an impact on immigration for several reasons. The program resulted in a decrease in wages farmers intended to pay their laborers; therefore, many domestic workers were opposed to working for such low wages. Accordingly, American farmers continued to rely on the cheap labor provided to them by migrant workers. Permanent immigration and illegal immigrant rose as a result.

From 1960 to 1990, immigration increased by more than 50%, with approximately 3.3 million people migrating to the U.S between 1961 and 1970, 4.5 million between 1971 and 1980, and 7.3 million between 1981 and 1990 (Department of Homeland Security, 2002). Illegal immigration also increased during this 30-year period, as approximately 200,000 immigrants have entered the country illegally each year since 1965 (Bean, Edmonston, & Passel, 1990). Americans' concerns over increased legal and illegal immigration were manifested in numerous opinion polls throughout the 1980s and 1990s (DeLaet, 2000) and illegal immigration became a "centerpiece" of "political exchange, providing a political litmus test for both the left and right, particularly in the southwestern United States," where large populations of illegal immigrants resided (Curran, 1998, p. 104). Growing nativism furthered the debate over immigration and contributed to an atmosphere ready for immigration reform (DeLaet, 2000). In 1994, California's Governor Pete Wilson campaigned for Proposition 187. His support for policies restricting illegal immigrant's access to public benefits helped him win reelection. Because of the state's strained economic conditions, Wilson's popularity had

decreased but he was able to overcome a 20-percentage point deficit to win the gubernatorial race (Sanchez, 1997). Republican Pat Buchanan's (presidential candidate in 1992 and 1996) support of immigration reform earned him strong support from Republicans in southern and western states, prompting other presidential candidates to follow suit. In an effort to secure political support, Kansas Senator Bob Dole, who earned the Republican Party nomination for president in 1996, supported the Gallegly Amendment, a policy which would restrict undocumented students access to public K-12 education, and immigration reform (Butler, 1997; Gimpel & Edwards, 1998).

America's desire to reduce illegal immigration levels is evident in the immigration policies of the 1980s and 1990s. The Immigration Reform and Control Act of 1986 (IRCA) implemented sanctions to employers who knowingly hired illegal immigrants and provided additional funds for border security and enforcement. The law, simultaneously, offered legal residency to more than one million illegal immigrants who had been living in the U.S. before 1982 and granted legal status to over one million illegal immigrants who were agricultural workers. IRCA was intended to prevent further immigrants from entering the country illegally and to compel illegal immigrants entering the country after 1982 to leave because they would be unable to find employment (Woodrow & Passel, 1990). Although one of the goals of IRCA was to decrease illegal immigration, it was largely ineffective in deterring illegal immigration (Bean, Edmonston, & Passel, 1990; Van de Mark, 1996).

The Immigration Act of 1990 raised the number of obtainable immigrant visas by a 40% increase from previous limits (Contreras, 2002), continued preferences for individuals hoping to reunite with relatives already living in the United States and for

those with skills and education vital to the workforce, and instituted a diversity program to provide visas for individuals from countries with low immigration levels (Contreras, 2002; Daniels & Graham, 2001; DeLaet, 2000). More importantly, the Immigration Act of 1990 created the Commission on Immigration Reform. This commission's goal was to study legal and illegal immigration effects and trends and to propose measures for reform (DeLaet, 2000; Gimpel & Edwards, 1998). Following the commission's recommendations, Texas Senator Lamar Smith introduced H.R. 2202 in August of 1995. The commission recommended several actions including reducing the legal immigration levels each year and narrowing the family reunification provisions to include only nuclear family members and minor children; furthermore, in a House subcommittee hearing in February 1995, Barbara Jordan, chair of the commission, discussed the commission's plan to reduce illegal immigration, which involved improving border enforcements, denying illegal immigrants public benefits, and imposing stronger requirements for individuals seeking to sponsor immigrants (Gimpel & Edwards, 1998).

Senator Smith's H.R. 2202 eventually became part of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). In 1996, Congress passed two other laws, the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Personal Responsibility and Work Opportunity Act. These policies, like the 1986 and 1990 acts, attempted to discourage illegal immigration, but contained extensive restrictions to the "legal and social rights of immigrants" (Contreras, 2002, p. 137).

During the debates over proposed immigration reform, Congressmen debated provisions such as restrictions to legal immigration, health care for illegal immigrants, and the Gallegly Amendment, which was not included in the final version of the bill

(Gimpel & Edwards, 1998). Once passed, IIRIRA contained a number of provisions impacting illegal immigrants' rights and access to public benefits, including Section 505 which prevents states from extending in-state tuition benefits to undocumented students. IIRIRA also increased funding for border control and additional INS investigators, set the minimum-income level at 125 percent of the poverty level for individuals seeking to sponsor immigrants, making legal immigration impossible for many immigrants, and made illegal immigrants ineligible for federal public benefits such as Social Security and housing assistance (Contreras, 2002; Gimpel & Edwards, 1998; Wolchok, 1997).

The Anti-terrorism and Effective Death Penalty Act (AEDPA), passed five months before IIRIRA, was Congress's response to the World Trade Center and Oklahoma City bombings in 1993 and 1995 respectively. Nevertheless, Solbakken (1997) suggests, "hidden within this legislation is an unprecedented restriction of the constitutional rights and judicial resources traditionally afforded to legal resident aliens" (¶2). AEDPA broadened the number of criminal offenses requiring the deportation of immigrants for even minor crimes such as shoplifting and gambling (Contreras, 2002; Solbakken, 1997). Congress also "severely restricted the availability of judicial review for certain aliens who face deportation" (Chen, 2000, p. 188). Therefore, many immigrants who received deportation orders were without any legal grounds to appeal deportation orders (Chen, 2000; Gelernt, 2001; Solbakken, 1997).

The Personal Responsibility and Work Opportunity Act of 1996 also denied immigrants public benefits. It prevented many immigrants from receiving food stamps, disability and welfare benefits, and Medicaid. Despite prior Supreme Court rulings against state laws discriminating against legal immigrants seeking public benefits, this

law sought to permit states to deny state benefits to immigrants residing in the U.S. on or before August 22, 1996. Likewise, illegal immigrants were deemed ineligible from all federal public benefits (Contreras, 2002).

Factors Influencing Immigration Policy

This review of federal immigration policies and the social context in which these laws were enacted indicates that several factors, including public opinion, racial prejudices, and economic instability, have historically influenced immigration policy in the United States. Prior to the passage of the 1965 Immigration Act which ended the national quotas system, a Gallup poll indicated that 64 percent of those surveyed felt the United States should establish provisions to admit people fleeing from communist countries while only 23 percent felt the government should not have such provisions. Also, 51 percent favored abolishing the national quotas system opposed to 32 percent opposing and 17 percent with no opinion. Similarly, in 1980, before the passage of IRCA in 1986, a Gallup poll revealed that 66 percent of respondents agreed with the statement that immigration should be halted until the national unemployment rate fell below 6 percent (Simon & Alexander, 1993). Since the 1980s, polls have indicated that a majority of Americans continue to support restrictions to legal immigration and favor government actions to prevent illegal immigration (Gimpel & Edwards, 1998; Simon & Alexander, 1993).

Simon and Alexander (1993) state that although the public was more favorable of the government admitting immigrants from countries experiencing social disorder during the 1950s and 1960s, attitudes toward such policies changed in the 1970s. Simon and Alexander say “in 1975, when people seeking refugee status were Vietnamese rather than

European, the direction shifted, and more opposed than favored their admittance. In 1979, when a new wave of Cubans sought refugee status, public opinion opposed their admission as well” (p. 41). Gimpel and Edwards (1998) report that a 1981 ABC News/*Washington Post* poll suggests that whites were very supportive of European and Russian Jewish immigrants but overwhelmingly supported excluding Third World refugees. Sanchez (1997) argues that race is a factor in the public hostility toward immigrants. Sanchez says

Traditional hostility towards new immigrants has taken on a new meaning when those immigrants are racially identifiable and fit established racial categories in the American psyche. With the increase of immigration from Asia and Latin America, a new American racism has emerged which has no political boundaries or ethnic categorizations. From the left and right of the political spectrum, and from both white and black individuals, this new racism continually threatens to explode in contemporary American society. (p. 1013)

Research indicates that strong anti-immigration sentiment in the United States was preceded by periods of strained economic conditions. This trend is to some extent the result of political leaders tendency to blame immigrants for unemployment and low wages (Citrin, Green, Muste, & Wong, 1997). For example, California Governor Pete Wilson’s support for immigration reform contributed to his successful reelection campaign in 1994 (Sanchez, 1997). Alvarez and Butterfield (2000) suggest that politicians made immigration central in election debates and argued that illegal immigrants were responsible for California’s struggling economy. Although Governor Wilson successfully used the issue of illegal immigration to garner political support,

Sanchez (1997) notes that in the 1980s Wilson, during his tenure in the United States Senate, supported exemptions for farmers who employed undocumented immigrants. Sanchez describes Wilson's politics as "the epitome of opportunistic politics, taking full advantage of America's longstanding fears of immigrants and foreigners when such a strategy can bring success at the polls" (p. 1013).

In an analysis of 1992 American National Election Study data, Citrin et. al (1997) find "Unhappiness about the state of the national economy, anxiety about the prospect of rising taxes, and negative assessments about the economic and social costs of immigration are persistently related to restrictionist opinions" (p. 872). Chandler and Tsai (2001) utilized 1994 General Social Survey data to study factors influencing Americans attitudes toward immigration and also discovered that individuals with a "pessimistic view" of the state of America's economy favored restricting immigration.

In a closer analysis of people's views toward immigration and economic conditions, researchers suggest that people with only a high school education or little formal education are more likely to favor immigration restrictions (Chandler & Tsai, 2001; Citrin, et al, 1997; Gimpel & Edwards, 1998; Simon & Alexander, 1993). 81 percent of those agreeing that immigration should be halted until the unemployment levels declines, as reported in the 1980 Gallup poll, had only a grade school education and 71 percent had only a high school education, whereas, 44 percent of those had a college education. Accordingly, 73 percent of those respondents were employed as manual laborers and 68 percent were employed in clerical and sales positions, while, 48 percent were employed in business or professional occupations (Simon & Alexander, 1993). A 1981 ABC News/*Washington Post* survey contained similar results but also

indicated that individuals with less than a high school diploma were twice as likely to fear losing jobs to immigrants than those with advanced degrees. The 1992 American National Election Study also found that 89 percent of people with no more than a high school education said that it is “somewhat likely” that immigrants took jobs from American citizens, where as 79 percent of those with advanced degrees felt that it is “somewhat likely” (Gimpel & Edwards, 1998). Gimpel and Edwards (1998) say that these results may be because “the unskilled have less job mobility than the well-educated and are more vulnerable to layoffs and joblessness in recessionary periods” (p. 37).

According to Glynn, Herbst, O’Keefe, Shapiro, and Lindeman (2004), scholars differ on the influence that public opinion has on public policy making. Some would argue that public opinion is a “phantom”—that the media and political leaders “talk about the state of public opinion on a particular issue when they have no evidence at all to back up such assertions about popular feeling” (p. 25). Others argue that public opinion reflects the values and beliefs of the majority, while others assert that it reflects the values and beliefs of policy elites, the journalists and political leaders actively involved in the policy process. Glynn et. al recognize that there are numerous cases in which public opinion appears to influence political decisions. For instance, increased public support for desegregation and civil rights facilitated the federal government’s enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Similarly, the Supreme Court’s ruling that capital punishment was unconstitutional in the 1970s coincided with strong political opposition against it. Interestingly, as public opinion changed in support of capital punishment, the Supreme Court later reversed its previous decision and made capital punishment legal. Hill and Hinton-Anderson’s (1995) findings imply a “reciprocal

relationship” between mass and elite policy preferences, “where elites and the mass public share policy preferences” and there is a “mutual influence” between the two (p. 925).

Erikson, Wright, and McIver (1993) explain that in regards to state policymaking there is a strong relationship between public opinion and state policy. They find that Northeastern states with more liberal constituencies have more liberal policies, whereas, states in the Southern and Mountain areas, which may have more conservative constituents, tend to pass more conservative policies. There are only a few states that do not follow this trend. In their analysis, Erikson, Wright, and McIver conclude that public opinion is a significant in determining policy.

Considering research suggesting there is a relationship between mass and elite opinion and the policy process, it is worth investigating the presence of state policies extending resident tuition rates to undocumented students when studies and polls suggest that Americans feel illegal immigration poses financial burdens on the economy and that reform is necessary to control illegal immigration. A public official interviewed by Badger, Ericksen, and Yale-Loehr (2000) says, “The public can accept the enrollment of foreign students when they learn that they pay high non-resident fees. However, the public cannot stomach the idea that the university is enrolling undocumented ‘illegal’ students, even at inflated fees” (p. 23).

State Politics

Despite Section 505 of IIRIRA, which prohibits states from extending residency tuition benefits to undocumented students, state legislatures are addressing the impact of this policy on undocumented students. Nine states, California, New York, Texas, Illinois,

New Mexico, Utah, Kansas, Washington, and Oklahoma, have all passed similar laws allowing undocumented students to qualify for in-state tuition if they have graduated from a state high school, signed an affidavit indicating they have or will apply for legal residency, and have been enrolled in state schools for a specified number of years. Several of these states have received bipartisan support and considerable political support for enactment. For example, the Illinois bill passed the Senate with a 55 to 1 vote and the House with a 112 to 4 vote (National Immigration Law Center, 2005a). Interestingly, five of those states are listed among the 15 states with the largest estimates of illegal immigrants, with California, Texas, New York, and Illinois, as the four states with the largest estimates (Department of Homeland Security, 2002).

Although these states are proactively addressing an issue that impacts its residents, it is important to note that state governments have not always asserted leadership in creating solutions to social issues. During the first half of the 20th century, public concern over economic depressions, wars, and social inequities led the federal government to assert its authority over domestic and foreign policies, while “state government languished in relative obscurity” (Van Horn, 1996, p. 1). Americans looked to the federal government for leadership in providing the solutions to social problems, and state governments followed the policies and initiatives handed down by the federal government and depended on the federal government for economic support and stability (Van Horn, 1996). However, in the 1960s state government leaders began to assert themselves as policymakers and political innovators. For example, Sabatier (1993) observes that leaders in states such as New York and California had been instrumental in developing solutions for air pollution twenty years before the federal government became

involved in that arena. Several factors account for this rise in state activism in education and other areas of domestic policy.

The conservative policies of the Reagan administration contributed significantly to the increased activism of state governments in all major policy domains. When the National Commission on Excellence in Education released *A Nation at Risk* in 1983, President Reagan insisted that state leaders take the initiative to reform education. State governors began leading educational commissions to develop solutions to problems in education (Mazzoni, 1994). Federal aid to the states during the Reagan Administration was also decreased, forcing state governments to generate revenue to fund social programs, and as the economy recovered after the 1981-1982 recession, states were able to create funding and increase spending (Nathan, 1996; Van Horn, 1996).

Policies in the 1960s also led to the increased institutional capacity of state governments. In 1962, the Supreme Court in *Baker vs. Carr* instituted the “one person, one vote” principle. Prior to the court’s ruling in this case, state voting districts were apportioned so that the legislatures were controlled by politicians in rural and suburban areas (Van Horn, 1996). Although this practice was prevalent in the South, misrepresentation of state legislatures was a problem throughout the country (Crea, 2004). This “malapportionment,” Crea (2004) argues, “was used as a weapon to minimize the African American vote. Its potency was enhanced by the fact that it was the intangible product of omission rather than overt discrimination, effectively shielding it from Fifteenth Amendment based claims” (p. 293). This Supreme Court ruling led to significant changes in the composition of state legislatures. As more state citizens were now involved in the process of electing their leaders, state legislatures began addressing

the concerns and needs of the larger community (Crea, 2004; Van Horn, 1996). The passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 had similar effects as they influenced changes in state legislatures and state policy (Van Horn, 1996).

In 1994, the Republican Party gained control of the Senate and the House of Representatives. This new legislature implemented policies intended to reduce the role of the federal government and return more control to the states. Nathan (1996) refers to this change as the “Devolution Revolution” and suggests that as the federal government was relinquishing many responsibilities to the states, state leaders were willing and eager to take on and expand new roles. Accordingly, the federal government expanded the use of block grants to states. Block grants are “fixed amounts of money distributed to state (and sometimes local) governments on an automatic formula-allocation basis that can be spent flexibly within major functional areas of government” (Nathan, 1996, p. 17). The federal governments increased use of these block grants gave states more voice in creating their own initiatives and in determining how funds are used.

As states continue to take the lead on creating new policy initiatives (as some have in dealing with the present issue), it will be interesting to see how states without tuition policies for undocumented students engage in the debate on whether undocumented students should be eligible for in-state tuition, especially in those with large illegal immigrant populations.

The Policy Process

In describing public policy making, Gerston (2004) says public policy is “much more than a bunch of elected and appointed officials and their respective offices; rather it is a loosely structured (and sometimes convoluted) environment of conflicting conditions

and complex solutions, almost all of which are in a constant state of flux” (p. ix). He further acknowledges that public policy is often the result of compromise, as “decision makers often merge conflicting objectives into acceptable outcomes” (p. 3). In such competitive political environments, the policy process entails how social problems are defined and how policies are debated, formed, and enacted around those definitions. The present study, exploring policies designed to extend in-state tuition to undocumented students, is grounded in the advocacy coalition framework developed by Jenkins-Smith and Sabatier (1993), which explains policymaking as a competitive process where advocacy coalitions compete to achieve specific policy objectives.

This framework involves three main factors contributing to policy formation and change. First, policy is shaped by “advocacy coalitions” of political leaders, researchers, interests groups, and lobbyists sharing core beliefs and working within policy subsystems (groups of political actors from state, local, and national levels of government engaged in addressing social problems and issues) to promote specific actions and change. Additionally, these coalitions, Jenkins-Smith and Sabatier (1993) argue, “manipulate the rules, budgets, and personnel of governmental institutions” to meet their policy objectives (p. 5). Advocacy coalitions disseminate information to persuade policymakers and solicit public support and cast their support for leaders who share their common interests; as a result, the policy process involves “policy-oriented learning,” where individuals involved in these coalitions “learn how best to play the political game to achieve their policy objectives” (Fusarelli, 2003, p. 72).

According to Jenkins-Smith and Sabatier (1993), “policy oriented learning occurs in the context of a political process where people compete over the authoritative

allocation of values and the ability to use the instruments of government—including coercion—in their behalf” (p. 45). Policy-oriented learning relates to the changes in the beliefs, attitudes, and behaviors of a coalition over time while these actors strategize to accomplish their policy goals. In an effort to influence public opinion or persuade government officials, coalitions often use policy analysis or technical information for advocacy purposes and to validate core values, respond to threats to those values, and to inform the public of issues and how they relate to their lives. While policy learning often involves a coalition’s secondary aspects, information that is germane to the coalition’s primary policy strategies, as coalitions often oppose amending core values and beliefs, in some cases, policy learning combined with the actions of governmental agencies and competing coalitions lead coalitions to re-assess their core belief system. For example, in the 1970s, the EPA sought to improve air quality by enforcing limits to vehicle miles traveled; however, actions by Congress and research findings refuting their stance on the issue forced them abandon their position (Jenkins-Smith & Sabatier, 1993). Similarly, the political debate between supporters of strict regulation and advocates of the deregulation of the airline industry was advanced by academic studies and congressional investigations. These factors changed the direction of the policy debate toward deregulation, which was not previously considered a viable policy alternative (Brown & Stewart, 1993).

The advocacy coalition framework also suggests that external changes to the policy subsystem such as socioeconomic conditions, actions by other subsystems, and system-wide governing coalitions are according to Sabatier (1993) “dynamic system events,” as they may occur over a few years or even a decade and “present a continuous

challenge to subsystem actors, who must learn how to anticipate them and respond to them in a manner consistent with their basic beliefs and interests” (p. 22). Sabatier argues that changes in socioeconomic conditions can “substantially affect” a policy subsystem in that they may challenge assumptions underlying existing policies and possibly shift public support from one coalition to another. Brown and Stewart (1993), for example, cite concern over high inflation rates during the 1970s as a factor leading the Ford Administration and other key political leaders to endorse airline industry deregulation proposals. Likewise, the strategies and political actions made within policy subsystems may influence those made by others. As a result, Sabatier (1993) says that subsystems are “only partially autonomous” (p. 23). For example, in her study exploring education policy change in Canada, Mawhinney (1993) writes

...the recognition of the right to be educated in English or French, now enshrined in the Canadian Constitution in Section 23 of the Charter of Rights and Freedoms, represents a major policy change. This affirmation of minority-language education rights signifies a belief system that supports the collective rights of French- and English-speaking minorities such as Franco-Ontarians. It rejects the dominant belief held by policy makers in the nineteenth and early twentieth centuries that promoted policies for the assimilation of francophones in Ontario. As such the charter represents a fundamental change in the policy core beliefs defining the Canadian federal government’s position on French- and English-minority language education. Consistent with Hypothesis 5 of the ACF, the impetus for this major change in Ontario’s educational policy came largely from national-level political tensions generated over Québec’s relationship with the

Canadian Confederation. As the ACF predicts, such exogenous events are often central focus driving change in a policy core. (p. 78)

Finally, systemic governing coalition changes, though rare, involve “realigning elections” where one coalition gains control over both houses of the legislature and the executive office at national and state levels (Sabatier, 1993). Sabatier uses the 1980 presidential and congressional elections as an example. Conservative Republicans won the presidency and the majority in the Senate; however, President Reagan’s efforts to change air pollution policies failed due to the clean air coalition’s continued control in the Senate Environmental Committee, EPA, and the House of Representatives.

Legal, cultural, and social systems are additional external changes influencing policy subsystems. Sabatier (1993) calls these factors “relatively stable parameters,” which “can limit the range of feasible alternatives or otherwise affect the resources and beliefs of subsystem actors” (p. 20). For example, Rochefort and Cobb (1994a) suggest that cultural and religious values fueled debates over the distribution of condoms in public schools. Condom distribution proposals in New York City were opposed by religious leaders and citizens arguing that such policies condoned sexual activity and conflicted with parents’ rights to instill their religious and moral values in their children; whereas, proponents of such proposals argued it was necessary to prevent the spread of sexually-transmitted diseases. Culture, therefore, often influences the issues considered for policy initiatives and which policies are considered appropriate to address those issues (Bosso, 1994). In discussing intense policy debates such as condom distribution in public schools, Bosso (1994) writes, “In such conflicts ‘reasoned’ arguments run smack up against strong social and cultural values, and rare is the elected official who will side with

the experts against angry parents and voters” (p. 191). Furthermore, legal structures such as federal and state constitutions and social structures (meaning who has the financial support and social status to secure and maintain political power) limit political actions by coalitions and policy learning (Sabatier, 1993).

Problem definition is also essential in policy process because how issues are defined impacts policy change and the formation of new policies. Problem definition is often influenced by “cultural values, interest group advocacy, scientific information, and professional advice” (Rochefort & Cobb, 1994b, p. 4). These factors can determine public perception and support of issues and policies and whether or not an issue is given priority on the legislative agenda. Describing political debates following the Los Angeles riots of 1992, Rochefort and Cobb (1994b) state:

In Los Angeles, for example, directing attention to racial and economic inequalities as underlying causes of riots presumed a certain kind of response, one built around social justice measures, including expanded economic and educational opportunities for the disadvantaged. By contrast, a focus on the police’s inability to control the disorder pointed toward improving policy management, training, and hiring. In this way, every retrospective analysis in problem definition is also a look ahead and an implicit argument about what government should be doing next. (p. 3)

Also, in a research study examining the development of immigration policy from 1947 to 1993, Hunt (2002) asserts that immigration is a complex and “multidimensional” issue. Hunt says that although a primary concern of immigration policy is the security America’s borders, there are other issues such as citizenship procedures and penalties for

employers who hire illegal immigrants that are also addressed through policies. As policymakers seek to address those subissues, subsequent policies may be indicative of conflicts over policymakers' perceptions of the issue. For instance, the public's desire to prevent illegal immigration in the 1980s led many Congressmen to support sanctions for employers who knowingly hired illegal immigrants. Although illegal immigration was considered a problem, policy makers also recognized the need for migrant workers to fill agricultural positions; consequently, strict employer sanctions were intensely debated by congressional leaders serving agricultural populations. Therefore, the 1986 Immigration Reform and Control Act included employee sanctions but also an amnesty program to grant legal residency to illegal aliens residing in the U.S. prior to 1982 (Gimpel & Edwards, 1998; Hunt, 2002). This issue definition may also be seen in the congressional implementation of the Bracero Program and the 1952 and 1965 Immigration Act. It appears that the political focus was on immigration as a need to supplement labor shortages, and policy was changed or implemented to meet that definition (Hunt, 2002). Because many issues are multidimensional, changes in policy and direction are plausible.

Summary

In conclusion, the history of immigration policy suggests that the Supreme Court has been as influential in establishing policy as the U.S. Congress and that such policy is contentious, often pitting states in conflict with the federal government and the federal legislature in conflict with federal courts. The research literature also indicates that advocacy organizations and policy actors, public and elite opinion, and state activism are all involved in the policy process and that issue definition is critical in determining how those individuals approach the policy process. Furthermore, this research study will contribute to the literature on policy formation and processes and will inform state policy decisions on the issue of higher education access and undocumented students, as studies are needed that investigate the political process surrounding this issue.

CHAPTER III

METHODOLOGY

Introduction

Majchrzak (1984) defines policy research “as the process of conducting research on, or analysis of, a fundamental social problem in order to provide policymakers with pragmatic, action-oriented recommendations for alleviating the problem” (p. 12). This particular study examined the policy process and the social and political factors influencing state policies affecting the higher education access of undocumented students. The study specifically explores the political environment in North Carolina and North Carolina’s House Bill 1183 which, if enacted, will extend in-state tuition benefits to undocumented students. The findings from this study offer recommendations for policymakers and researchers seeking to address the issue of higher education and undocumented students. This study is grounded in the advocacy coalition framework by Jenkins-Smith and Sabatier (1993), which suggests that policymaking is a competitive process where advocacy coalitions compete to achieve specific policy objectives. Through this study, the researcher explores the advocacy coalitions involved in the debate surrounding House Bill 1183, the strategies they used to achieve their policy objectives, and the factors that affected the policy debate. The objective of this study is to address the following research questions:

- What social and political factors influence North Carolina policies to extend resident-tuition rates to undocumented students seeking postsecondary education?
- Does public opinion contribute to the enactment or denial of such policies? If so, to what extent?

- How is the problem of illegal immigration defined and/or redefined by state political leaders? To what extent do such definitions influence policy and policy change?
- What North Carolina advocacy coalitions are involved in the advocacy of or opposition to House Bill 1183? To what extent does their involvement influence the state legislatures' enactment or denial of such policy?

While seeking to answer these research questions, the researcher studied how North Carolina leaders define the problem and how those definitions influence political actions. Majchrzak (1984) suggests that for some social issues, researchers may choose to focus on problem definition and not on policy solutions. In such cases, the researcher may elect to inform policymakers' understanding of social issues and therefore direct their attention to effective policy solutions. In this particular case, a policy solution has been introduced to address the inability of undocumented students in North Carolina to pursue higher education, and the bill was debated between April and June of 2005. In studying the actions and perceptions of advocacy coalitions, state legislators, and other policy elites, the researcher discovered how key leaders view the issue, engage in political discussions and activities, and shape the political debate to further their political objectives. These findings have significant implications for other policy leaders and researchers who have or are engaged in similar policy debates.

Theodoulou and Cahn (1995) assert that knowledge of the policy process requires an understanding of the environment in which policies are debated, enacted, and implemented. Similarly, Birkland (2001) emphasizes the importance of the political, structural, social, and economic aspects of environments in the study of public policy as

they influence the political process and conversely are influenced by the political process. Majchrzak (1984) also says that in understanding the policymaking arena researchers should be aware that policymakers undertake issues that are “complex, elusive, and not easily resolved” and are best handled through “a series of successive approximations in which policies are continually suggested, implemented, evaluated, and revised” (pp. 14-15). Therefore, if policy research is to be a resource to inform policy and promote policy change, then studies must consider previous policies that may have formed current policy debates. This study documents and considers such policies and the manner in which they have shaped the context of the current political discussion.

Majchrzak (1984) describes the policy process as a complex competition among various actors working within different levels of government and using various political strategies. Because this study examines this process, the environment in which this process occurs, and the multiple influences on that environment and process, a qualitative research approach is appropriate as such inquiry explores “topics in all their complexity, in context” (Bogdan & Biklen, 2003, p. 2). Rist (2001), when contrasting the roles of qualitative and quantitative research methods in policy research, argues

The qualitative perspective...leads the investigator in quite different directions from those predicated upon experimental and quasi-experimental designs. Rather than presuming that human environments and interactions can be held constant, manipulated, treated, scheduled, modified, or extinguished, qualitative research posits that the most powerful and parsimonious way to understand human beings and social environments they have created is to watch, talk, listen, and participate with them in these environments. (p. 256)

Qualitative research allows a researcher to study subjects within their natural environment, their perceptions, and the ways in which they “come to understand, account for, take action, and otherwise manage their day-to-day situations” (Miles & Huberman, 1994, p. 7). Accordingly, the focus of the study will be to answer the research questions by capturing the essence of the political process in North Carolina with a rich, thick description of the context and the processes that shape the phenomenon within the environment (Miles & Huberman, 1994).

This study specifically involved a descriptive case study design (Yin, 2003). Creswell (1998) defines a case study as “an exploration of a ‘bounded system’ or a case (or multiple cases) over time through detailed, in-depth data collection involving multiple sources of information rich in context” (p. 61). Likewise, Merriam (1998) says

A case study design is employed to gain an in-depth understanding of the situation and meaning for those involved. The interest is in process rather than outcomes, in context rather than a specific variable, in discovery rather than confirmation. Insights gleaned from case studies can directly influence policy, practice, and future research. (p. 19)

Because the focus of this study was the context and the institutions and individuals working within the context, a case study method is most effective. Case studies are useful for researchers because the use of multiple sources of data illustrate all aspects of the case, including the physical, economic, social, and historical settings (Creswell, 1998). Yin suggests that holistic case design is beneficial when the researcher seeks to provide a comprehensive picture of the case and not specific components. Therefore, this study will be holistic in nature.

Site Selection and Sample

This study involved purposeful sampling. Purposeful sampling is the selection of a site and participants on the basis of some established criteria, providing the researcher with the most valuable information about the subject (Creswell, 1998; Merriam, 1998). The overarching objective of this study was to investigate the social and political factors influencing states' policies to extend resident tuition to undocumented students seeking postsecondary education. The researcher selected North Carolina to conduct a case study because state political leaders recently debated a tuition bill for undocumented students. Since the bill was introduced in the House of Representatives in April 2005, it has sparked intense debate among political leaders, citizens, journalists, and interest groups. This issue has also received extensive media attention.

The study participants were selected because of their direct involvement in the policy process surrounding this political issue. These participants included state legislators, other government officials, journalists, and organizational leaders. These individuals were identified through newspaper accounts, legislative records, and snowball sampling (Creswell, 1998), as participants referred the researcher to other individuals who could provide useful information. Participants were initially contacted via email.

Data Collection

Data collection for this study involved document analysis and interviews. The multiple sources of data collection will be triangulated, thereby increasing the validity and credibility of the findings. Majchrzak (1984) says that multiple sources of qualitative data give researchers insight into social problems and issues that are not provided by other research methods. The researcher conducted 22 interviews with state legislators and

other government officials, organizational leaders, and journalists. Five study participants were journalists, including newspaper and television reporters and talk radio hosts. Six participants were government employees including members of the North Carolina General Assembly and officials representing the University of North Carolina System and the North Carolina Community College System, and ten participants were organizational leaders, lobbyists, and employees of various organizations. One participant was a North Carolina researcher.

Seidman (1998) says, “The purpose of in-depth interviewing is not to get answers to questions, nor to test hypotheses, and not to ‘evaluate’...At the root of the in-depth interview is an interest in understanding the experience of other people and the meaning they make of that experience” (p. 3). Because legislators, government officials, journalists, and advocacy coalition leaders are typically involved in defining and shaping policy (Sabatier, 1991), they provide the most useful information for understanding the policy debate surrounding this issue.

The interviews were semi-structured (Seidman, 1998) using interview guides developed by the researcher. Three interview guides were created according to whether the participant was a journalist, an official with an organization, or a legislator or government official. Each interview guide contained similar questions. The interview guide for legislators and government officials interviewed is attached in Appendix A. Appendix B contains the interview guide for journalists, and Appendix C contains the interview guide for organizational leaders. The interview questions were open-ended as to allow the participants to respond freely about their experiences and perceptions. The interview questions were asked to each participant to ascertain their involvement in the

policy process, the extent to which they or their organizations have advocated or opposed House Bill 1183, and the strategies used to reach their policy objectives. Additional questions were asked to further explore and expand on participants' responses to the predetermined questions. Field notes were taken during each interview. Sixteen interviews were held in person and were tape-recorded. Five interviews were held via the telephone and one was conducted via email. In those cases, detailed notes were taken. Each recorded interview was transcribed verbatim. Each participant was interviewed once; however, follow-up communication was conducted, if necessary, to expand on participants' prior responses and to pursue information provided by other sources.

The researcher also analyzed various documents. Because this study addresses a social issue that has been the subject of political debates, the researcher reviewed legislative reports, the bill jacket, newspaper articles, organizational reports and web pages, and emails sent to study participants to determine the political nature by which this legislation has been debated. Document analysis is a recognized method of qualitative research. When comparing documents, observations, and interviews, Merriam (1998) says documents

are usually produced for reasons other than the research at hand and therefore are not subject to the same limitations. The presence of documents does not intrude upon or alter the setting in ways that the presence of the investigator does. Nor are documents dependent upon the whims of human beings whose cooperation is essential for collecting good data through interviews and observations.

Documents are, in fact, a ready-made source of data easily accessible to the imaginative and resourceful investigator. (p. 112)

These documents were used to confirm details about people and events, to corroborate information provided by participant interviews, and to make inferences about the context. Yin (2003) cautions researchers, however, not to assume that documents are an accurate account of events. Therefore, data gathered from documents may need to be verified by other sources.

Data Analysis

The constant comparative method was used for data analysis, as the study involves multiple data sources and data analysis was ongoing (Bogdan & Biklin, 2003). The interviews were the primary source of data collection, while documents served to confirm and verify participant statements and record facts and events occurring during the legislative process. As the interviews were conducted and transcribed verbatim, the data were coded to highlight emerging themes and patterns. Coding is a process by which a researcher assigns labels to “words, phrases, sentences, or whole paragraphs, connected or unconnected to a specific setting” (Miles & Huberman, 1994, p. 56). The documents collected were coded and also analyzed to identify emerging themes. These emerging themes and patterns derived from both the interviews and documents were organized using conceptually clustered matrices (Miles & Huberman, 1994). Miles and Huberman (1994) suggest that conceptually clustered matrices are useful for researchers investigating more than one research question, as the researcher is able to “cluster several research questions so that meaning can be generated more easily” (p. 127). Therefore, this method allowed the researcher to identify relationships between variables, note similarities and differences in responses among participants, and draw conclusions about the topic under investigation.

Research Validity and Reliability

Yin (2002) acknowledges that external validity is a major concern of case study research. External validity refers to the extent to which findings from one study can be generalized to another context. The researcher recognizes that the findings from this study may not be generalized to other contexts. Additionally, Yin (2003) says that multiple-case studies design provides “more powerful” results than those derived from a single case study, as multiple-case studies allow for replication of the study. This study examines the political process in only one context, the state of North Carolina, and therefore, the findings may not apply to other states that have introduced or enacted tuition bills for undocumented students, as the demographics and political and cultural climates of those states may differ. However, the study’s findings contribute to the literature on the policy process.

Miles and Huberman (1994) suggest that generalizability is often not a concern of qualitative researchers interested in gaining a detailed understanding of a specific context or situation. However, Merriam (2002) says, “If one thinks of what can be learned from an in-depth analysis of a particular situation or incident and how that knowledge can be transferred to another situation, generalizability in qualitative research becomes possible” (p. 28). She further recommends that the researcher present a “rich, thick description” of the subject so that readers can determine if their contexts are similar to the one presented in the study (p. 29). This is one way, Merriam (2002) argues, that researchers can build external validity. Therefore, this study provides a detailed description of the political process in North Carolina. Yin (2003) also suggests that case studies are based on analytical generalizations in which a researcher intends to connect a study’s findings to

some guiding theory. This theory is generally the basis for the researcher's case study and can lead the researcher to other contexts to which the findings are applicable. This study is grounded in the advocacy coalition framework by Paul Sabatier and Hank Jenkins-Smith and focuses on the coalitions that are involved in the policy process. The advocacy coalition framework guides the study, data collection, and analysis.

Additionally, qualitative data analysis may be subjective. In qualitative research, the researchers "are the primary instruments of data collection and analysis" (Merriam, 2002, p. 25). Therefore, data analysis may be influenced by the assumptions and biases of the researcher. The researcher further acknowledges that the selection of this particular topic may reflect the researcher's biases and beliefs about educational access and equity. The researcher strongly believes that all children should have access to a quality K-12 and postsecondary education regardless of their income status, race, or gender. The researcher's personal views may influence data analysis. Furthermore, only one researcher is involved in data collection and analysis in this study. Because of this issue, triangulation of multiple sources of data was used to confirm the research findings and strengthen the internal validity of the study.

Additionally, this research study was based on two primary methods of research, interviewing and document analysis. Bogdan and Biklen (2003) suggest that the observer effect is often a concern of the qualitative researcher. In qualitative research, the presence of an observer may influence a participant's response or behavior. During the interviews, the participants may be reluctant to disclose certain information. Also, the information gathered from the interviews is subjective—the result of the participants' perspectives and their interpretations of reality. Ball (1994) observes, "political interviews are

themselves highly political,” as the participant may seek “to present themselves in a good light, not to be indiscreet, to convey a particular interpretation of events, to get arguments and points of view across, to deride or displace other interpretations and points of view” (p. 98). The researcher sought to control for observer effect and bias by ensuring confidentiality to each participant.

Ethical Issues

The researcher received the approval of the North Carolina State University Institutional Review Board (IRB) to conduct this study and followed IRB procedures to maintain the privacy and confidentiality of the study participants. Participants were asked to sign a consent form stating his or her willingness to participate in the study.

Participation in the study is voluntary and therefore, participants were able to withdraw from the study at any time. The researcher ensured the confidentiality of each subject.

The researcher did not reveal the participants’ names or specific details about their positions in any reports that are produced from this study. The researcher did, however, cite individuals who provided statements in public outlets, such as newspaper and other media reports. When necessary, the name of newspapers was changed to protect the identity of study participants. In such cases, names were used. As data was collected, it was locked in a secure location.

Limitations of the Study

The researcher acknowledges limitations of this study. Access to policy elites is often a limitation in policy research. Walford (1994) says that access can be a considerable problem for researchers studying controversial policy issues. Walford also says, “those promoting or implementing the initiative may resist any scrutiny by anyone

not ‘on their side,’ while those opposed to it may refuse to co-operate because they feel that the initiative is best ignored” (p. 222). In this study, several key policy actors failed to respond to request for interviews. The inclusion of these individuals in the study could have enhanced the insight and information provided, as several of these individuals were key actors in the debate surrounding House Bill 1183. The researcher also acknowledges that the majority of study participants were supportive of the policy; therefore, the study’s findings may be limited because the researcher was unable to interview key opponents of the bill.

Another limitation of the study is the time that data was collected. Data collection began approximately seven months after this heated policy debate ended. Therefore, valuable information such as news casts and talk radio programs could not be obtained. This information certainly would have enhanced the researchers understanding of the media’s role in this debate and the role of talk radio in fueling the discussion. It is possible that the distance between the events and formal data collection benefited the researcher. The debate about undocumented students and higher education in North Carolina was intense and vicious to the extent that several key supporters of the bill received death threats. Because several months had passed, key leaders possibly were more inclined to participate in the study than they would have been during the debate.

External validity is also limitation of this study. This study employs a single-case study design. Therefore, this context may not be representative of other settings. The researcher will strengthen external validity by providing a detailed description of the case and by linking the study’s findings to existing theory. In addition, reliability and validity concerns that are common in qualitative research are also present in this study.

Researcher bias may influence data analysis. Furthermore, data gathered through interviews also reflect participants' biases and their interpretations of the events. Study procedures will be carefully documented and multiple sources of data collection and triangulation will be used to strengthen the reliability and validity of the results. Despite these limitations, the study may yield useful information for researchers engaged in the study of public policy and policymakers.

Summary

This chapter provides an overview of the research methodology to be used in this study. This study involved a qualitative case study and includes two sources of data collection, interviews and documents. This chapter also provides procedures for data analysis and discusses the validity and ethical concerns associated with qualitative research, including an explanation of how the researcher will address those issues. This chapter concludes with a discussion of the study's limitations.

CHAPTER IV

FINDINGS

Introduction

This chapter begins with background information about House Bill 1183. The background section includes information about the bill's sponsors, including organizations and government officials, its major components, and the bill's current status in the state legislature. Current university and community college policies regarding the admission of undocumented students are also discussed. The background section is then followed by a discussion of Senate Bill 987, which was introduced in 2003 to achieve a similar policy objective. The study's major findings are then explained. As this study is grounded in the advocacy coalition framework, the findings describe the advocacy coalitions involved in the debate surrounding House Bill 1183, the strategies they used to achieve their policy objectives, and the factors that affected the policy debate

Background

In April 2005, House Bill 1183, Access to Higher Education and A Better Economic Future, was introduced in the North Carolina General Assembly. House Bill 1183 was introduced with four primary sponsors, Representatives Paul Luebke, Rick Glazier, Jeff Barnhart, and John Sauls (two Democrats and two Republicans). The bill also had 32 co-sponsors, 28 Democrats and four Republicans, and was supported by a coalition of four Triangle area organizations: El Pueblo, the North Carolina Society for Hispanic Professionals, Student Action with Farmworkers, and the North Carolina Justice Center. On April 12th, House Bill 1183 was introduced to North Carolina amid a press conference attended by the primary sponsors and representatives from the sponsoring

organizations, students, and former Governor James Hunt. In addition to the political leaders and organizations sponsoring the bill, House Bill 1183 was also supported by state leaders including William Friday, former president of the University of North Carolina, school system superintendents Bill McNeal and Tom Williams, and organizations such as the North Carolina Council of Churches and the Center for Action and Social Assistance. In the press release created by El Pueblo, Governor Hunt was quoted as saying

I am very much in favor of providing an education to qualified, hardworking students. This is economic development. Business needs workers who are well-educated. North Carolina is in need of teachers, health care workers and other bilingual professionals who can compete in a global economy. We have that potential talent right here at home. It is counterproductive not to compete with China.

Representative Rick Glazier, a Democrat from Fayetteville, North Carolina, and one of the primary sponsors of the bill, referred to the bill as “important for everyone—for the economic future of our state and the soul of the people of our state.” According to the press release, the bill would possibly benefit between 484 and 1,345 students and would not necessitate additional state funding. The press release further indicated that extending in-state tuition to qualified undocumented students “would strengthen our future tax base” because students would be able to pursue a higher education and become productive citizens employed in the workforce.

House Bill 1183 was created to extend in-state tuition benefits to undocumented students who graduated from a North Carolina high school, were enrolled in school for

four successive years before graduating, file an affidavit stating they have or will pursue legal residency, and have met the admission requirements of the prospective institution. Currently, in North Carolina, undocumented students may be admitted to universities and community colleges; however, they must pay out of state tuition and fees. The admission of undocumented students to degree programs at public institutions is a recent policy change in North Carolina. Prior to August of 2004, undocumented students', per North Carolina Community College System policy CC01-271, opportunities at community colleges were limited. A December 2001 memorandum from Clay T. Hines, who at the time was the Assistant to the President for Legal Affairs, advised that according to federal law, "postsecondary education is one of those benefits that undocumented or illegal aliens are not eligible to receive." Based on Hines's interpretation of the policy, the memo, outlining the conditions of policy CC01-271, stated undocumented students enrolled in high school may take courses as part of a dual enrollment program or they may take adult education, English as a Second Language, and other continuing education programs. Essentially, undocumented students could only be enrolled in community college courses if they were participating in a dual enrollment program through their high school or if they were taking continuing education courses such as adult education or English as a Second Language. Students were not eligible for enrollment in any degree-granting program.

Three years later, the Community College System changed its policy to offer admission to more students and to allow them to enroll in degree granting programs. In an August 2004 memorandum to presidents, vice presidents, and admissions officers

throughout the North Carolina Community Colleges System, David Sullivan, currently the Assistant to the President for Legal Affairs, advised

Based on further clarification of federal statutes that regulate provision of state or local benefits to undocumented or illegal aliens, local community colleges have the discretion to implement admissions policies that permit the enrollment of undocumented nonimmigrant applicants in curriculum, continuing education and basic skills programs. Undocumented nonimmigrant applicants do not qualify for in-state residency for tuition and shall be charged at the out-of-state tuition rate for curriculum programs.

Mr. Sullivan goes on to explain that admitting undocumented students is not required. Each institution may determine whether or not to admit these students.

According to an official with the North Carolina Community Colleges System, this policy change occurred due to consultation with the North Carolina Attorney General's Office. This individual said they were advised that undocumented students could be admitted to curriculum programs but would be required to pay nonresident tuition, as there would be "no benefit to the student because out of state tuition amounts to paying more for the education." This official said because resident students, due to in-state tuition, pay a part of their higher education expenses and the state pays the rest, "there is a net benefit to the state" when undocumented students are admitted and pay nonresident tuition.

Following this policy change, several community colleges created admission policies. A letter written by Kenneth L. Whitehurst¹ indicates “35 community colleges now admit undocumented immigrants to degree, diploma, or certificate programs.” The letter further explains that 14 undocumented students² were enrolled during the 2004-2005 school year. There were 51 students who were denied admission to campuses without admission policies. Forty-nine students were accepted to colleges but failed to enroll in any courses. Out of state tuition was cited as the reason undocumented students did not enroll at two community college campuses.

In November 2004, the University of North Carolina (UNC) System adopted Policy 700.1.4[G]. This policy provides guidelines for the admission of undocumented students to the 16 universities in the UNC system. According to the policy, undocumented students may be admitted to universities if they graduated from high school in the United States. The students are ineligible for financial aid, state or federal, and must be considered a nonresident, even if they live in North Carolina. Because they may be admitted as nonresident students, undocumented students must be counted in the 18% limit for nonresident freshmen in each school year. The policy further advises universities that undocumented aliens are not eligible, per federal law, for professional licenses. According to an official representing the university system, there was no official university policy for the admission of undocumented students.

¹ This letter is dated April 20, 2005, eight days after House Bill 1183 was introduced at the press conference. The letter was submitted as requested to Ms. Kristine E. Leggett of Fiscal Research at the North Carolina General Assembly.

² The letter states, “fourteen undocumented immigrants have been identified as enrolled for the current academic year.” It may be possible that more students were enrolled, as some colleges did not track undocumented students.

This policy was implemented following an August 2004 letter to former University of North Carolina System President Molly Corbett Broad from Leslie J. Winner of the Legal Affairs Division. In the letter, Ms. Winner acknowledges federal policies such as the Illegal Immigration Reform and Immigrant Responsibility (IIRIRA) and the Personal Responsibility and Work Opportunity Reconciliation (PRWORA) Acts of 1996, which deny undocumented aliens access to federal and state benefits, such as in-state tuition and financial aid. However, Ms. Winner cites the court case *Equal Access Education v. Merten* (2004) which, according to her letter, states that the Personal Responsibility and Work Opportunity Reconciliation Act applies to financial assistance for postsecondary education and not to admission. Therefore, this federal policy should not be used to deny students admission to postsecondary institutions. In discussing the Illegal Immigration Reform and Immigrant Responsibility Act, Ms. Winner reasons that the federal policy prohibits the university system from extending in-state tuition to undocumented students if such tuition rates are not extended to legal U.S. citizens of other states; they must be charged out of state tuition. She concludes that federal policy does not prohibit universities from admitting undocumented students. Ms. Winner further argues

The fact that Congress enacted this section [§505 IIRIRA] supports the conclusion that undocumented aliens are admissible. If undocumented aliens were not admissible at all, then it would have been unnecessary for Congress to prohibit them from being charged lower tuition than is charged to citizens from other states...it is my opinion that undocumented, or non-qualified, aliens may be admitted to a UNC constituent institution so long as they are charged out of state

tuition and so long as they are not provided any state or federal financial aid... Finally, I note that even though I believe these undocumented aliens may be admitted, constituent institutions are not legally required to admit them. See *Equal Access Education v. Merten, supra*. Thus, it would be permissible for UNC, by policy or guidelines, to set reasonable limits on which undocumented aliens may be admitted.

These policy changes are important to the development of House Bill 1183. A policy recommendation memo created by El Pueblo described the community college policy change as “an important step towards improving access to higher education for nonimmigrant students.” One of the bill’s supporters indicated that the changes at both levels led supporters to pursue in-state tuition benefits for undocumented students; therefore, increasing their access to higher education through House Bill 1183. He said,

So for us, it was the momentum that our educational institutions were recognizing this sector of the population and the importance of...giving them the opportunity to continue with a better education. We said we need to continue.

House Bill 1183, however, was not passed into law. It was immediately referred to the House Committee on Education where it subsequently died in committee. According to two study participants, the bill had almost no chance of passing; one interviewee said, “the bill was dead on arrival.” We now explore the reasons for its legislative failure.

House Bill 1183 instantly sparked a heated policy debate and was the subject of significant state and national media coverage, including Rush Limbaugh, who according to newspaper reports strongly criticized the bill. The bill was so controversial that an April 27 editorial in the *Greensboro News & Record* referred to it as “the most embattled

bill in the N.C. General Assembly.” A July 2005 *Time Magazine* quoted Kevin Miller, a talk radio host from WPTF in Raleigh, as describing the public’s outrage as “one hundred times bigger than Terri Schiavo” (§ 4).

Not only was the response negative, it was immediate and reflected concerns that the bill would burden North Carolina’s economy, disadvantage legal North Carolina residents who would be denied admission to universities if undocumented students were admitted, and encourage more illegal immigration. A journalist, when asked if she sensed that the bill would generate such controversy, said

Well, I think I did. I think I did, but I wasn’t. I don’t think I could have imagined how quickly and how intensely the opposition arose. It just seemed like once it was out there it was sort of like a runaway train in terms of growing opposition from people—many people. And I think a lot of people that supported it probably were silent.

One supporter said that the public’s opposition to the bill was surprising and a disappointment. She said

It was really something. We were on a high. We had this incredible press conference with Governor Hunt and the press was there. Whenever you have a press conference all you have to worry about is them actually showing up, and they did. It was very positive, and we were walking on air and then boom—two days later...

Similarly, another interviewee commented on the quick, hostile response from North Carolinians. She said,

I remember walking out of that press conference...and saying man today was a wonderful day, and I was just thrilled...But by Friday we had lost at least ten cosponsors. The headlines were just awful, and the phone calls and emails started pouring in.

An April 15th article in the *News & Observer*, three days after the press conference, referred to the issue as “political dynamite” and stated

Opponents have dominated the debate, which has been the talk of talk radio.

Rush Limbaugh picked up the issue for discussion Wednesday on his national show...Bill LuMaye, who follows Limbaugh with his own afternoon talk show on WPTF, said he had received 600 email messages on the topic since the bill was introduced, and had heard from only three people who supported it.

The article also reported that legislators were receiving threatening phone calls and indicated that some legislators decided to drop their sponsorship because they felt they “signed onto the bill a little too hastily.” According to the article, Democratic Representative Joe Tolson stated, “I want to make sure we’re taking care of our legal citizens first,” and that he needed additional time to study the issue. Republican Representative Louis Pate indicated he withdrew because of the potential costs of the policy. He said, “To me, it appeared it would establish bad policy for the state, so I withdrew my support.”

Andrea Bazan-Manson, who at the time was the Executive Director of El Pueblo, was quoted as saying, “I think that over the last couple of days, a small group of individuals have become very aggressive against it. I’m surprised it’s gotten so ugly and so vicious.” Despite the opposition, Ms. Manson stated that she had received

encouragement from citizens who believed the students should be afforded the opportunity to pursue their education.

In the two weeks following the bill's introduction, ten of the original 32 co-sponsors withdrew their sponsorship. In an interview, an opponent of House Bill 1183, said, there was "this title wave of constituents contacting their legislators and speaking out on talk radio and hosting town hall events concerning illegal immigration which really started to bring this bill to the forefront." To respond to the emotional and contentious response from anti-immigration groups and North Carolinians, officials from El Pueblo released a document entitled, "El Pueblo Calls for Tolerate Dialogue among North Carolinians." In this letter, El Pueblo appealed to the citizens of North Carolina to engage in a respectful, "constructive" debate about House Bill 1183. The letter reads

It concerns us that a small group of people have chosen to escalate the debate and use rhetoric that is not constructive, not grounded on identifying solutions, and is damaging to all North Carolinians...El Pueblo firmly believes that most North Carolinians value constructive and tolerant dialogue even when viewpoints do not coincide. Healthy debate and discussion have always been a vital part of our democracy and the foundation for good public policy. This is an important and emotional debate, but we should stay focused on a constructive dialogue that contributes to the strengthening of North Carolina.

Despite the appeal to have a productive discussion about undocumented students and higher education, anti-immigrant groups and state residents continued to express frustration and resentment toward a policy that would further undocumented students' access to education. As one participant stated, the message "fell on deaf ears."

House Bill 1183 was primarily opposed by a coalition of two organizations, Americans for Legal Immigration (a political action committee created to fight illegal immigration also known as ALI-PAC) and NC Listen. Bill Gheen, the President of ALI-PAC, in an April 16 article in the *Charlotte Observer* argued, “This bill takes away the educational futures of our children while rewarding illegal families and parents who decide to break our laws.” One interviewee indicated that the opponents’ initial strategy was to speak out on talk radio and inform the public. He stated that he knew that this bill would “galvanize the public” because people would be concerned that the bill would “disenfranchise their children.”

The political debate over House Bill 1183 was short lived, as it became clear to supporters that the bill was too controversial and would not receive enough political support to pass the General Assembly. Toward the end of April, Governor Mike Easley issued a statement to the media indicating that the bill violated federal law, particularly Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Jack Betts of the *Charlotte Observer* reports on April 24, “the bill—already so controversial that half a dozen of its co-sponsors have erased their names—has taken a blow from an unlikely quarter. Governor Mike Easley told the *Charlotte Observer* last week that the bill violated federal law.” Betts reports that Easley’s statements were supported by Gerry Cohen, the General Assembly’s Director of Legislative Drafting.

In an April 2005 memorandum, Cohen stated House Bill 1183’s provisions that students must have earned a high school diploma and attended state schools for four consecutive years “are in fact tests that show indicia of residency.” Cohen concluded that House Bill 1183 was therefore a violation of Section 505 of IIRIRA, as the law states

undocumented students, per residency status, are not entitled to postsecondary benefits that are not afforded to legal residents of other states. The bill's supporters, however, argued that the bill was not a violation of the federal law. Jack Holtzman of the North Carolina Justice Center, according to an April 23 article in the *News & Observer* said, "It's [House Bill 1183] not based on residency. It's different. It basically requires graduation from a North Carolina high school." Additionally, Holtzman, in discussing the bills passed in other states, argued, "As far as I know, the federal government has never criticized or sued or reprimanded or said they were afoul of it [Section 505]." Similarly, Representative Paul Luebke, a primary sponsor of the bill, in an April 23 article in the *Charlotte Observer* said, "We are committed to the bill. I do not understand how eight states are offering in-state status to high school grads, but Governor Easley says we cannot do so in North Carolina." Two study participants said, prior to the filing of the bill, the governor's office had asked supporters not to introduce the bill publicly to avoid "controversy." One interviewee felt that this was the reason why Governor Easley did not show support for House Bill 1183. She said

I think there was a real concern from the governor's office about the controversy that this was causing in North Carolina, and it was a sticky position that it put him in to deal with that controversy, and he much preferred—the governor's office much preferred that we be quiet and not stir things up and were very dissatisfied when we did not take that advice and exhibited that dissatisfaction by not giving any support.

Despite attempts to counter the argument, Easley's statement had an impact on the debate. According to one participant, Governor Mike Easley's comment was "the last

straw.” This participant said, “That statement from him was it—probably the very next week, [we] decided to let the bill die.” One participant describing the position taken by the governor’s office said it was “brilliant as apolitical excuse to be playing on both sides.” This individual felt that the statement was an attempt to avoid the public’s opposition, as he believed the issue was “political suicide.”

Subsequently, the organizations released a statement entitled “El Pueblo, NC Society of Hispanic Professionals, Student Action with Farmworkers, and NC Justice Center, stand firm in their commitment to ensure ‘education for all,’” informing their constituents that the bill “will not be approved by our General Assembly this year, and will not be presented for a vote by the House of Representatives’ Education Committee during the current legislative session.” The statement also explains

Over the past few months, it has become apparent that much misinformation is being presented by a small group of individuals representing fringe groups. This rhetoric has been crafted to be intimidating and divisive. Threatening messages have been directed at the legislators supporting this bill, as well as some of our organizations and staff members. This clearly demonstrates the need for more understanding, as well as more education about who immigrants are and why they are part of North Carolina. It has also shown a need for more discussion about the challenges presented to our state when dealing with a broken and outdated immigration system that can only be fixed at the federal level...The debate is not over, indeed, it has just begun. The discussions that arose out of the bill were not just about House Bill 1183, but about immigration in general. They were also

about the identity of our state. These are all necessary discussions that will challenge us, but that, we believe, will ultimately unify us.

News & Observer reporter Jane Stancill wrote in a May 28th article, “House Bill 1183 appears to be headed for a quiet burial next week. It is unlikely to pass either chamber before a key deadline in the legislature...” In an interview, a legislator indicated that the bill could be “refilled and reintroduced” in 2007 when the new General Assembly is sworn in, but he predicted

I don’t think it will happen because it was too controversial this time. It couldn’t go anywhere this time or the leadership didn’t even let it be heard because all it did was create a mess—probably cost some people their offices.

Senate Bill 987

House Bill 1183 was not the first legislative proposal to address the higher education access of undocumented students. A similar bill was introduced in 2003 in the North Carolina Senate. State Senator Eric Reeves sponsored Senate Bill 987, Increase Access to Education, in the North Carolina General Assembly in April 2003. The bill had four sponsors and would have made undocumented students in North Carolina eligible to receive resident tuition rates if they earned a high school diploma or a GED and attended a state high school for four consecutive years. The bill was sent to the Committee on Education/Higher Education; however, it was never passed into law.

Senate Bill 987 was a significantly different experience for supporters of in-state tuition benefits for undocumented students than was House Bill 1183. According to one supporter, her organization researched the bills that were introduced in other states and contacted organizations to discuss the strategies they used to garner support for their

tuition bills. She said, “What we heard from other states is that if it gets in the media it’s going to kill you. It’s going to turn into an issue of illegals getting something they don’t deserve and you’re not going to win that argument.” Therefore, Senate Bill 987 was introduced very quietly and without much media attention, and as with House Bill 1183, supporting organizations tried to focus on the economic benefits. The bill did not generate the emotional reaction from the public that House Bill 1183 did. It had one primary sponsor and three cosponsors. The bill was sent to the Senate Committee on Education/Higher Education on April 3, 2003 and no further actions were made. One interviewee indicated that the bill did not receive enough political support to pass both the North Carolina House and Senate. The participant said

Well, we actually didn’t pull it up for a vote... We kept hearing from the Democratic leadership that if you get enough votes that it would be heard. So we did a lot before it was called. We did a lot of meetings with senators. We were pushing it through the Senate... we got a lot of support. We knew we had enough votes that it would pass the Senate, but we did not have votes in the House and the Democratic leadership did not want it to go forth if it wasn’t going to have that. So they said it was better for it not to be voted on than to be heard and not pass the House.

Although Senate Bill 987 is not the primary focus of this study, the differences between it and House Bill 1183 raise important questions about the time the bill was introduced and the political strategy used by supporters. For example, would many in the public have reacted negatively had Senate Bill 987 been introduced to the public? What impact does

the time and context of a bill's introduction have on public opinion and political support? These questions are further explored in the data presented in subsequent sections.

Social and Political Factors

This study's primary research question examines the social and political factors influence North Carolina policies to extend resident-tuition rates to undocumented students seeking postsecondary education. The data indicate that there were several social and political factors that contributed to the debate surrounding House Bill 1183. These factors included social and economic concerns, changing demographics of the state, the time and context the bill was introduced, the media, specifically conservative talk radio programs, and the public's response. It is possible that a combination of the other factors contributed and significantly influenced the context of the public's response, which undoubtedly led to the defeat of the bill. Advocacy coalitions, to some extent, played an important role in this process, as the supporting organizations were key in the conceptual development of the bill, and the opposing coalition was actively involved in calling their constituents to action. It is unclear, however, whether the bill's defeat was solely a result of the opposition's efforts or any lack of planning or strategy on the part of supporters. What is evident from the data is that the other factors greatly affected many North Carolinians' views and opinions of the issue. A journalist interviewed for this study described this phenomenon as "the perfect storm," in which the timing of the debate, the growth of the immigrant population in North Carolina, concerns about illegal immigration, and talk radio combined for an explosive policy debate.

Changing Demographics and Time and Context

The United States Census Bureau reports that as of July 2005 North Carolina's population was approximately 8.5 million, which was a 6.1% increase from 2000. According to year 2000 figures, the state's population consisted of 72.1% Caucasians, 21.6% African-Americans, and 4.7% Hispanics. What is most noticeable about the state's demographics is its growing Hispanic community. A study released in January 2006 by the University of North Carolina's Kenan Institute of Private Enterprise says, "Immigrants from Latin America, authorized and unauthorized, are dramatically changing North Carolina's demographic and economic landscape" (Kasarda & Johnson, 2006, p. i). For example, from April of 1990 to April of 2000, the state's Hispanic population increased by almost 400%, as it increased from 76,726 to 378,963 (North Carolina State Data Center, 2003). Kasarda and Johnson's recent study (2006) finds that Hispanics represent 27.5 percent of North Carolina's population growth over a 14-year period (1990 to 2004) and that approximately 600,913 Hispanics lived in North Carolina in 2004. The authors indicate that Hispanic residents had previously totaled 1% of the state in 1990 while they are currently 7% of the state population. Kasarda and Johnsons' study also indicates that the majority of North Carolina Hispanics live in the area called the "urban crescent" along Interstates 40 and 85. The I-40 and I-85 "corridor" includes Mecklenburg, Wake, Durham, and Guilford Counties, which contain 43% of the state's Hispanic residents as of 2004 (p. 5). Additionally, the Hispanic community "contributes more than \$9 billion dollars to state's the economy through its purchases and taxes, while the net cost to the state budget (after Hispanic contributions) is an estimated \$102 per Hispanic resident for health care, education, and corrections" (Kasarda & Johnson, 2006,

p. i). Kasarda and Johnson contend Hispanic residents have had a significant impact on North Carolina's economy through their employment, specifically in construction and agriculture, which "have become particularly dependent upon Hispanic workers" (p. 41). Hispanic employees are so vital to the construction industry, Kasarda and Johnson suggest that without them "the output of the state's construction industry would likely be considerably lower and the state's total private sector wage bill as much as \$1.9 billion higher" (p. 41).

Growing populations of illegal immigrants, according to Passel (2006), is a new phenomenon to states like North Carolina, as these states once contained few numbers of immigrants. Passel writes

In the past, the foreign born population, both legal and undocumented, was highly concentrated. But since the mid-1990s, the most rapid growth in the immigrant population in general and the undocumented population in particular has taken place in new settlement areas where previously the foreign born had been a relatively small presence. (p. 3)

Passel notes that in 1990 the vast majority of illegal immigrants (approximately 88 percent) resided in six states; however, patterns were changing and in 2004 estimates indicated that nearly 61 percent were residents of those places. Additionally, Kochhar, Suro, and Tafoya (2005) suggest that southern states are experiencing the most growth of Hispanic immigrants in the United States. According to the researchers, these states are particularly attractive to Hispanic workers seeking economic opportunity.

In North Carolina, it is estimated that 45% of Hispanics are undocumented (Kasarda & Johnson, 2006). These demographic figures are essential to this study

because Rochefort and Cobb (1994b) suggest that the “proximity” of a problem influences how people define social problems and whether or not such problems are given priority on the legislative agenda. Rochefort and Cobb write

To characterize an issue as having proximity is to argue that it hits close to home or directly impinges on a person’s interest. If the case can be made successfully, members of the audience will become concerned and may express their concern politically. For this reason, issue proponents constantly seek to expand their base by claims of personal relevancy. (p. 21)

According to Peters (1986), “the nature of the problems” affects the public’s reaction to the issue and possible legislative consideration. Peters suggests that “extremity, concentration, range, and visibility of problems” are key factors in this process (pp. 45-46). Gimpel and Edwards (1998) suggests that immigration is not a controversial issue in every state. The authors write “in most of the nation immigration is not like abortion, school prayer, gay rights, gun control, or civil rights—issues that elicit such strong feelings that attitudes about them override other influences” (p. 43). California is an exception as Gimpel and Edwards suggest “While having contact with immigrants is not necessary to forming opinions about them, California’s experience strongly hints that it is the presence and concentration of immigrants, and their consumption of public services, that has led to the politicization of this issue there” (p. 43). This conclusion can be made to explain the defeat of House Bill 1183—reaction to the large numbers of illegal immigrants contributed to the policy debate involving House Bill 1183. Commenting on the public reaction to the bill, North Carolina State University professor Dr. Andrew Taylor, according to an April 17 article in the *News & Observer*, stated “It has been

percolating up from the grass roots for some time. Illegal immigration is becoming increasingly visible to people.”

Data from interviews and analysis of documents suggest concerns about illegal immigrants in North Carolina contributed to the response to House Bill 1183—meaning because North Carolina has such a large illegal immigrant population, North Carolinians perceive immigration as a problem, and they voiced their concerns about illegal immigration when responding to House Bill 1183. This belief was shared by several participants interviewed for this study. One participant said,

I think it was just the word immigration and something benefiting immigrants and undocumented immigrants or illegal aliens...and that was enough to spark frustration that had been bubbling in North Carolina for years and had not had space to vent. It had not had a space to express itself. It found that space in the in-state tuition debate.

As North Carolina’s Hispanic population has increased, so has the need to accommodate language and other cultural differences. For example, one study participant, a North Carolina journalist, stated that the demographic changes are very visible, as there are signs posted in Spanish and telephone options in English and Spanish. This participant contends that people in the state reacted to those changes, and that the bill was a way for people to voice their frustrations about immigration. Another journalist, when asked about factors that contributed to the public’s frustration, said

I think probably the most significant factor has to do with the natural progression of immigration into North Carolina. When you have a 400% growth rate over ten years instead of having particular single men as immigrants who are there to mow

your lawn and put a new roof on your house, the immigration pattern is now maturing where you're seeing families. So when you see families, you see kids...then you start seeing little brown faces in the schools. Then all of a sudden that's when I think most folks are like, "Oh, my God." And they would hear stories about how these kids can't speak English and that sort of stuff. I think...the entrance of more kids into schools is probably another factor.

An April 16th article in the *Charlotte Observer* discusses immigration growth and the debates that have resulted from it. The article states, "Fueled by a surge of Latino immigrants, the national battle over illegal immigration has erupted in North Carolina against a backdrop of national security, growing labor needs and pinched budgets." According to the article, growing illegal immigrant populations have forced states, including North Carolina, to consider what social benefits should be afforded to illegal immigrants. The article mentions two bills that were introduced in 2005—one to deny illegal immigrants access to public benefits and the other to prevent them from obtaining a driver's license.

In March 2005, prior to the introduction of House Bill 1183, North Carolina Senator Hugh Webster introduced a proposal to deny illegal immigrants public benefits. Senate Bill 976, also introduced in the House as HB1018, would have required proof of citizenship or legal residency in the United States of individuals seeking public benefits and voter registration. The bill also sought to "require certain state agencies to cooperate with local governments and the United States Department of Homeland Security to develop a system for verifying lawful presence in the United States."

North Carolina Republican Senator Phil Berger introduced a bill that would prevent illegal immigrants from receiving a driver's license. According to the article, Mr. Berger, criticizing the lack of security in the state, said, "The state of North Carolina has been lax in that obligation. There's a growing sense of frustration among our people about what's happening with our border security...The federal government has not done as good a job as it should be doing controlling our borders." Berger's bill, Senate Bill 419 also introduced in March 2005, required two forms of identification and state residency of individuals applying for driver's licenses, beginner's permits, and identification cards. The bill also required an application, which required proof of legal citizenship or residency. Neither of these bills was passed into law, as both failed to pass committee.

This April 16 article concludes "the flurry of immigrant-related measures is due in part to the absence of a new federal immigration policy" and quotes Professor James Gimpel of the University of Maryland as saying, "A lot of people in the states are turning to state legislatures more and more because they can see that federal policy has really failed...It has created an incredible burden on state and local government."

The impact of the growing immigrant community on this policy debate is further supported by data gathered from the interviews. Study participants shared similar opinions suggesting people in North Carolina were reacting to immigration issues because illegal immigration has become one of the most intensely debated political issues. Additionally, two participants indicated that immigration has become a political issue that is dividing political parties at the state and federal levels. This is supported by Ann Morse of the Immigrant Policy Project of the National Conference of State Legislatures who was quoted in the April 16 *Charlotte Observer* article stating "It's

[immigration] is such a polarizing debate. We have such an ambivalence in our country over immigration. We're a nation of immigrants...(but) we see the face of America is changing."

Since September 11, 2001, discussions about immigration have centered on national security issues, as many Americans have supported strict immigration policies as a means to prevent terrorism (Tebo, 2002). North Carolina is no exception. On April 17, 2005, the *News & Observer* reported that two anti-immigration organizations were formed after the September 11th terrorist attacks. These organizations are Stop the Invasion! and NC Listen. Americans for Legal Immigration (ALI-PAC) was formed on September 11, 2004. This article also quotes Bill Gheen, President of ALI-PAC, as saying, "If they don't act on this issue, I'm convinced we'll end up like California, where they're closing hospitals and closing schools and their tax base is fleeing the state." Because immigration is often discussed in terms of national security, participants indicated that this reality made discussion about the tuition bill increasingly difficult.

When asked what factors instigated an immediate response from the public, a supporter of House Bill 1183 stated that the growing Latino population had a significant impact. She said

I think you have to look at the context when it [House Bill 1183] was introduced. North Carolina has one of the largest Latino populations in the country in the last decade and one of the largest increases of undocumented workers in the last decade. It has to come with national flash points for immigration in the country. There's a lot of anti-immigrant groups that are specifically organizing in North Carolina...There are national groups that are doing a lot of organizing here. They

have a base of local support. Some other recent things have happened. It seems to be around the Latino population as a whole is getting more organized, and I think there's some fear in that. There's been some strength that they have had to be such a new population and to be organized in a short period of time. The media has played up the division between African Americans and the Latino population without talking about the role of white people in that scenario...there's more visible signs of specifically the Latino immigrant population. There are a lot of other immigrants in the state, but the Latinos...because of their numbers and organization are much more visible...it seems like some of the classic black/white communities are changing, and I think within that context it was sort of right for people to be afraid of people who are defending them or can't communicate with them because they don't speak English. For whatever reason, people were just ready for something.

Another participant, who had supported Senate Bill 987, further suggested that growing concerns over illegal immigration today was in part the reason House Bill 1183 generated such strong opposition whereas 987 did not. She stated

It may not seem significant but it was 2003. It was not 2005. And 2005 and immigration issues was not 2003 and immigration issues. So it wasn't as hot in the media for them to pick it up so there wasn't this frenzy that developed around it [SB987] as there was a mere two years later.

The time and context of House Bill 1183 was also emphasized by another participant, a reporter in North Carolina, who suggested that the bill may have been passed if it was

introduced before Latino immigrants became such a substantial part of North Carolina's population. He stated

They should have introduced it before you could see a visible impact of Latinos, which is traditional in every migration wave. Generally speaking, when immigrants first come to an area, the American community tends to be very open, very willing and sort of embraced... There's a honeymoon period. There's nothing they [supporters] could have done other than they should have introduced it two years earlier when the Hispanic community was sort of in the honeymoon period here in North Carolina. Those days are over now.

The debate's focus on security and immigration and not the benefits and need to ensure education for undocumented students was a concern for one study participant. He argued that the way the issue was framed led many people to oppose the bill without considering the opposite point of view. When asked whether he believed North Carolinians supported or opposed House Bill 1183, he said,

It depends on how it's presented. It depends on how we discuss it. Everything and anything has to do with 9/11. This issue to mainstream North Carolinians has to do with security and not with segregation, education, opportunity. It has nothing to do with that. We have become so connected with immigration and security that you don't see immigration as an investment. We're a nation of immigrants and its based on three factors, family unification, opportunity, and a land that is representative of the world in terms of where people come from who are more inclusive. None of that is in the dialogue when it comes to this issue. America is complaining about our outsourcing but yet I cannot use this argument for the kids

that are living here to convince [people] that we could probably [stop] outsourcing...because these kids could very well be terrorists because they are illegal.

Another participant shared a similar belief that people generally associate immigration with terrorism, which have made discussions such as House Bill 1183 extremely difficult. During an interview, she said

People link the terrorists with immigrants and immigration. Sue Myrick, who is a Congresswoman presently from Mecklenberg, she's widely thought to be running for the governor...She has inextricably linked, the same way President Bush linked Iraq with terrorism, she has linked Hispanics with terrorism. If you say something enough—Hitler's public relations guy was pretty good at that too. If you say something enough people start to believe it. So open borders and people coming across the borders in Arizona and Texas has something to do with 9/11. But of course, it doesn't.

Because illegal immigration has become such an emotionally charged issue in North Carolina, participants have suggested that politicians will use immigration as a central message in their political campaigns. One government official indicated that Representatives Barnhart and Sauls, both Republicans who were primary sponsors of the bill, received great criticism from conservative Republicans. Two interviewees, both serving in the General Assembly, indicated that the upcoming elections might also be difficult for those Democratic leaders supporting the bill. One legislator described the issue as “politically toxic” for Democrats who sponsored the bill because the state

Republican Party is planning to use illegal immigration as the center of political campaigns.

Summary of Changing Demographics and Time and Context

Because of the growing population of immigrants in North Carolina, state leaders are addressing the public's concerns over the impact of illegal immigration. Immigration is a highly emotional issue, and the political debate involving House Bill 1183 proved to be an example. The discussion was framed around illegal immigration, not the implications of denying a population of students' access to higher education, which according to supporters was a practical solution to a problem that could only be resolved at the federal level. The bill provided the forum for many North Carolinians to voice their concerns, making it impossible for leaders to have a logical discussion about the issue and how the lack of policy impacts the lives of these students.

Media

A concern reiterated during interviews by supporters of House Bill 1183 was that the public was misinformed about the bill's intentions. When asked whether they believed the majority of North Carolinians supported or opposed the bill, several participants stated that North Carolinians would have supported the bill if they understood the bill's major components. For example, one participant, a member of the General Assembly, stated

I think North Carolina citizens don't know about this potential policy because the media that surrounded 1183 was so misinformed and so unduly focused on the illegal immigration issue as opposed to the education and economics of what we do with the children who are really the kind of innocent people in all of this...so I

think when people know what 1183 really was and that it wasn't some free tuition bill. It wasn't for thousands of people...I don't think the population got a fair read on what the bill was but when you talk to people and they're educated about what the bill was really trying to accomplish, I think the majority of North Carolinians are in favor of that.

Although the opponents, NC Listen and ALI-PAC, were instrumental in contacting their base and getting their position out through the Internet and media outlets, supporters also believed that the media's coverage of the bill contributed to this misinformation. Data suggest that the media, particularly talk radio programs, played a crucial role in igniting the debate. House Bill 1183 was extensively covered in the media, and the data indicates that the media may have influenced the public's response. According to Gerston (2004), "the media, both print and electronic, have a long-standing reputation for placing issues on the public agenda" (p. 56). Gerston describes the media as "catalysts" for bringing important social issues to the forefront leading to significant policy change and implementation.

When House Bill 1183 was publicly introduced at a press conference on April 12, 2005, the media's coverage was immediate. A legislator interviewed said,

The media coverage on the filing of the bill was very inaccurate for the first week...if you read newspaper headlines and you read articles you wouldn't have known what I just described as the bill was the bill. I do credit a number of very courageous newspaper editors around this state with having extremely positive media probably a week later...there were a number of great editorials around the

state that I think were helpful but didn't undo the damage of some of the inaccurate factual reporting.

Newspaper articles published shortly after the press conference reflect attempts to sensationalize the bill to draw the public's attention to this issue. One study participant described the media's coverage as "a disappointment," because in his opinion, the media "showed favoritism based on who they thought was the audience they could attract to read their news and their headlines." Another participant shared a similar perspective. She stated, "There were headlines that said things like organization proposes free tuition for illegals. I mean flat out bad information."

One of the earliest reports of the bill in the *News & Observer* was published on April 13, 2005. The article was titled "Noncitizens could get tuition deal." The article begins

A move is under way to offer illegal immigrants in-state tuition rates at North Carolina's public universities and community colleges...the bill would allow students who are in the country illegally to pay the lower, in-state tuition rate as long as they meet academic qualifications and have attended a North Carolina high school for at least four years before graduation. Sponsors say 500 to 1,300 students could apply to public colleges each year under those rules.

Although the article goes on to present both sides of the debate, quoting supporters of the bill such as former Governor Jim Hunt and Representatives Paul Luebke and John Sauls as well as opponents such as Bill Gheen, the article's headline and opening suggest that the bill is intended to benefit illegal aliens who would be allowed to attend college at cheaper prices. The article also emphasizes the illegal status of the students. Two days

later on April 15, the *News & Observer* published an article “Tuition deal provokes outcry,” and on April 28 an article titled “New poll backs cut in tuition.” A May 28 article refers to the bill, in its headline, as the “tuition break bill.” Similarly, an April 12, 2005 article published in the *Charlotte Observer* headlines “Tuition bill targets immigrants: Lawmakers would let students pay less, even if parents in N.C. illegally.” Although the language used in these headlines is subtle, they imply that undocumented students will be allowed to pay reduced tuition and may be interpreted as meaning the students would pay less than North Carolinians. According to one bill supporter, the language used in such articles was detrimental to their campaign. She said, “Language is very powerful and very important. If you say tax cuts or high taxes that frames the whole debate that taxes are a burden and newspapers have a lot to do with that.”

Ted Vaden, writing in an April 24 article for the *News & Observer*, described criticisms over the language used in the newspapers reporting of House Bill 1183. Vaden says some readers have criticized the use of the term “undocumented immigrant,” and suggests “there is a viciousness to the tone of these callers—who rarely leave their names—as they remind us ‘these folks are illegal’.” According to Vaden, the paper elects to use the term “illegal immigrant” believing the term is “descriptive, accurate and, hopefully, neutral,” but Andrea Bazan Manson says the term is “offensive” and “dehumanizes” people. Vaden suggests that labels, whether it be illegal immigrant, undocumented, or noncitizen, are inaccurate. He says that the term non-taxpayer suggests these individuals do not pay sales or property taxes when many of them do. Vaden recommends, “I’d make the case that the paper needs to be wary of accepting, without challenge, the non-taxpayer arguments of immigrant critics. For that matter, too many

legal residents don't pay taxes, or not as much as they should, because of loopholes in our tax laws." He also says that "immigrant" is not "literally true" because many come to the United States for a brief period of time for employment.

To contest the negative publicity surrounding the bill, Andrea Bazan-Manson of El Pueblo issued a statement to the *News & Observer* as an attempt to clarify the bill's intentions. In the April 24 article, Ms. Manson says

We need to look at it as an economic development issue. We need an educated work force for the future. We can't allow a group of kids to not have access to education. That's a core value of all of us...The reality is that many of our industries have brought thousands of workers here over the past 12 years to work—and work hard—in different sectors. Those workers are people. They have children. Those children are North Carolinians now. They deserve an education, and we can give that education to them. It's up to us as a state. This is not a free ride. The students...would not be able to get any scholarships, no grants, no loans. They would have to raise the money from their parents, and these are working families in poverty. These are families who have paid their share in taxes over the past years of work in this state. [one] misconception is that thousands of spots from North Carolinians will be taken away. Not true. At our estimate, of between 400 and 1,300 [illegal immigrant] students who graduate this year, only a fraction are college-ready, are taking the SAT, would apply and be admitted to college.

We are talking about some kids, not thousands.

Prior to House Bill 1183's introduction, the *News & Observer* published an article titled "In-state tuition seen as a boost for illegals." The article begins describing a Triangle area

high school student, who despite her academic achievement, will be unable to pursue college education. It also covers a Latino's Day rally at the General Assembly, where organizations such as El Pueblo petitioned legislators to consider a tuition bill for undocumented students. Providing a glimpse of what is to come in the following weeks, the article explains both sides of the argument and the barriers that these North Carolina students face. What is most interesting about this article is the title, "In-state tuition seen as a boost for illegals." Again, emphasis is placed on the undocumented status of the students and in-state tuition is seen as a reward. One supporter said, "we approached the *News & Observer* about the use of language;" however, nothing was changed. Another participant suggested that the media "framed this issue as an immigration issue."

Other study participants felt that the media represented the issue impartially. For example, a newspaper reporter interviewed for this study said,

I hope that we tried to give a very balanced view—I mean me, the paper tried to give a balanced view of an issue, of any issue and particularly this issue, which has such emotion behind it. I think that talk radio played a role here in shaping the outcome. It became more and more intense with every day it seems and people were urged to contact their legislators and so I can only imagine the email the sponsors of the bill were getting compared to what I was getting.

Another North Carolina journalist also said he felt the media's coverage was comprehensive and unbiased. He stated

I thought it was rather neutral...I think the media probably for the first time in North Carolina had to portray illegal immigration in a negative light and what it would cost. Prior to that, I think the media's portrayal was that of the humble

immigrants overcoming odds to come here and contribute to society...But once this bill came up and they could not ignore the anger and frustration of those that don't care for illegal immigration they really had no chance to portray it one way or another than what is was. The opposition was so overwhelming that I don't think they had a chance to have much of a role other than to reflect the actual anger that was out there.

Another participant, an opponent of House Bill 1183, felt that the media had previously been biased in its coverage of the issue, as it failed to recognize the voices of anti-immigrant groups. He believes that the media favors the supporters' perspective on House Bill 1183 and other issues involving illegal immigration. He argued

The broad range of media I've found out doesn't like our point of view. They are beginning to see, I think...Our point of view used to not be in the paper period, and they knew we were here. Now our point of view is getting in, and I'm getting more phone calls...most people I talk to, the polls will say, they agree with our point of view...And more and more the people in the media, when they actually dig through and talk to me long enough, understand what our real motive is...I think if they talk to us long enough they find out what our real reasons are, and in that regard I've made a lot of headway with the media...

As one state legislator suggested, the initial reporting of House Bill 1183 was negative and showed some bias on the part of editors and reporters. However, there were editorials written in the weeks following the press conference showing support for the policy. These editorials essentially promoted the economic and social benefits of House Bill

1183. For example, an April 17 *Charlotte Observer* editorial titled “Practical and right: Tuition bill would encourage immigrants to stay in school” argues

It’s the practical thing to do. It maintains North Carolina’s traditional emphasis on extending educational opportunities to every resident. That’s important for rising education levels had much to do with our state’s economic progress in the latter half of the 20th century...undocumented students and their parents here pay taxes on their earnings that help support our higher education systems. If they attend and graduate from these institutions, no doubt they will find work paying better wages, meaning they’ll pay more in taxes.

An April 27 editorial published in the *Greensboro News & Record* raises the same argument. The writer says

Whether everyone likes it or not, North Carolina is home to tens of thousands of illegal aliens...Their children attend North Carolina schools, but for all practical purposes their entitlement to an American education ends with high school graduation, if they get that far. They are denied resident status for the purpose of gaining admission to or in-state tuition at state universities or community colleges. That means they’re here but they’ll have little chance to gain the education or skills required to obtain good jobs, improve their standard of living, and eventually pay more taxes and make greater contributions to the economy.

The writer goes on to refute arguments that the bill would encourage more illegal immigration to the state and would be giving a “handout” to illegal immigrants. He further argues, “The question isn’t whether these people are going to remain here, it’s whether they’re going to remain here with a chance of improving themselves” and that

the residency and graduation requirements ensure that students who achieve academically benefit from the bill. He says, “This is not opening a floodgate.”

The *Fayetteville Observer*, on April 23, presented an opinion piece arguing that the “virulent opposition” to House Bill 1183, which it describes as “some thoughtful but much of it irrational,” is aimed at the wrong individuals. The writer argues that the federal government has neglected its obligation to secure America’s borders and therefore the states are “stuck with it, and with its consequences.” The writer further describes the bill as a “tool” for handling this problem and argues the bill will not reward those who chose to break the law but the children who were brought here. He contends

No matter what this state does, this flow of illegal immigrants will continue. If we do nothing, the illegal residents’ children are doomed to poverty and support by our public welfare systems—taxpayer money—for a lifetime. If we help the children attend college, we give them the tools to become self-sufficient, contributing members of society—paying taxes instead of absorbing them. And because the legislation mandates that they become naturalized citizens, we also cut the numbers of illegal residents in our communities.

Another article presented in the Opinion Section of the *Fayetteville Observer* asserted that the bill was a financial benefit to North Carolina and critiques opponents claims that the bill disadvantages legal citizens and encourages more illegal immigration. The writer explains

The chief objection to the bill is fear. It’s fear that children of legal residents will lose spots at public universities. The argument is weak. The bill won’t affect academic eligibility, and applies only to undocumented residents already accepted

as out-of-state students. What it will affect is the amount written on the piece of paper stamped “payment due.” That’s all. More students will get the opportunity to attend college. There are other fears too. William Gheen, president of Raleigh-based Americans for the Legal Immigration Political Action Committee, thinks the bill will encourage immigration to North Carolina. His fears about the bipartisan bill...are unfounded. Illegal immigration will continue to grow with or without the tuition bill. As long as countries are poor and agricultural interests and industries in the state and nation want a steady pool of cheap labor, then immigration is inevitable. His organization’s beef is with poultry and pig processors, not with the 18-year-olds who sign pledges to seek U.S. citizenship to get in-state tuition rates, which is one of the bill’s requirements.

These and other editorials were published in support of House Bill 1183; however, many North Carolinians continued to respond negatively to the bill. Emails sent to a North Carolina reporter showed disapproval in the way the media discussed the bill. For example, one individual, in response to an article reporting the story of an undocumented student graduating valedictorian from high school, writes in an email

The North Carolina News³ just doesn’t seem to ever take the right stand on immigration. It is a shame about that valedictorian that can’t get friendly college pricing but the truth is that she and her entire family should be deported immediately. How can anyone justify giving her a perk after she cut ahead of the line of millions of other aliens that are trying to work they system properly for green cards and citizenship...Shame on you for your hypocrisy.

³ The name of the newspaper has been changed to protect the identity of the individual providing the researcher copies of email communications.

Another individual, writing in to same reporter, said

It's time the news media challenged many of the statements by proponents of illegal immigration. The illegal workers are not needed and the uncontrolled system that allows them illegal entry also allows thousands of criminals, drug dealers, drug runners, and gangs from all countries...They are extremely dangerous, use machetes and mutilations to terrorize their victims, many of whom are school children.

Despite the arguments raised in these editorials and by supporters of House Bill 1183, many in the public continued to oppose the bill, and much of this opposition responded through talk radio programs throughout the state.

Of all the media outlets involved in this policy debate, conservative talk radio was the most influential. Study participants, whether they worked to support or oppose the bill, overwhelmingly emphasized the role of conservative talk radio programs in provoking the public response. Even newspaper reports of the bill articulated the impact of talk radio. Michael Easterbrook, a reporter with the *News & Observer*, in an April 17 article explains House Bill 1183 “unleashed a ferocious response and drew national attention from conservative talk show host Rush Limbaugh,” while Hilda Gurdian, with the *Charlotte Observer*, in a June 2 article wrote, “talk radio shows spelled its [House Bill 1183] death knell.” A radio host interviewed for this study indicated that he received “hundreds of calls” and “hundred of emails” from people who opposed House Bill 1183. In discussing the impact of talk radio, this individual said

I think talk radio played a crucial role in defeating this bill because unlike any other form of media, it's uncensored. It's reaction to news as it happens. You can

do your blogs and emails and such but I think talk radio and the Internet through emails to people really played a crucial role.

Another study participant believed that talk radio was responsible for triggering this debate. This individual said,

For two weeks straight the topic of every major talk radio station was illegal immigration and as a subsector this particular bill. They were the ones that got the news out to the average citizens...it was mostly talk radio that got the word out on this and basically once the cat was let out of the bag so to speak the piece of legislation took its course in the sense of very few citizens got vocal but the ones who did were extremely vocal. They were the ones who came to Raleigh—that drove to Raleigh. There were probably hundreds of people here at certain points throughout that two week span that were sitting down with their state legislator, and sometimes they were going around meeting other legislators basically confirming that you know this is one of those things that you will lose my vote over should you support this piece of legislation.

Barker (2002) says talk radio, which began in the 1930s, is “unabashedly biased” and are typically “conservative, libertarian, or populist” (p. 16). He suggests talk radio does not propose to offer complete representation of both sides of political issues but strives for “entertainment,” as he says, “an open-minded consideration of the various sides of an issue is not entertainment to most listeners” (p. 16). These shows begin with a “monologue,” where the host introduces the topic and discusses his or her opinion of it. Then, listeners are able to call in to express their view on the issue. Callers are screened, and according to Barker, most callers share the same opinion as the talk show host.

Barker says this may be a result of screening, as listeners who try to refute the host are not allowed to air their views. Barker also says research indicates that older white males, who identify themselves as Christian, are the typical talk radio listener. They also have higher education levels and incomes than individuals who do not listen to talk radio.

As Barker (2002) says, “as more Americans receive information from sources whose primary objectives are to entertain and persuade, democratic dialogue may become more misinformed, contentious, and polarized—resulting in legislative gridlock and/or restricted policy alternatives,” (p. 1) the question is raised how did talk radio fuel this particular policy debate? Unlike newspaper reports that attempted to present both sides of the argument within the texts of their articles, that data suggest that talk radio’s objective, while according to one radio host welcoming both sides to debate House Bill 1183 on their programs, was to influence listeners’ perceptions of the issue and therefore encourage them to respond negatively, thereby resulting in the bill’s defeat. The data further suggests talk radio was influential by offering an uncontested forum for the opposition to express their views and by favoring the conservative view on this issue. By continuously featuring this issue, talk radio stations were able to get their listeners to respond. A legislator interviewed described the influence of local talk radio station, WPTF, saying

They went crazy with it. And I’ll tell you the reasoning...you’ve got a radio station that goes as far as WPTF. And they were two weeks later. I could cut the radio on and flip it to that channel and they were still harping on it. They found them an issue that they could stir the emotion of listeners and get feedback every day and they just took that thing and ran with it.

A newspaper reporter, when asked about the role of talk radio, said they were responsible for “galvanizing opposition” to the bill. She said

I think talk radio does that all the time, and they have a certain listener base who is going to probably tune in because of their own political beliefs. That’s just reinforced by the back and forth conversation that they hear. I don’t think there’s anything surprising about that.

A North Carolina talk radio employee interviewed for this study said although he was personally opposed to House Bill 1183 his program attempted to represent both sides of the debate to give listeners the opportunity to judge the issue for themselves. He said

I’m more of a presenter of facts. I do have [an] opinion but I don’t try to skew it one way or another. I try to get both sides on it...it’s about presenting both sides, letting people decide.

He stated that he attempted to get several key supporters to appear on his program; however, many of them declined. In his interview, he was critical of supporters as he believed they “did a bad job of informing” the public. He felt that supporters only spoke with “friendly media,” and that they “vilified” anyone who was opposed to House Bill 1183, calling them “anti-Hispanic and not pro-American.” According to this individual, supporters failed to address the public’s concerns about the impact of House Bill 1183, while opponents were regularly vocal in the media. When asked why the opposition was so successful their efforts, he said

Well, they weren’t afraid to come on the radio. They were serving their core...They rallied the base I suppose...they sent out the mass emails and stuff. They weren’t afraid to go on anything whether it was pro or con.

One bill supporter also criticized El Pueblo and other supporters for not appearing on talk radio programs arguing that because they did not voice their opinion on talk radio, the public was only exposed to the opposition's message. This individual argued

I think they [El Pueblo] are the voice. They were the ones that made this issue a public issue. They are the voice...For what reason are you not speaking on the subject! What would you say if you have a group that you're not going to convince—let's say 20% of the population and you have another group that is 20% of the population that is in favor of what you're saying. No way you'd turn on those people because it's very much in the extreme. These people are going to support you no matter what. These are 20% that are going to be against you no matter what. The more this news is out, you know that the people you are going to capture are people that have not made a decision on the issue and so your absence from the dialogue is feeding the ones that are against this idea.

Legislators interviewed stated they had been asked to appear on talk radio programs but declined. One legislator declined on the advice of others. She said she learned from the experience of others that the programs were biased and that she would "get beat up" as others did. Another legislator said, "it was not a balanced presentation and so we decided that was not a good thing to do."

Reports also indicated that a legislator was asked to appear on a talk radio program to talk about a transportation issue, but the host actually intended to talk about House Bill 1183. One individual interviewed said

[he] got blind sided by a radio station...while [he] was on the air live [the host] said, "Oh, there's a bill in the house" and then they just started their junk and the

phone lines lit up all over everywhere and they were eating [him] alive. And the guy kept calling it free education—the host.

This individual also said that the host gave listeners the legislator's telephone number and told them to call the representative to express their views on the issue.

According to an opponent of House Bill 1183, one of his organization's initial strategies was discussing the bill on talk radio programs. He said he knew the bill would “galvanize” the public because with college admission “there's a selection process.” He believed that because there is limited space to attend North Carolina universities, people were concerned that their children would be denied access to college if undocumented students were admitted. He said

I was on about five different talk radio shows across the state. Phones were lighting up like Christmas trees because people clearly could sort out the difference between how they see their children being affected in public school but at least their child was in public school as opposed to the selection process of the university or college. And they showed their dislike...

One bill supporter, who agreed to participate on a talk radio program, described his experience saying

They had their sound bites prepared, like what part of illegal do you not understand? Why do I have to pay out of state tuition when I came from Illinois to study at NC State and your kids are going to pay in-state tuition and they're from Mexico? They're not going to hear arguments that have to do with our future and our common good. So I think that was evident, but my issue was not to convince them. My issue was we needed to have equal opportunities.

This individual also acknowledged that some people were willing to listen to his comments as he discussed the “consequences” of not having a tuition bill for the students.

He said he asked

What do we do?...You’re not going to educate them...Stop this bill and they’re not going to get educated. So what do you think that brings? What are the consequences to our welfare? So then you’re going to do removal? You’re going to look for them, find them, and take them somewhere. Remove them from their parents in essence. So when we talked about that issue and the consequences then I could sense from the person that I was being interviewed by—I could sense that there were some practical comments. And so that perhaps was the best thing that happened.

Because talk radio programs created much opposition to the House Bill 1183, there was little opportunity for both sides to discuss the issue in a respectful manner. According to a May 27 *Charlotte Observer* article, Representative Paul Luebke, a primary sponsor, expressed this view stating

I wish we could recognize the importance of educating young people. I’m happy that a majority of public opinion is for it. But I’m sorry that there was a lot of heat generated on talk radio...Talk radio really made a rational discussion about this issue impossible.

This perspective was reiterated by a journalist during an interview. She agreed that because this was such an emotional debate it was difficult to have a “rational debate” about the issue. She believed that this was a result of people’s frustrations about immigration. She said

I think it sort of got out of control. And I think part of where that comes from is that North Carolina has had a very dramatic and fast influx of immigrants. I think a lot of people react very emotionally to that and are afraid of that and you know they don't want to think about necessarily the long-term economic implications of a growing segment of the population not being educated...I think people react just very quickly and emotionally to the issue.

The quick and emotional response, this reporter alluded to, caused enough political pressure that representatives withdrew their support and the bill was not passed. Talk radio encouraged much of this response and therefore was a key contributing factor to this bill's defeat.

Summary of Media

The media's role in this policy debate is undeniable, as it provided significant coverage to this political debate. Interviews with journalists suggest that print media attempted to be objective in their portrayal of the bill; however, many supporters believed that the media was biased. The language used in newspaper articles and headlines reflect those concerns. Conservative talk radio was undoubtedly the most influential media outlet, and its objective was to generate opposition to the bill. Opponents were able to use talk radio as a medium to get their message out, and the consensus among study participants was that talk radio not only informed the public's view but also provoked the response.

Social and Economic Concerns

House Bill 1183 raised very difficult questions about illegal immigration and its social and economic impact. Hunt (2002) describes illegal immigration as a complex and

“multidimensional” issue. She suggests that because there are various and sometimes conflicting segments of this issue, policies often reflect these differing perspectives of the issue. This divergence can be seen in the way supporters and opponents advocated for or against House Bill 1183. Supporters and opponents of the bill attempted to shape this policy debate around social and economic concerns. From the proponents’ perspective, as indicated in the press release created by El Pueblo, supporters believed that House Bill 1183 would create opportunities for undocumented students to pursue an education, be better equipped to enter America’s workforce, and be productive citizens who pay taxes and contribute to their communities. Opponents, also arguing social and economic concerns, criticized the bill, as they believed it was detrimental to the state economy, encouraged illegal behavior, and displaced legal residents who would be denied admission to state universities.

As indicated in letters to the editor and other email communications, the opponents’ perspective influenced those citizens who chose to voice their concerns about the bill. Even one supporter interviewed said

The other side of the debate was very good at getting their message out. That message resonated with people who are feeling insecure economically during a time of—even though our economy is doing quite well. I think there were concerns about job loss and job competition. Seeing North Carolina change demographically during a really rapid time does create fear and anxiety in some communities so all those things were there as well.

Supporters and Advocates

House Bill 1183 was introduced with four primary sponsors and 32 co-sponsors. The bill was also initiated and supported by a coalition of four organizations, El Pueblo, The North Carolina Justice Center, Student Action with Farmworkers, and The North Carolina Society for Hispanic Professionals. One of the primary concerns raised by supporters of this bill is the need to ensure that children have the opportunity to further their education and contribute to North Carolina society. In addition to future contributions, supporters also said the state must acknowledge contributions immigrants make to North Carolina's economy. Andrea Bazan Manson, former Director of El Pueblo, writing in an April 16 piece in the *News & Observer* asserts House Bill 1183 benefits all North Carolina citizens. She argues through this bill, "We can repay part of the debt we owe to previous generations of immigrants in our families who came to North Carolina, struggled for education and helped create the prosperity in which we live." She further emphasized the state's need for an educated workforce and bilingual employees "who enable us to compete in the Spanish-speaking marketplace." Representative Paul Luebke, a primary sponsor of House Bill 1183, shared this belief in an April 24 *News & Observer* article. Luebke says

North Carolina's economy cannot work without our immigrants, including our Latino immigrants. It is only fair that we recognize the contribution of the parents, and not hold it against the children that their parents came at a time of great demand for their labor, and at a time when our immigration laws were, and are, a mess.

Many supporters also argued that the children of illegal immigrants should not be held accountable for their parents' mistakes, and because these children will likely remain in the United States, North Carolina would benefit if the children were allowed to pursue an education. A legislator interviewed stated that because the federal government has not enforced policies to secure America's borders, "states are left handling the circumstances of these human beings." Because states must create solutions to this problem, he contends the state should encourage the students to "become productive taxpayers" and allow them to pursue legal residency. He also says

We tried to target this bill really narrowly to assist the most talented, bright, energetic, articulate kids who have already proven their ability to become extraordinarily productive citizens of our country and so this bill was an attempt to give them an opportunity to break from the cycle of illegality that they're under right now and to make sure that we, instead of having to be taxpayers that pay for these children who would end up flipping burgers at McDonalds, instead use their talents and their skills and energy and their drive to let them become incredibly productive taxpayers.

This sentiment was also represented in a statement by another supporter who argued

The students who would be affected, many of them didn't cross the border on their own. They came with family members, and many of them have been here for a long period of time and don't know their home country. They are acclimated as Americans. And so there is the reality that many of them, most of them are not going to leave this country. This is their country. This is their home now. They

know this community more than they know their native country...So a lot of these children are going to be here. They're not leaving.

One legislator stated that this was one of reasons he decided to support House Bill 1183.

While describing the case of a student graduating at the top of her class, he said

She can't go to school. She's working at some fast food restaurant or whatever.

Here she is, she can't get grants, she can't get loans, she can't even get scholarships. And a lot of these kids would be able to get that—they would be smart enough to even get scholarships but they can't do it and through no fault of their own...They're not going to go back home and nobody's going to send them back. It's too big of a job so why not make it better for everybody.

Supporters further argued because the state is required to provide the students a free K-12 public education students should be allowed to continue their education. Many suggested that because the state is already providing these students an education the state should continue the investment by making higher education accessible. This “investment,” according to El Pueblo's policy recommendation memo, will be “lost if NC denies access to further training.” One supporter said

They have granted to them, this is by law, the access of K through 12 [education].

They have already been invested in...the more skilled your workforce is, the better economics, the situation of the family would be better, the taxes that would be paid to the state would be higher, the contributions to the state would be higher...it was a workforce development and economic development...The more skilled people you have, the better off you will be with your industry, with your workforce, etc.

Social and family development, as indicated by this participant, was also reiterated by supporters interviewed in this study. Many believed that this policy would help end the cycle of poverty as students would be educated and therefore their children and future generations would be educated. One participant argues, “They [students] could have been the professionals of the future...many of these children...could go to college and finish college. How wonderful because then these people can give back to the community.”

Another argument raised by supporters was the need for a bilingual workforce. As our society seeks to participate in a global economy, these supporters contend, North Carolina is in need of a bilingual workforce. One participant said

Right now the state spends a lot of money recruiting bilingual [workers] who speak Spanish and English from all over the world to come to North Carolina to work and teach in jobs. So we spend a lot of time recruiting folks to work on a temporary basis...when we could save if we actually spent that money educating the bilingual folks who are here so we wouldn’t have to be doing this every three years. We’d be training them long-term; we’d be working on long-term solutions for our teaching and nursing shortage.

Another supporter stated a similar belief. She said

I feel like it’s the right thing to do first of all. That students who have gone to our schools, graduated and been hardworking academically and meet the criteria to enter college or community college in every other sense shouldn’t have the barrier in place just due to immigration status...that’s the basic fairness and the importance of education. But beyond that, I think it’s what our economy needs in North Carolina. We need more people that are well-educated beyond a high

school degree or GED. We need more people who are bicultural and bilingual.

That's a really important need that we have in nursing, in education, and all these different fields in North Carolina as our population changes.

This supporter also suggested that House Bill 1183 would address important educational issues like the achievement gap and the high drop out rate of Hispanic students, which is a concern for supporting organizations. She further acknowledged

The achievement gap where African-American, Latino, and other students are falling behind their white peers. Low-income students falling behind middle income peers. And so we feel like the opportunities and a chance of attending college at an affordable rate can really benefit students in the K-12 if they feel like they have a goal that's attainable in the future. They're not just looking at a low wage job in the service industry with a high school degree...we think it's also important in terms of drop out prevention, in terms of all the things related to some of the challenges in high schools with Latinos and other immigrant groups.

Concerns about the drop out rate of Hispanic students and the achievement gap were expressed by other study participants.

Supporters agreed because undocumented students face barriers to higher education; they are unable to compete in America's workforce and therefore might be forced to accept low-income jobs. Several participants believed that the underlying concern was fear and that this policy debate is ultimately about who has power and who is in a position of authority. One participant said

Education has always been used as a mechanism of oppression. There's nothing new about this...It's just now that it's a matter of being able to justify it with

immigration status. To restrict a community's access to education is in effect condemning them to a certain status of life, and I think that recognizing that piece of it is definitely going to be critical to any future movements we make around this. Understanding that it's not just about immigration and it's not just about education... There was an email that said, 'Yes, it's fine that they're doing the jobs that no one else will do in construction and service industry. But what about when they come after your job and your life and you're a professional and a thinker and you think for a living.' The fear of this growing demographic—that so many people are taking over—compounded by the potential that they have to actually have some power—political, financial, etc. It must be terrifying! It must be terrifying to the powers that be! It's such a threat to the status quo. And what better way than a second-class, justified, legalized, legislated second-class citizenry that can't access education.

In arguing for House Bill 1183, supporters attempted to address concerns that House Bill 1183 would pose additional costs to the state. The bill, they contended, would not require additional costs and that the benefits would be immeasurable to the state's economy and to the children's lives and their communities. As supporters of House Bill 1183 sought to frame the issue around educational opportunity and economic and social advantages, opponents argued that the bill would place an unnecessary strain on the state's economy, deny legal residents access to higher education, encourage more illegal immigration and pose additional security concerns, and reward illegal behavior.

The Oppositional Coalition

House Bill 1183 was primarily opposed by a coalition of two Triangle-area organizations, Americans for Legal Immigration (ALI-PAC) and NC Listen. While supporters focused their arguments around the economic and social advantages of House Bill 1183's components, these organizations centered the discussion around what would be lost to North Carolinians if the bill was passed. During an interview, one opponent described the bill as "utterly ridiculous," and that the "sponsors have no right to risk American students' right to attend college" by providing such benefits to illegal aliens. Opponents believed House Bill 1183 would drain the state's financial resources. They argued that illegal immigrants' use of public services was an unnecessary cost to North Carolina taxpayers. ALI-PAC President Bill Gheen, according to an April 16 *Charlotte Observer* article, said, "This bill takes away the educational futures for our children while rewarding illegal families and the parents (who) decided to break the law." In a July 27 article in the *Charlotte Observer*, Gheen "There's a political revolt growing in this state against illegal aliens. Our schools are bursting at the seams. Our community health and safety is deteriorating rapidly...75 percent to 80 percent of North Carolinians want all immigration levels reduced."

In an interview, one opponent emphasized the negative impact of policies such as *Plyler v. Doe* and others in which illegal immigrants are given access to public benefits. He said

We are being disenfranchised...there's not enough money to take care of our disadvantaged students who are in public schools already so every dollar that I believe goes to [illegal immigrants] in public schools is in essence taking a dollar

out of the mouth of our poor North Carolinians who really need the extra help and aren't getting all the money they would like...there are people upset over money being spent on illegals—the dependents of illegals in public schools. People, when I give talks, are shocked when I give them those numbers... We spend almost a billion and a half every year on all foreign students, legal and illegal in North Carolina.

In addition to the costs of providing public services to illegal immigrants, opponents maintained that such policies further encouraged illegal immigration. For example, Bill Gheen, president of ALI-PAC, according to an April 13 article in the *Fayetteville Observer*, said, “This is a threat to this community. Once it gets out in the Hispanic press that North Carolina allows illegal immigrants to go to school at in-state rates, just imagine how many people are going to be coming to our state. And we're the ones who will be paying for that.”

Opponents also argued that the bill would inevitably deny North Carolinians admission to state universities because of the limited space available for incoming students. Ron Woodard, President of NC Listen, in an April 13 letter to the editor of the *Chapel Hill News* writes

Giving in-state tuition to illegal immigrants will become a bad dream for legal residents in North Carolina. First of all, giving privileges to those who have come illegally to America becomes a reward for having broken the law. It will encourage more illegal immigration. There happens to be more qualified students in North Carolina than there are openings in our state universities. Therefore, every illegal immigrant allowed into the universities with in-state tuition will

victimize one (legal resident) North Carolina student. We are told by illegal-immigrant advocacy groups that the dependent of an illegal immigrant should not be punished for what their parent has done. But if illegals are allowed to attend our universities, North Carolinians will be made to pay the price of illegal immigration. Already illegals are allowed to attend our state universities as out-of-state students. Each one will disenfranchise an American student.

This argument, in one participant's opinion, was of most concern to many in the public. When asked if he was surprised by the public's response to House Bill 1183, this participant said he wasn't surprised because college is a "selection process," and many people understand college admission is competitive; therefore, many students are not admitted into the college of their choice. He indicated that he "sensed" the bill would anger many parents who would be concerned that their children would not be admitted because of the bill. He said

There's not a slot for everyone who really wants to go to school in North Carolina, so any time you open up a slot for someone that shouldn't be here in the first place, in essence you're going to deny somebody. I would say the real victim is the North Carolinian who is going to be disenfranchised for every one of the illegals that are allowed in.

Another interviewee agreed and suggested House Bill 1183 would provide undocumented students with "greater access to universities or greater access to anything than citizens who are here legally." He also said

North Carolina has a state statute that states public higher education in a university level must be provided at virtually no cost in the sense of the state is

mandated to fund North Carolina universities somewhere to the tune of about 75 percent of their operating costs... We have very limited number of seats in our public universities and community colleges, and we are unfortunately having to turn down many legal citizens, many who are maybe North Carolinians or coming from other states... whose parents are here legally. They pay taxes, all taxes that are required of them... and those students are being turned down for seats because of the lack of seats in those universities. If we allow illegal immigrants to compete for those very few precious seats that we do have, I believe it starts us down a very slippery slope of who is really eligible for higher education and the priorities that the state is going to have to place when it comes to additional funding right now... If we start allowing the estimated three to five hundred thousand illegal immigrants access to all of these things and in-state tuition rates, we're going to be putting ourselves millions and millions if not billions of dollars in the hole further than what we already are.

House Bill 1183, opponents also argued, would also reward people for illegal behavior and subsequently encourage more illegal behavior. In-state tuition, according to one opponent, is a "privilege" that should only be afforded legal North Carolina residents. By extending this privilege to illegal immigrants, he believed that the state would be sending the wrong message. During the interview, he said

It's one thing to help people in need. It's another to advocate benefits for people that have broken the law. Because that's really what this is all about... what we're saying is the rule of law doesn't matter. I'm advocating for people who've broken the law to come here. They're actually going out advocating for them. To me

what kind of message does that send? Especially to those who are standing in line by the tens of millions to come here legally...It's almost as if we're encouraging them to break the law because we're going to give out a privilege to someone who broke the law.

Opponents of House Bill 1183 also expressed concerns about national security.

According to an April 17 article in the *News & Observer* two anti-immigration organizations were formed in response to the September 11th terrorist attacks. These organizations are Stop the Invasion! and NC Listen. Americans for Legal Immigration (ALI-PAC) was formed on September 11, 2004. One participant stated he decided to become politically active in the area of immigration following September 11. During an interview, he said

But after 9/11 was when I really became interested other than from an academic standpoint because I felt having read up on the subject one of the reasons terrorists were able to live and work here and plan here in America was because of our lousy immigration policies. And so it was right after 9/11 that I became more involved and there were others who were members of a group called FAIR [Federation for American Immigration Reform], which is a national group. I had been a member of them for a number of years but after 9/11 was when I decided I was going to get further involved in this issue.

Another opponent suggested that the fear of terrorism and national security were among of the major concerns of North Carolinians in regards to this issue. He said

With the influx of illegals that we have in this state there is some level of prejudice and racism. There is some level of paranoia, but the biggest issue that I

think is in most people's mind or at least is in my mind is the safety and security not only of our country from terrorism and national security issues but also the welfare of the state economically and what the cost benefit analysis is of illegal immigrants.

Summary of Social and Economic Concerns

Supporters and opponents of House Bill 1183 attempted to garner public support by discussing the social and economic implications of the legislation. Supporters overwhelmingly believed that the bill would offer academically motivated students the opportunity to further their education. This opportunity they argued increased the likelihood that the students would be productive, taxpaying citizens who would positively contribute to society. Opponents argued that the bill would cause economic problems. They believed that the policy would pose an additional tax burden on the state and would be detrimental, as North Carolinians would then be denied opportunities to further their education.

Illegal Immigration as a Problem Construct

One of the supporting research questions examines how illegal immigration is defined by North Carolina political leaders. Problem definition is an important element in policy debates because the manner in which political leaders discuss social problems often impacts public perception and reaction (Rochefort & Cobb, 1994b). According to Rochefort and Cobb (1994b), public involvement with an issue is "heightened" when leaders associate social issues "to sweeping themes, such as justice, democracy, and liberty" (p. 5). In the debate surrounding House Bill 1183, opponents successfully framed this issue around the devastating economic and social impact brought on by illegal

immigration, basically, saying to North Carolinians, “This is what you will or have lost due to illegal immigration.” Hence, this issue was primarily defined around social conditions and economics. Therefore, with the inclusion of economic concerns and the state demographics, conditions were set so that the opposition’s message resonated with many North Carolinians who then chose to voice their opposition to House Bill 1183.

Hackey (1997) describing failed attempts to pass national health care insurance for all Americans, says the denial of this policy is possibly “a case of symbolic politics in which the definition of political issues played a crucial role in the demise of reform” (p. 141). Although public opinion showed support for national health care and this policy issue has been considered several times in the 20th century, Hackey says opponents successfully defeated proponents’ efforts “through well-worn symbolic appeals to undermine support for proposals that threatened to destabilize the status quo” (p. 143). These proposals were often denounced “as unworkable, unaffordable, and un-American” (p. 142) and opponents also portrayed national health care as a threat to “liberty, freedom, and the ‘American way’” (p. 147). In defining the issue in this way, Hackey says the opponents capitalized on the public’s concerns of increased federal control and socialism.

In this manner, the opposition to House Bill 1183 organized around the public’s concerns about illegal immigration and economic and social security. As an opponent said, he knew this bill would outrage the public because their children would be denied access to college. Taxpaying North Carolina citizens would not be able to attend the college of their choice if illegal immigrants have access to the limited seats in public universities. Opposing organizations also characterized supporters as promoting and encouraging illegal immigration. Bill Gheen, according to an April 16 article in the

Fayetteville Observer, said, “I hope this mass exodus from House Bill 1183 will send a clear message to groups...that support and promote illegal immigration. I’m glad the illegal alien supporters tried to do this because now people across North Carolina are standing up and saying enough is enough.” One opponent interviewed also criticized organizations like El Pueblo, for as he says, advocating for benefits to illegal immigrants. He stated

I think we need to pay attention to who the real victim is and what’s going on. The only people that are advocating, that I’ve observed for people in the country illegally to take a slot away from American college students, are illegal immigrant advocate groups like El Pueblo. I think El Pueblo does some good things beyond their illegal immigrant advocacy role but that is a big part of what they do. I would rather see them get away from that and just go to helping people...It’s one thing to help people in need, it’s the other to advocate benefits for people that have broken the law. Because that’s really what this is all about. I really find it troubling that any of our public officials would say – that they do when they support legislation like this – what they’re saying is the rule of law doesn’t matter. I’m advocating for people who’ve broken the law to come here. They’re actually going out advocating for them. To me what kind of message does that send?

Supporters tried to counter this argument by saying we are not for illegal immigration. We want people to be able to come here legally; however, we need to provide opportunities for students who are already here. For example, in an April 24 piece in the *News & Observer* Andrea Bazan-Manson said

I want people to understand that El Pueblo believes strongly in safe, controlled, legal entry and immigration to this country. We are not for open borders. We do not advocate amnesty for all. The reality is that many of our industries have brought thousands of workers here over the past 12 years to work -- and work hard -- in different sectors. Those workers are people. They have children. Those children are North Carolinians now. They deserve an education, and we can give that education to them. It's up to us as a state.

Summary of Illegal Immigration as a Problem Construct

Similar to the political strategy in California's Proposition 187, opposing organizations argued economic and social implications of illegal immigration. Attributing economic and social problems, such as depressed wages, high crime rates, and depleted social resources, to illegal immigrants is not a new political strategy used by leaders seeking support for their policy objectives. Anti-immigration attitudes often follow strained economic conditions, as political leaders often blame immigrants for economic problems (Citrin, Green, Muste, & Wong, 1997). Alvarez and Butterfield (2000) suggest that California politicians made immigration central in election debates and argued that illegal immigrants were responsible for California's struggling economy and overcrowded classrooms and deteriorating health care conditions, as illegal immigrants, they argued, contributed to the spread of disease. By defining House Bill 1183 around the social and economic problems purportedly caused by illegal immigration, opponents were also able to force enough political pressure, leading to the bill's defeat.

Public Opinion

One of the supporting research questions examines the role of public opinion in the debate surrounding House Bill 1183. The public's response to House Bill 1183 undoubtedly led to its defeat. Due to political pressure, co-sponsors withdrew their support of the bill; therefore, the bill did not receive enough political support to pass the House. The data indicates that the public's response, possibly not representative of mass public opinion, definitively contributed to the defeat of House Bill 1183.

When House Bill 1183 was introduced, it immediately became an emotionally heated topic for many North Carolinians who were strongly opposed to the policy. One supporter indicated that she began receiving phone calls the day after the press conference. She felt that the immediate response was due to prior planning on the part of the opposition and the coverage of the media. She said

[Rush Limbaugh] came down here to talk about this bill. Lou Dobbs talked about our bill. So the headlines, the talk radio, and these big personalities coming down definitely added fuel to the fire. ...there was also e-organizing that is something we are still trying to figure out how to counter... These blogs that are maintained by different organizations and in this situation it was an anti-immigrant organization that was basically able to mobilize large masses of people very quickly on those blogs and spread that misinformation...and had been preparing them to do so prior to the introduction of the bill...

One radio personality interviewed said the public's opposition to the bill was constant. He stated

It was nonstop. If we wanted to we could have done nothing but three and a half hours a day on it. It's the biggest thing locally that I've ever been a part of. I mean, I can't even describe it. You're talking about hundreds of calls, hundreds of emails...people were very upset about it.

The bill, according to one study participant, unleashed an “irrational passion” on the part of North Carolinians who felt threatened politically and economically—in a sense, many were concerned that if the bill was passed and benefits were extended to undocumented students something would be taken away from them.

When asked whether they felt a majority of North Carolinians supported or opposed House Bill 1183, several supporters said they were not sure because North Carolinians were not accurately informed about the bill or the issue, while opponents suggested that based on the public's reaction to the bill, the majority definitely opposed it. In his interview, a talk radio host said, “If people in North Carolina were in favor of that, it would have passed.” However, what is unclear about the outcry following the bill's introduction is whether the vocal opponents were actually representative of public opinion in North Carolina. A journalist interviewed said that because opponents were extremely “vocal and upset,” which resulted in much “attention” to their position, people perceived the bill as unpopular. She described this phenomenon as the “squeaky wheel syndrome” because “opponents sound off while supporters quietly support,” giving the impression that there is mass opposition to a policy. Another journalist shared a similar belief. She stated

That's not unusual. I must say hot button issues—the people who are opposed to something are the ones you are going to hear from and that doesn't necessarily cover your...the way you perceive the public at large.

Following the introduction of House Bill 1183, two opinion polls were released, one indicating that North Carolinians overwhelmingly opposed the proposal while the other showed public support for it. One survey was conducted by Elon University Poll, which was started in 2000 as a project of the university's Institute for Politics and Public Affairs. The other poll, which was the first poll conducted by the organization founded in the spring of 2005, was released by the John William Pope Civitas Institute, a public policy research organization, "dedicated to providing conservative solutions for North Carolina's pressing issues."

According to two interviewees, there were also online opinion polls conducted by media outlets including local television station WRAL. A WRAL poll, according to an opponent, indicated that 92% of North Carolinians opposed the bill. He also referred to a poll conducted by the *Wilmington Star*, which stated that 91% were against the bill and only 7% supported it. Other polls also showed strong opposition to the bill. However, a North Carolina researcher interviewed indicated that such online polling is rarely scientific as individuals can go online and vote numerous times. He also criticized the news media for not challenging the results of such polls.

The Elon University Poll was conducted from April 18-26, 2005, and involved telephone surveys of 842 randomly selected adults. Of the 842 participants, 49% were male and 51% were female; 34% were between the ages of 18 and 34, 39% were ages 35 to 54, and 27% were above age 55. Although the poll does not provide specific details

about participants' race, it does indicate that 73% of participants were white and 27% were nonwhite. In terms of political ideology, 44% considered themselves to be conservative, 30% moderate, and 21% liberal⁴.

The poll surveyed North Carolina residents on a variety of issues including their opinion of President Bush's job performance, social security, the economy, and House Bill 1183. In regards to the tuition bill, participants were asked to respond to the following statement/question:

The North Carolina House of Representatives is considering a bill that would allow illegal immigrants to pay in-state tuition, as opposed to out of state tuition, to attend state universities and community colleges. To qualify, the students must have attended a North Carolina high school for four years. They must also apply for legal immigration status. Do you support or oppose this bill? Do you...
strongly support, support, neither support nor oppose, oppose, strongly oppose, don't know, no response?

The results indicated that 48.7% of those surveyed either strongly supported or supported the bill, while 40.6% either strongly opposed or opposed. Survey results also indicated that "women were more likely than men to support the idea, as were younger adults ages 18 to 34, nonwhite respondents, and people who described themselves as politically moderate or liberal."

The Civitas Poll results, which were released in May 2005, indicated that 83% of those surveyed opposed the bill with 76% of those respondents being strongly opposed. According to the survey report, "There was no demographic group in the survey that fell

⁴ The poll provides political ideology information for 811 study participants. No information is provided for the remaining 31 participants. It is possible that the participants declined to provide that information or considered themselves to be independent. An explanation for this missing information is not provided.

below 71% (post-graduates) in their opposition.” This poll was a survey of 1000 registered voters who had voted in the 2002 and 2004 elections. According to an official representing the Civitas Institute, the participants were randomly selected. However, the press release and summary report about the poll does not specifically explain how the sample was gathered.

The participants were asked if they “support/oppose legislation to give in-state college tuition to illegal immigrants?” Participants were also asked, “Which of the following benefits do you believe illegal immigrants should receive from North Carolina?” 32% said emergency medical services and 45% said no benefits, while only 5% said they should receive education benefits and 5% said they should be allowed to receive a driver’s license. Participants were also asked about issues requiring most of the state’s attention. 13% of the participants stated immigration control. According to the survey results, 38% of those surveyed stated “they are more likely to vote Democrat” while 29% said Republican and 32% indicated “ticket-splitters.” Information regarding the age, race, and sex of the total sample is not provided. In a May 25 press release, Civitas officials say that their poll results “sharply contrast” with the findings of the Elon poll. Jack Hawke, the organization’s president, additionally stated

Our first poll shows there is a conservative mood in North Carolina. This was demonstrated in the answers to many of our questions. We plan to conduct monthly polls, which we believe will further confirm that North Carolinians are conservative people who want conservative government.

The following month, the Civitas Institute released another poll where they again found “there is little support for giving tuition for in-state colleges to illegal immigrants.” In this

poll, 16% of those surveyed were African-American, 80% Caucasian, 1% Hispanic, and 1% Native American. 45% were male compared to 55% female and 36% identified themselves as Republican and 50% considered themselves Democrat⁵. The poll also provided information about participants' level of education and salary.

Although these two opinion polls show differing perspectives of the issue, it is possible the language used in the survey influenced the way participants responded to the question. According to Erickson and Tedin (2001), the language used is very important. Erickson and Tedin suggest, "It should surprise no one that in survey research, as in everyday life, the answers received are often dependent on the questions asked" (p. 34). The Elon University poll accurately outlined the major components of the bill and asked participants whether they would support or oppose such policy. The Civitas Institute poll, however, did not describe the components of the bill, but simply asked participants if they support or oppose giving in-state tuition to illegal immigrants. In an interview with news station News 14 Carolina on May 26, Jack Hawke, who is the President of the John W. Pope Civitas Institute, said, "we intentionally worded questions so that we weren't pushing voters." Tim Vercellotti, according to an April 28 *Charlotte Observer* article, acknowledges the Elon's findings were possibly the result of the way the question was asked. It is possible that the Civitas poll revealed strong opposition because it did not explain that House Bill 1183 only applied to certain illegal immigrants.

Once these polls were released, supporters and opponents used them to suggest that the public was on their side. During interviews, opponents claimed that the Civitas Institute's and other polls showed overwhelmingly opposition to the tuition bill. Opponents also criticized the Elon University poll, which according to a state researcher,

⁵ The other 14% of participants were categorized as "other."

had been “well-respected by various groups” since its inception in 2000. For example, Bill Gheen, according to an April 28 article in the *News & Observer*, said, “That’s a joke. Where are these 49 percent on the call-in shows? That poll’s a lie. On the ground, it’s hard to find the one out of 10 that would support this bill.” Gheen was also reported to have said that his organization was “receiving 15 to 25 email messages per hour and a flood of calls from people against the bill.” In a May 1 article printed in the *Kinston Free Press*, Gheen also referred to the poll as “bogus” and criticized the language used in the Elon survey. According to the paper, Gheen believed the survey should have asked, “Do you support in-state tuition for illegals?” A reporter, responding to public criticism of the Elon Poll, said

There wasn’t an understanding out there. People didn’t know the exact elements of the bill...we tried to summarize the elements in each story. I think it’s sort of telling that the Elon University Poll...you know I got a tremendous amount of email after that story ran saying, “Oh, what was the wording on the poll?” “How was the question worded in the poll?” That must be why the people supported it. The wording in the question in the Elon Poll was exactly the language of the bill. I mean I got a lot of emails. “That poll was rigged.”

Supporters, on the other hand, were encouraged by the Elon poll results. Democratic Representative Paul Luebke, one of the primary sponsors of the bill, said according to the April 28 article in the *News & Observer*, “The Elon poll suggests there is widespread support for this, and the firestorm on talk radio is not representative of North Carolinians.” The same article reported that Andrea Bazan Manson said the results further indicated that supporters needed to continue advocating for the bill.

When asked about the public's perception of House Bill 1183, several supporters stated they were unsure whether or not the public supported or opposed the bill because they believed many North Carolinians were not informed about the issue of undocumented students and higher education and had little understanding of the bill's intentions. For example, one individual said

That level of frustration that just emerged as aggressive kind of hate that really came out—now whether or not that had anything to do with the bill itself is the question at hand...the majority of North Carolina didn't understand the bill. They didn't understand the bill. They didn't understand the context in which the bill was introduced. They didn't understand what the issues were that were surrounding it, and you could see that reflected in the headlines, in the quotes and the kind of comments that were being made. In the hate mail themselves, there were constantly these flags where you said that's not what the bill does. It doesn't offer free tuition, that's not what's wrong with it...There was all this misinformation that basically created this stony ground for the bill and so whether or not people opposed or supported it is a difficult question. I think people just didn't understand it.

This belief was also shared by other participants. One individual, believing that the public needs to be educated about immigration as a whole, indicated

We have a lot of work to do in helping North Carolinians understand issues around immigration. I think that even though we've been dealing with issues of race and worker rights and other issues for years and years and years, we still don't understand them...We have a lot of work to do in helping people

understand the immigration system. Why people immigrate here without proper authorization? Why a child might be from age 2 to 18 undocumented and continue in that status with no chance of changing to a legal status because there is no chance to do so? So I think given all of that, public education needs to happen and we could have a better public opinion. I do think public opinion was against this bill in many ways because of our lack of understanding as a state.

Another participant, a state legislator, expressed a similar concern that the people opposed it did so because they were not informed and further suggested the citizens who did support House Bill 1183 failed to respond as the opposition did. He said

I think the majority opposes it because they don't have the facts. I think they oppose it because they don't know. The voices that are against it are louder and have the access. You don't have people on the radio stations—people that are for it but they're not going to beat the drums for it. The people that are their guests are going to scream. It's kind of like running for office—the people that are for you are just going to vote for you. The people that are against you are going to work against you and they're going to tell other people and plant seeds. So one person against you does more harm than ten, twenty that are for you.

Although several participants felt that the public may have been more supportive of House Bill 1183 if they were informed of the issue and the bill's major components, it is possible that North Carolinians were informed and were still opposed to the policy.

Several participants said they were surprised by the intense public opposition. For example, one participant said he was not surprised because of the way immigration issues are currently being discussed. He said

No, I wasn't [surprised] because it was an opportune time for people that wanted to make a name for themselves saying they are the president of legal immigration coalition when that coalition was a coalition of one, and they used all their patriotic know how to go on radio. You had conservative radio voices talking about the race that the terrorists had a visa—two visas... So, no, I'm not surprised. I'm not surprised about anything that has taken place. We have an overnight number of stars that talk about immigration everyday... Bill Gheen, one of the fellows, Woodward, over in NC Listen... It's the same as if I say to you that we are going to be more patriotic and we want this country to be an English only country. Today, because of the situation we're in, the war we're in, the people will always win with their message of extremism, of no tolerance for anything new.

One North Carolina journalist described the public's response to this issue as the "squeaky-wheel syndrome." She suggested that it is possible that the response was not indicative of North Carolina as a whole; however, it is not surprising that "opponents sound off" while "supporters quietly support." In her experience, she indicated, the people most vocal and upset bring attention to their message, making it appear that the policy is not popular. In such cases, she suggested, "perception is not reality."

Although it is unclear whether the majority of North Carolina citizens opposed House Bill 1183, evidence suggests the response from those citizens outraged by the bill definitely contributed to the bill's demise. Legislators' offices received numerous phone calls and emails from constituents, leading ten of the original 32 cosponsors to withdraw their support from the bill. Of these ten cosponsors, three are Republicans and seven are

Democrats. Representative Paul Luebke, one of the bill's primary sponsors, said in a May 28 article in the *News & Observer* "I've been told to leave the state. I've been told to move to Mexico... This is the tenor of the remarks."

It was this political pressure that forced legislators to walk away from a bill they had previously supported. Supporters said that it is rare in North Carolina to have legislators sponsor bills and then later withdraw their support, as one supporter said, "it looks bad when you put your name on a bill and they you remove it." She also said she was approached by legislators who admitted that the bill was "the right thing to do;" however, they were concerned about future elections.

Several supporters also said they were surprised by the anger and hate expressed by North Carolinians. One supporter said

To be honest we walked into this campaign understanding there was going to be a significant amount of debate and discussion and disagreement around what we were proposing. But I think that what we didn't expect was for that disagreement to be manifested in such visceral hate. It was the threats that came in, the hate mail that started pouring in, the phone calls that were going to legislators and their families...[people] were really threatening bombs and attacks and things like that. This individual was also concerned that supporters were unable to engage the opposition in a discussion about the issue. She said that because there was no opportunity for conversation legislators felt compelled to withdraw their support. Not only were legislators criticized by their constituents, she indicated, they were also pressured by their colleagues. She stated

I think that what happened became clear to everyone is that there wasn't a dialogue happening. That was the problem. There was no dialogue. There was just positional kind of confrontations, and there was no discussion or consensus building—coming to some kind of solution so it was difficult all around for people to dialogue on the issue, and I think that once they [legislators] realized that and the kind of perceived outcry was just so loud and emotional and it was a matter of days. It was a matter of days and on top of that it wasn't just a constituent thing. It was a party thing in some ways and a lot more of the conservative Republicans came down like a hammer on some of the other Republicans. Some of the Democrats came down on their fellow Democrats for saying that they would support this. They were now having trouble advancing other issues because they had gone on the book on this issue. People were thinking about their elections, and the truth is that we realized that they were right. If they had stayed on this bill and even after they had removed their name from the bill it would most likely cost them their election. We've seen that with the sponsors of the bill. Congressional ambitions shut down, elections being dropped, and more than likely loss of elections for some of them.

The legislators who withdrew their support submitted letters to the House Principal Clerk's Office requesting that their sponsorship be removed from the bill. In a letter to the House Principal Clerk's Office, one legislator admitted that she was withdrawing her support because "after reviewing my email, I see that my constituents do not support the bill." Another legislator suggested a study bill, as he felt "the targeted group identified by House Bill 1183 merits a much broader analysis than appears to take place under the

premise of this bill.” One legislator expressed concerns that the bill would violate federal law and therefore requested that her name be removed as a co-sponsor. Interviews with each of these ten lawmakers were requested; however, one declined, one accepted, and the others failed to respond. During the interview, one representative said he withdrew his support after further consideration. He said

The short title of the bill...had something to do with enhancing education or something like that, and it was not at all connected to what was in the body of the bill, and I was asked the day that the bill was introduced by a lobbyist to cosponsor the bill, and I thought just looking at the short title that that was something that I would want to cosponsor, and then a little bit later – after I had the chance to read the bill, I decided that that was not the sort of bill that I needed to be cosponsoring.

According to a WRAL news report, Democratic Representative Douglas Youngue said he sponsored the bill because he “scanned the bill and saw a lot of nice folks on there, so I immediately signed it” and that he withdrew his support because he didn’t want to “deprive any legal citizens of this state to go to college.” Participants said legislators used such excuse to explain their initial support of the bill, but one supporter said that legislators were informed about the bill’s intentions when they were asked to co-sponsor. This person said, “That was a fall back that they used. I didn’t understand the provisions of the bill. I didn’t realize the impact it would have.” Ruth Sheehan, writing in an April 21 article for the *News & Observer*, also agreed that these politicians withdrew because of political pressure. In her article, she writes

Not since the ‘white hands’ ad during the Senate race between Jesse Helms and Harvey Gantt have I seen such rhetoric about minorities taking what rightfully belongs to hard-working (read: white) Americans. So ferocious was the reply that we saw a handful of Jell-O-jointed lawmakers who had cosponsored the bill...ask to have their names erased. The one bit of happy news here is that spineless lawmakers who equivocate always end up getting blasted from both sides.

Journalists interviewed for this study indicated that although they received letters and emails in support of House Bill 1183, the majority of such communication expressed opposition to the bill. An analysis of letters to the editor of various newspapers throughout the state and email correspondence to various individuals revealed North Carolina citizens opposed House Bill 1183 for several reasons including national security concerns, fears that the bill would disadvantage North Carolina residents, and concerns that illegal immigrants would increase crime rates and burden the state’s economy. Arguments were also made that it was unfair to students who were legal residents of other states who would have to pay nonresident tuition while undocumented students enjoyed the benefit of in-state tuition. People were also concerned that the bill encouraged more illegal immigration and that those illegal immigrants would lead to higher crime rates. Responses also reflect racial prejudices and the belief that illegal immigrants do not assimilate into American society.

These letters also substantiate a concern repeatedly emphasized by supporters of House Bill 1183—North Carolinians were not accurately informed about the bill’s components. One example is the complaint raised that the bill would take away limited seats from legal North Carolina residents, who would be denied admission if

undocumented students are admitted. Jacob Vigor, an economic and public policy professor at Duke University, in an April 24 *News & Observer* article, says, “My impression is that the number of eligible illegal immigrants—in the sense that they have what it takes to enroll in the UNC system or any institution of higher education—is not very large. So...the costs are not likely to be very large.” Vigor also acknowledges that such policies, which show North Carolina’s commitment to “improving the standard of living of illegal immigrant families,” may lead more immigrants come to North Carolina. Vigor says, however, it is possible that those who choose to come to North Carolina are those who are diligent workers who value education and opportunity. He says, “There is a lot of research to show that people who put the highest value on education are those who are educated themselves.”

National security and fears that illegal immigrants contribute to higher crime rates were concerns expressed by North Carolinians in letters to the editor and letters and emails to organizations. As expressed by one study participant, some North Carolinians seemed to associate illegal immigration with acts of terrorism. For example, in an April 22 letter to the *Greensboro News & Record*, a man writes

Many of us should be appalled at our representatives in Raleigh and the recent consideration of granting illegal or “undocumented” aliens in-state tuition to our universities. These people have no way to prove where they came from, police records, mental stability, or if they are who they say they are. After the two murders at UNCW last year, many in the system called for tighter background checks on those entering our university system. How can an appropriate check be

done if these people are undocumented? How do we know the next al-Qaida cell isn't being formed at ECU?

Some citizens also feared the social consequences that have been attributed to illegal immigrants, believing that they are involved in gangs, illegal drug activity, and other criminal acts. One woman writing in an April 30 letter to the *News & Observer* said, "For the first time in my life, I'm concerned about my safety. All you have to do is read the morning paper and you become aware of the changes in our country." In an email to a study participant, one resident who had moved to North Carolina from California, argued

In the 35 years I've lived there I've seen what illegal immigrants have done. They bring drugs, commit violent crimes, run up our taxes, graffiti about everything, run down neighborhoods. They don't pay taxes but get all the social services, they aren't citizens but are treated better than Americans, and when they get into a criminal bind, they just run back to Me-hee-co and law low for awhile and come back to the US and start it over again...My biggest gripe is that you folks and some politicians are making it too easy for all of them to come to the U.S. illegally. What kills me is this, momma-cita steals her way across the border and has a baby. Guess what? Baby-cita is now a U.S. citizen and momma and pappa-cita are now allowed to stay and care for the baby at the tax payers expense...It really urks me when I'm in the store or any other place, these folks don't even care if they learn English, why should they? America has everything written in Spanish just for them (more tax dollars). I work my fingers to the bone and pay taxes for what? More illegal Mexican immigrants...Right now 60% of the prison

population in North Carolina is black, if things go your way, in 15 years, 75% of the prison population here in NC will be Mexicans, just like in California.

As indicated in this letter, citizens also expressed a concern that illegal immigrants pose a burden to the state economy. People were resentful, as they believed their tax dollars were being used to provide social services, health care, and public K-12 education to illegal immigrants who pay no taxes. For example, in an April 9 letter to the editor of the *News & Observer* titled “Illegal is illegal,” an individual writes

Our schools are already overcrowded, in part due to educating the children of illegal immigrants. Most of them don’t have health insurance and use emergency rooms for health care—and taxpayers pay the costs. I agree, it is not fair for the children...you described, but I didn’t bring her here. Her parents did, illegally. Through their actions, they are teaching [her] not to obey the laws. If illegal immigrants’ children are allowed to attend college at in-state tuition rates, the parents are being rewarded for breaking our laws; something I would be prosecuted for doing. I wonder how many illegal immigrants take advantage of the social programs—WIC, welfare, Medicare, etc.—put in place to care for our citizens...quite often it appears that more effort is expended caring for illegals than natural-born citizens.

An individual writing to the *Charlotte Observer* on April 26 expressed a similar view, arguing

I have no problem with controlled immigration, but I have seen firsthand what is happening to this country and its taxpayers. Babies born on American soil are awarded immediate citizenship, an insult to all who would enter this country

legally. Our schools are bursting, yet we educate children of illegals to the detriment of our own. Our infrastructure is being dismantled by this run-away flood, our streets are more crowded and certainly more dangerous and our crime rate is heightened. It's time all Americans take note of this injustice and reclaim our country for all legal citizens.

Several citizens also believed that the bill showed favoritism to illegal immigrants while ignoring the efforts of those immigrants who came to America legally. In a report of the press conference introducing House Bill 1183, an April 13 News 14 Carolina report describes a North Carolina State University student whose parent's legally immigrated to the United States. The student was opposed to House Bill 1183 believing, "just the fact that they're coming in illegally and taking away tuition from other people who were born here." There were also letters from citizens who believed that such policy undermined the efforts of legal immigrants. For example, in an April 24, 2005 letter one woman writes

My dear grandparents decided to run to freedom and away from communism during the Russian revolution. They applied for immigration status to what they called "the best country in the world." The quota was filled that year and they were denied...Determined to come to this country, they moved to Austria and became citizens there. Finally, they were able to immigrate as Austrian citizens...My grandparents worked in the leather and textile mills and were poor by today's standards. My father had no financial assistance for college or medical school and worked his way through school playing the trombone in jazz bars as well as proudly serving the military. What a slap in the face this bill is to immigrants such as my grandparents who had to struggle to come to this country

legally! Perhaps we should just tell all who wish to come here from around the world to fly to Mexico and stroll right on in. Let these children work as my father did, or go back to Mexico and attend college there.

In a May 1 letter published in the *News & Observer*, another citizen expressed a similar view. He argued

It seems like citizenship is no longer something some immigrants aspire to. If we continue to bend the rules and ignore laws and give them every right and privilege of citizenship, then why should they aspire to become citizens? Most of us are descendants of immigrants to this nation. Many races and ethnic groups have paid their dues and worked hard and toiled in this country. Let's not forget that. The contributions of immigrants today are no more or less than the contributions of immigrants from 50 to 100 years ago. Special treatment for one group is not what this country is supposed to stand for. Laws are supposed to be applied equally to everyone, no matter how hard you've worked or labored here... Those who seek to enjoy the opportunities in this country should not be trying to circumvent its laws to gain them.

Opponents of House Bill 1183 consistently argued that if House Bill 1183 was passed legal North Carolina students would be denied admission to universities as undocumented students would take up limited seats. This message appealed to many North Carolinians, as this argument was often cited in letters to the editor. A North Carolina journalist interviewed suggested that such responses were a result of competition for admission to North Carolina universities. She believed

North Carolina has sort of a very intense ownership of their public universities and the state supports higher education at a higher level on a per capita, per taxpayer basis. It's a good university system that's well-respected. It's growing fast. It's competition is getting harder. It's getting harder and harder to get in. I think people feel like this is one of the real benefits of being a citizen in North Carolina...I think they felt threatened.

Several citizens were discouraged because they felt illegal immigrants would be afforded benefits that their children were not allowed to receive. In an email to a North Carolina reporter, one man writes

Tell me how does an illegal immigrant remains in North Carolina for 8 years without becoming a legal citizen. I don't care if she has a 10.2 grade average. She has a serious character flaw of being not able to tell the truth. She should have applied for legal citizenship. We sent our daughter to a private woman's college in North Carolina and paid full tuition except for few small scholarships. Our daughter was a legal resident and qualified for in-state tuition...A Republican legislator would not be so stupid and down right disingenuous as Rep. Paul Luebke, K-Durham to strap the taxpayers of North Carolina with in-state tuition. What about people who want to go to Chapel Hill from out of state? Should they pay for some person who is illegal?

Additionally, this common response was captured in May in a letter to the editor of the *News & Observer*. This individual, replying to citizens who argued that the children should not be punished for their parents' mistakes, argued that legal citizens would be

punished when illegal immigrants are taking advantage of services designated for legal North Carolina residents. He writes

Those People's Forum letter-writers who ask why we should punish the children of illegal immigrants for the crimes of their parents, I ask why should my children be punished when they have not committed any crime? Those illegals who burden the public schools, welfare programs, hospitals and public health clinics, law enforcement resources and the courts, and take jobs, driving down wages and benefits, are costing citizen taxpayers more and more every day. Now some people want places in our public universities and community colleges taken away from the children of legal citizens and given to those who should not be here in the first place? It is a federal crime to aid or encourage an illegal to remain in the United States. Those who assist illegals with jobs, public benefits, housing or education should be prosecuted and put in jail.

Another writer to the *Charlotte Observer* on April 28 extended this concern by saying allowing undocumented students to further their education would place them in competition with North Carolina students who will graduate from college and enter the workforce. This individual wrote

We're told we should be happy illegal immigrants are here, because they're taking jobs none of us want. Will we still be happy when the children of these illegals have completed college educations, using in-state tuition rates, and are competing against our children for jobs all of us want?

In addition to concerns that seats would be taken away from legal residents, citizens who opposed House Bill 1183 also believed that it was unfair that undocumented students

would be eligible for in-state tuition when nonresident students, who were legal United States citizens, are required to pay out of state tuition and fees. For example, an April 27, 2005 letter to the *Chapel Hill News* says

It is a disservice to college-bound legal residents to allow illegal aliens, who have no right to work in this country after graduation, to take limited seats at state universities. It is also unfair to out-of-state residents who face higher tuition rates.

This is a complete disservice to legal immigrants who play by the rules.

One journalist interviewed said that the most common response he received, through phone calls and emails, was “what part of illegal don’t you understand?” He said people “felt that these kids were not legal citizens and they weren’t—they shouldn’t get any type of benefit or service of a citizen.” This argument was also raised in letters to the editor. In an April 17, 2005 letter to the editor in the *News & Observer*, a woman writes

I admire the writer of the April 9 People’s Forum letter captioned “Illegal is illegal” for speaking out a reality that so many politicians are ignoring. Thousands of illegal immigrants are coming into North Carolina yearly, simply because they’ve learned the state is most gracious to their needs. This is unfair to those immigrants who legally come and strive to become citizens instead of sending their monies back to their native country...I also wonder how many illegal immigrants are taking advantage of social programs. If they are illegal, how can our government continue to contribute to such illegal actions? We are simply saying, “Sneak across the border, no need to follow immigration procedures, because you get the same benefits.”

North Carolinians also were concerned that providing benefits to illegal immigrants would further encourage more illegal immigration. This belief was reiterated by the bill's opponents. Bill Gheen, according to an April 13 article in the *Fayetteville Observer*, made this argument. Many North Carolinians also shared this view, as several commented that allowing illegal immigrants access to benefits would encourage more immigrants to come to the state illegally.

Several study participants felt that this issue was about race and that the underlying concern guiding the response from many opponents of House Bill 1183 was racial prejudice against Hispanic immigrants. For example, one participant stated

When you look at the history of racial prejudice and other forms of bias and prejudice, often people are alright with people who are different than them. People with a different language, people with a different skin color—until they feel their own rights and privileges are being infringed upon and then bias is based on class or race or language or skin color. This happens more because they feel that they may lose some privileges to somebody. So I think it falls into a classic pattern that we see in terms of other groups or other minorities have also faced.

Responses from many in the public reflected racial prejudices, particularly against Hispanic immigrants, and a fear that illegal immigrants fail to assimilate by not learning the English language. This fear was articulated in communications sent to study participants. For example, in an email one citizen wrote

America was founded for European Americans, not for any and all Third World sheet-rock hangers and busboys who managed to slip in under the radar

screen...we are not so foolish to believe that when we, as White Americans, are no longer the majority that we will be treated as the rightful heirs of the country of our fathers because you people are biologically and culturally alien to us and always will be...an ever growing movement of increasingly aware people who see you as not only an economic threat, but a criminal and cultural threat. It would be the same way if, again, thousands of poor Whites tried to enter your squalid back water little country...Go back to Mexico and take as many of your legal and illegal kinsman with you to maintain your own country, and we will tend to ours.

In other communications, individuals voiced concerns that illegal immigrants do not assimilate well into American society. In an email, one person wrote

The worst part is the fact that they do not learn our language. We are an English speaking country, and that is the language they should use. We are not a bilingual society nor should we become one just because a segment of illegal aliens refuse to adopt our language. If you can't speak English, then leave!

In response to an editorial in the *Charlotte Observer* supporting House Bill 1183, one man wrote in an April 20 letter to the editor

Until state government establishes and enforces an official policy on immigration, it should enact no further inducements such as college tuition breaks to attract even more immigrants. North Carolina is still a poor and undereducated state. It makes no sense to use limited university seats to educate illegal immigrants at the expense of our kids. Diversity has become the altar of worship for socialists disenchanted with Christianity, the English language, American ideals, and even American history. During World War II, I got a belly full of foreign diversity at

its ugliest. At war's end you can't imagine the exhilaration of coming home to my people, my town, my friends, my roots. I fear we have lost our most precious values—the appreciation of our homeland, our culture, our religion and our language.

Although there were numerous examples of public opposition to the bill, there were various communications that indicated the public was willing to engage in a thoughtful debate about this issue and considered the bill to be of economic and social importance to the state. These responses generally argued because the students would continue to live in North Carolina, the state should reap the economic and social benefits and that children should not be punished for their parents' mistakes. For example, in an April 24, 2005 letter to *News & Observer*, a citizen who supported House Bill 1183 writes

Latino families coming to North Carolina share the same values and work ethic of most of our immigrant ancestors. They have come to work hard, with strong faith, and build a better life for their families. Most often, they are working in low-wage jobs without health insurance. Contrary to popular myth, they are taxpayers too—they pay sales tax on everything they buy here...If they own property, even an old car, they pay property tax. And they pay income tax unless their employer is paying them under the table so that employer can avoid paying the employer's share of payroll taxes. They don't benefit as much as the rest of us do from the services and safety net funded by those taxes. Latinos are just like us—struggling to build a better future of our kids...we must invest in our immigrants' children. Already our state needs college graduates to fill shortages in business, education and health services. Governments and businesses are looking for people who are

bilingual and are hiring translators. I hope our legislators will support House Bill 1183...because these students, if they are able to get a college education, will provide long-term economic benefits to the state as part of a highly educated and bilingual workforce. What could be more American?

Another writer, employed as a high school guidance counselor, tried to dismiss claims that undocumented students are lawbreakers and contribute to high crimes. In an April 28 letter to the *Charlotte Observer*, this individual writes

As a high school counselor, I've worked with many undocumented resident children. By and large, they are the products of caring families. They value education and possess a strong work ethic. Many have been educated exclusively in English and possess excellent English skills, with the added benefit of fluency in a second language. They are ready for college but priced out of the market. Out-of-state tuition rates put even community college out of reach. These students deserve a shot. Like it or not, the children of undocumented residents are here to stay. If North Carolina is to have a vibrant future in the global economy, we must fully educate all our residents.

Additionally, a writer to the *News & Observer* on April 22 also argued the economic benefits of the policy but argued that the children should not be forced to suffer their parents' mistakes. Refuting arguments that lawbreakers should not be rewarded, she says

The children of illegal immigrants did not break the law, even though they are undocumented. They were brought here and had no choice in the matter. To refuse them in-state tuition is to punish them for what their parents did. If these young people have completed high school in North Carolina and can meet the

admissions requirements of our colleges, I think they should pay in-state tuition. According to the legislation under consideration, they must file for citizenship to be eligible. It is to our benefit for our future citizens as well as our existing citizens to be as well educated as possible.

Other citizens encouraged others to show compassion for the students, as America has historically been a nation of diverse people. One individual writing in an April 30 letter to the *News & Observer*, appealed to others to respect and welcome immigrants who wish to contribute to North Carolina society. In his letter, he writes

We have dirty names for them: illegal aliens, undocumented immigrants—but what are they really? Are they terrorists who sneak across the border hoping to infiltrate, seize control of and destroy our way of life? Of course not, they are people, people like you and I. They are parents, sons and daughters looking for a better life for themselves and for future generations. Their skin may be a different hue, they may speak a different language, they may even have customs that we have never seen before, but they are humans, with a desire to embrace, not destroy, a country whose prized statue overlooking one of its greatest cities speaks of a land of welcome and shelter. Where have this welcome and shelter gone? When were they replaced by greed and caustic racism? When did we stop valuing the lives of people? When did a person's immigration status begin to determine the value of his or her life?

Summary of Public Opinion

Although letters to the editor indicate some support for House Bill 1183, supporters and opponents agree that the opposition was more vocal, and this political

pressure led cosponsors to withdraw their support. Letters to the editor and other communications also support claims that people who were outraged by the bill were primarily voicing their frustrations toward illegal immigration. Lost in the discussion was the future of these children and opportunities they could have to gain citizenship and become productive adults, which is the discussion in which supporters hoped to engage the public. Although the opposition was extremely vocal, the Elon University poll suggests significant support for House Bill 1183, specifically when citizens were made aware of the bill's goals. The vocal opposition may not have been representative of the majority of North Carolinians; however, its impact cannot be understated. Therefore, the data suggest that public opinion, in the case of House Bill 1183, definitely contributed to defeat of the legislation.

Advocacy Coalitions

The final supporting research question examined the role of advocacy coalitions in this policy debate and the extent to which their involvement influenced the state legislatures' rejection of House Bill 1183. The data suggest the organizations involved played an important role in the political debate surrounding House Bill 1183. The supporting organizations were key in the conceptual development of the bill, while the opposing coalition effectively informed their base and the public, leading to the political pressure that led to the bill's defeat. Although several participants felt that supporters were surprised by the opposition's response and were unprepared to counteract the negative response, it cannot be said that the bill's defeat was solely a result of any lack of planning or strategy on the part of supporters or the strategy of the opponents. The data raises several questions: would the bill have passed if the time, demographics, and

context were different? Would the public have responded so negatively to this bill if it had been introduced several years earlier? The data suggest so, as national and state concerns about illegal immigration dominated this policy debate.

This section will begin with a discussion of the opposing coalition and the strategies they used to oppose House Bill 1183. The supporting coalition and their strategies will then be discussed. The majority of individuals interviewed for this study were supporters of House Bill 1183. Therefore, more information was gathered about the supporters' strategy than the opponents' strategy. Additionally, one participant, an opponent of House Bill 1183, declined to disclose certain aspects of his strategy. Consequently, this section provides a more thorough discussion of the supporting coalition.

The opposing advocacy coalition consisted of two groups: NC Listen and Americans for Legal Immigration (ALI-PAC)—both organizations committed to ending illegal immigration and immigration reform. These groups used the media, press releases, talk radio, online petitions, and emails to inform their constituents and to get their message out to North Carolinians not affiliated with their groups. They had also established networks with other state and national groups. According to one individual, he had collaborated with more than 50 state and nationwide organizations to oppose bills such as House Bill 1183. One of their initial strategies was to get their message out through talk radio and other outlets and encourage citizens to contact their representatives. According to one participant, the strategy was simple. He said

We followed through with the grassroots oriented strategy from day one...our basic strategy was to contact people directly, our friends, our family, our neighbors, our coworkers, and let the domino effect go into play.

According to one supporter, these organizations were “using the internet, email, and some other tools very effectively to mobilize people.”

The advocacy coalition initiating and supporting the bill consisted of four organizations: El Pueblo, Student Action with Farmworkers, the North Carolina Justice Center, and the North Carolina Society for Hispanic Professionals. Although each of these organizations has distinct goals and missions, their work aligns making them likely advocates for this issue. In their work with House Bill 1183, the organizations were committed to ensuring opportunities for immigrant students to succeed academically and further their career goals through postsecondary education. Each organization was involved, to some extent, in the conceptualizing and strategic planning for the bill; however, many participants agreed that El Pueblo, as stated by one participant, was the main “driver” behind House Bill 1183 and was the target of most of the threats and “backlash” generated by the bill.

These organizations began planning House Bill 1183 in early 2005 in response to concerns that many successful students, upon graduating from high school, were unable to attend college because of the costs of nonresident tuition. When asked what initially prompted them to support this legislation, participants felt there was a policy need because many students were achieving in schools but were unable to realize their dreams of attending college and pursue professional occupations. Therefore, an in-state tuition bill for undocumented students was, according to one respondent, “on the top of our

legislative agenda.” For one participant, it was the work that she and her organization had been involved in that prompted her support of House Bill 1183. She said

Well, we have a program that supports the leadership of migrant youth and so we work a lot with junior and high school migrant kids to encourage them to finish school, finish high school and to go to college. We have a scholarship...actually for migrant students. We take migrant students to live in colleges and universities all around the state so they can get more acclimated to the process of applying. They can learn about the different college policies so we do all this work that supports migrant students to be able to succeed in school and careers...so we're doing all this work to encourage them and support them to be in that position. They get ready to apply and they're just—they just high a wall. And so it was based on the kids that we work with and what we're seeing. We're getting calls all the time from parents and kids—“What do I do?”

Another participant suggested that it was a concern of what could happen to an entire generation of children if denied access to education that led her to become involved with House Bill 1183. She said

Our kids are not able to get into universities because of the cost of out of state tuition multiplied by the fact that they don't qualify for financial aid, for most financial aid and very few scholarships. So that realization and the fact that starting in February, March, and April as our kids were getting ready to graduate, we would start getting phone calls from some kids asking how they could get into college and having to tell them over and over again that there were few to no options for them available, we began to realize that this was a huge issue. Not

only for our community, but potentially for the entire state. So really we were looking at it from the perspective of not only ensuring that our kids had access to a higher education and were able to stay hooked into community and society but also realizing what the consequences would be on an entire generation of youth that are disenfranchised from an education system and what that would mean for everybody in this community.

In initiating this legislation, supporters felt it was very important to receive bipartisan support for the bill, so they looked to have two Democrats and two Republicans as the primary sponsors of the bill. One participant said, “This is not a Democratic issue or a Republican issue. It’s about educating students, and it’s an economic issue.” In fact, a supporter said that one of the important lessons she learned from her experience working with Senate Bill 987 was to be more selective about legislative sponsorship. Supporters looked for “unlikely champions” to sponsor House Bill 1183; therefore, they solicited the support of “two progressive Democrats,” Representatives Paul Luebke and Rick Glazier, and “two very conservative Republicans,” Representatives John Sauls and Jeff Barnhart, to serve as primary sponsors. In terms of cosponsors, supporters indicated that they tried to get as many legislators to sign on to the bill as possible, and they were able to gain support from 32 legislators. One participant said

After that press conference, we had a group of students that were with us, and we just combed the General Assembly and approached everybody that we thought would be interested in an education bill and started recruiting sponsors. So we literally had all these kids that were dressed in their suits and their best clothes and just running to the general assembly trying to find sponsors...it was generally

a good reception...a lot of people that we spoke to were very understanding about the intentions of the bill and thought that it was a good idea. I think that what happened later had more to do with political liability than it did with the strength of the policy itself.

To garner political support for House Bill 1183, El Pueblo prepared a policy recommendation memo informing the public of the issue, the restrictions posed by Section 505 of IIRIRA, the tuition bills introduced in other states, and the economic benefits of extending in-state tuition to undocumented students. The press release created for the bill's introduction also described the economic and social benefits behind House Bill 1183, the legislators supporting the bill and their reasons for support, the educators, businesses, and additional organizations supporting the policy, estimates of the number of students the policy could benefit, and potential costs. The press release stated, "The proposed legislation does not require any additional appropriations from the State. It does not require any additional in-state seats. These students would be added to the already existing applicant pool to compete for admission on the basis of merit." They also distributed letters from students in which they described their school accomplishments and their hopes for the future. In discussing the strategy behind House Bill 1183, one legislator said

First, we tried to pass the bill, and it was the most restrictive bill in the country of the ones that had been passed to head off some of the criticism. Second, we held a very organized press conference. Third, we made sure we had if not the overt but the tacit...support of the university and community college systems. We made sure we got public figures involved...Governor Hunt was wonderful behind this.

Bill Friday, a number of people who were very outspoken and supportive of it. Fifth, we wanted to make sure we had bipartisan support...and we wanted to make sure we had a number—several dozen co-sponsors from all across the state so it was geographic disparity, racial and ethnic disparity in the sponsors...We created talking points and sheets for our members. Once the bad publicity hit, we really got into responsive mode in sending out correct information by email, email newsletters and direct newsletters to constituents and conversations with newspaper editors and editorial boards. We tried to mobilize the advocacy groups to mobilize their constituent members to send positive correspondence in to counteract the negative.

Unlike Senate Bill 987, supporters decided to introduce the bill publicly through a press conference because one of the primary sponsors insisted on being upfront about the legislation, which according to one supporter was a mistake. When the bill was introduced supporters were confident, and many admitted that they were surprised by the antagonistic response to the bill. For example, one participant said

We were very optimistic...I felt very positive. We felt quite hopeful. I think there was a certain amount of surprise when the anti-immigrant and people against this bill were so loud and successful in breaking down the support of the bill. I think there was some surprise and discouragement about how loud and how powerful those voices on the other side were.

One participant said he had suspected that the bill would be controversial and had warned supporters not to underestimate the opposition to the issue. He said

The folks at El Pueblo thought that this was going to be breeze and I told them it wasn't. People on the political spectrums tend to run around with folks that think like they do and so the folks over at El Pueblo and all the advocates for this...had been hearing for three or four years how wonderful Hispanics were and that sort of stuff so they thought this was going to be a breeze. Since I am conservative...I suspected they were going to get a very big surprise because immigrants are fine as long as they are working for you. They're not fine once they cost you money and that's what this bill would do. Of course it unleashed a tirade of frustration that many people had with illegal immigration and it gave them the issue they could hang their hat on.

Two participants implied that former Governor Hunt's endorsement of the bill led to this optimism. According to these individuals, supporters believed because Governor Hunt publicly endorsed House 1183 the public would naturally approve of the policy. For example, one of these individuals said

I think it was Governor Hunt. When he does things he does things publicly, and it was wonderful he came aboard. He has a lot of power in this state, and I think there was maybe the belief by all of us that if he was on board that it wouldn't be so negative. You've got someone in that position of power as he is who is loved by the state to come out and support something that it would be better.

Because they were caught off guard by the public's response, several supporters commented that they were not as prepared to counter the opposition, which led them to recognize the need to further educate the public on this issue. One legislator said

What we didn't do a good job in was really getting out and doing the prep work before the bill was filed, and we really didn't respond fast enough to the overwhelming negative press the first couple of days.

Similarly, another legislator said

I have found that if you don't work an issue really well before you introduce a bill that may be controversial, you're sort of dead in the water because this information gets out there really fast. So I think maybe if it had been preceded by a study committee and then the study committee had made the recommendation and had done a thorough analysis that members who had worked pretty hard and understood what the issues were rather than just we're going to do this. I think people thought that just because Governor Hunt came down here and had a press conference, that everybody was going to think the bill was ok.

Supporters have also recognized the need for more statewide collaboration to get more organizations and leaders involved in advocating for this population of students. For example, one participant felt that they needed to have done more collaboration and planning with organizations outside of the "core team" before the bill was introduced. She said

Other folks came in primarily as supporters, which in retrospect was one of the critical mistakes we made. It was not enough pre-collaboration to the buildup. I think that amount of organizing that was happening on the other side did not match the organizing that we were doing to prepare our folks for the bill dropping so far a lot of people they heard about the bill when everybody else heard about the bill in the media, and they hadn't been prepped or trained or mobilized, no

phone trees were created. None of that happened before the bill was introduced, and it would have made at least some difference.

Despite the actions of the opposing organizations and the public's response to the bill, supporters consistently held to their initial strategy, which was to inform the public and legislative officials of the policy need and its social and economic benefits. When asked if the organizations changed their position at any time, one supporter said

No. We had no interest in duping anybody. We were up front. We laid out our views. We laid out the bill. We gave real efforts at talking about numbers and how this would look. We further gave recognition that the immigration system was broken and that this was a temporary solution to a much larger issue that we were also dealing with at the federal level. It was a responsibility that we have to our community, to the integrity of our advocacy work and to the greater North Carolina to say, "Yes, we recognize the validity of some of your frustrations and are working toward real comprehensive solutions to those but in the mean time, let's not lose this opportunity. So, no, there was never a point where we said let's change this talking point or let's stop saying that. We may have tightened some of what we were saying or responded to issues that emerged out of the community or out of the media, but in terms of strategy or overall message, we never ventured from it.

Although supporters recognize that the bill will not be reintroduced in the near future, several suggested that the debate was far from over. For example, one supporter said,

We're heading into a short session in May and no we're not going to try and resurrect the in-state bill in May...it would do more damage than it would do

good and so that being said, we will go after it again. How can we not? It's just a matter of timing and strategy and taking the time to build the base of support and knowledge and understanding that we need for this bill to land somewhere soft instead of what happened to it where it was hanging out there with nothing. Supporters also said that the DREAM Act was extremely important and suggested that they would continue to lobby for this policy at the federal level.

Summary of Advocacy Coalitions

Data suggest these organizations played an important role in the debate surrounding House Bill 1183. Both the supporters and the opponents based their arguments on the social and economic implications to sway public and legislative opinion. The data does not, however, suggest that the bill's defeat was based on the strength or scope of the opposition's advocacy coalition (the advocacy coalition consisted of two groups), rather it was the strategic and political skill of the advocacy coalition in getting their message out that made them successful in their policy objective.

CHAPTER V

DISCUSSION

Introduction

Chapter Five begins with a brief discussion of North Carolina politics and political culture, as Majcherak (1984) and Birkland (2001) suggest policy research must examine the context in which political issues are debated. The study's major findings are then discussed and placed in the context of the literature on the policy process and immigration policy. Implications for further research and practice are then explored and conclusions are provided.

North Carolina Politics and Political Culture

According to Luebke (1998), North Carolina, through its commitment to public K-12 and higher education and economic development, has been deemed a “progressive” state, particularly when compared to other states in the South (p. 1). In the early 20th century, the state had several influential leaders who capitalized on education and economic growth. Governor Charles B. Aycock, who served the state from 1901 to 1905, has been called the “Education Governor,” as he advocated for more funding and resources for public schools, lengthening the school year, and the construction of new schools for black and white students. Aycock also encouraged increased funding for black schools, but according to Luebke, Aycock “openly acknowledged that more resources go to white schools” (p. 7). Fleer (1994) says that Aycock’s commitment to educational growth has been termed “‘the most remarkable educational campaign’ in the state’s history” (p. 11). Aycock was also instrumental in advancing teacher training and providing high school education to students in rural counties. Fleer notes, “Significant

progress was also made in higher education, thus helping the state university to become recognized as a regional and national leader” (p. 12)

Although Aycock did much to advance educational opportunity in the state during his administration, Luebke (1998) also refers to Aycock as the “Segregation Governor” because he believed “social harmony necessitated that blacks be disenfranchised” (p. 7). He advanced education throughout the state so that white citizens would be literate and therefore be eligible to vote. Luebke also describes Aycock as an ardent supporter of white supremacy. Aycock’s education goals were in effect to gain political support for the Democratic Party. Essentially, Luebke says, “were it not for their white supremacy goals, the Democrats might not have even promised educational improvements” (p. 7).

Aycock’s administration was succeeded by four governors who Fleer (1994) says were leaders of “progressive administrations,” and continued the state’s development in not only education but in industry, earning the state the title “the Wisconsin of the South” (p. 12). Through investment in highway construction, Luebke (1998) says North Carolina “lead the South in industrialization,” (p. 9) and while most states continued to depend on state-wide property taxes, in 1921, North Carolina implemented individual and corporate income tax, making it “one of the first” states to do so (p. 10).

Although the state’s education and economic programs benefited blacks and low-income whites, Luebke advises that “progressive” should be used “cautiously” when describing North Carolina (p. viii). Luebke argues that much of the state’s early development created an “economic elite” whose connection to Democratic state leadership ensured that such development was intended for their own benefit (p. 2). For example, in the 1930s, state leaders considered a sales tax or increased business taxes to

generate additional revenues for government initiatives. The sales tax was opposed as it was argued the tax disadvantaged working farmers; however, business leaders opposed additional taxes. Governor J.C.B. Ehringhaus, who in his election campaign opposed the sales tax, later endorsed it saying it was necessary to fund public education. Luebke says, “Ehringhaus justified the sales tax as if taxes on business or the wealthy were not possible” (p. 11). Despite advice from the state Tax Commission, North Carolina instituted a sales tax, as the commission’s proposal would have led to taxes that “would have burdened business and primarily the wealthy” (p. 12). In describing this aspect of North Carolina’s history, Fler (1994) says

A virulent white supremacy campaign, the segregation of African Americans in poor schools, gradual but sure regressiveness of state taxes that funded state progress on the backs of those least able to pay, an intense antagonism toward unions—these and other aspects of the state’s history in the first half of the century belie any notion of political and economic leadership that can be described as democratic and progressive. (p. 13)

North Carolina Democrats achieved and maintained control in state politics in the first half of the twentieth century by advocating white supremacy. This can be seen in the state’s 1898 elections where Democrats used physical violence and threats to prevail over political opponents. Literacy tests and poll taxes were instituted to deny African Americans the right to vote (Luebke, 1998). This pattern continued until the 1950s when two events signaled changes in the state Democratic Party—the 1948 Democratic primary election and the 1950 Senate election (Fler, 1994). Kerr Scott, in 1948, won the Democratic primary and gubernatorial race by “advocating greater concern for the state’s

rural majority” (Luebke, 1998, p. 15). Governor Scott’s administration, Luebke says, “stretched the Democratic Party’s progressive ideology to include neglected areas of society” (p. 15).

Luebke (1998) says that the 1950 United States Senate election race between Frank Porter Graham and Willis Smith “highlighted the emerging conflict” between those Democrats supporting civil rights and those who wanted to maintain a segregated society (p. 17). Frank Porter Graham, a popular state leader, served as president of the University of North Carolina, and was appointed to the United States Senate by Governor Scott in 1949. It was assumed that Graham, because of his popularity, would win the senate election of 1950; however, Willis Smith’s campaign attacked Graham’s “commitment to economic and racial reform” (Luebke, 1999, p. 16). For example, forged postcards were mailed (supposedly from the NAACP) throughout the state to white citizens. These postcards praised Graham for his work to promote African Americans’ rights in North Carolina. Graham was also called a “Communist.” Because of these criticisms, Graham lost the election. Luebke says

Graham’s lifelong commitment to racial change made him an unacceptable symbol to many white Democrats. But to others the party should have been heading in that direction. More than any other issue, race would tear apart the party in the decades to come (pp. 17-18).

Similarly, in 1990, Jesse Helms used a similar campaign strategy to win the U.S. Senate race against African-American leader Harvey Gantt.

Race relations have marked a critical divide in state politics that have been dominated by “modernism” and “traditionalism” ideologies since the 1960s (Luebke,

1998). Luebke says the modernizers tend to advance economic growth, listen to the needs of minorities and women, and encourage “an active state government” and therefore, support taxing for government initiatives (p. 24). Traditionalists, on the other hand, prefer limited government control and often oppose tax increases. They tend to be religious conservatives and favor “economic growth that could reinforce the established social order” (p. 20). Traditionalists also resist advancements in gay and women’s rights and affirmative action policies. In North Carolina, modernizers tend to be Democrats and moderate Republicans and traditionalists tend to be conservative Democrats and Republicans (Fleer, 1994). Although both groups have differing core values, Luebke (1998) argues that “traditionalism and modernism” cannot be “synonymous with conservatism and liberalism” because “modernizers are not in fact liberals on either economic or social issues...modernizers are at best moderate conservatives” (p. 27). Additionally, Luebke says when addressing matters important to minorities and women, modernizers are not likely to initiate policies unless they are urged by such groups. As both ideologies struggle to attain political power in North Carolina, Luebke (1998) references several state elections that he argues, “have accentuated the prominence of traditionalism and modernism” (p. 28). Those elections have included wins by Jesse Helm in 1972, 1990, and 1996, and Jim Hunt in 1976 and 1980. Candidates, such as Jim Martin and Jim Hunt, have received great support with “a blend of traditionalist and modernizer ideologies” (p. 28).

Although the Democratic Party maintained control over state politics for much of the twentieth century, the Republican Party surfaced as political contenders in the 1970s. In 1972, North Carolina elected a Republican governor and United States senator for the

first since 1896. Jesse Helms, elected to the U.S. Senate in 1972, was a strong traditionalist and a supporter of segregation and Christian values, which provided his political support and aided the growth of the Republican Party in North Carolina (Luebke, 1998). In this election, Luebke says, “Helms had built a coalition of social traditionalists, economic traditionalists, and straight-ticket Republicans...He contributed mightily to the rise of North Carolina Republicanism” while the Democratic Party became more sympathetic to women, minorities, and environmental causes (p. 31).

This development is significant in state politics because as Luebke (1998) says, “By 1984, any Republican candidate running statewide could expect to gain a majority of the white vote,” while blacks regularly supported Democratic candidates (p. 189).

Democrats depended on black voters but had to have at least 40 percent of white voting support to win elections. Republicans were successful if they captured at least 60 percent of white votes. Much of Republican success was due to gains made by the national party and political campaigns emphasizing some modernizer values including education reform and social values held by traditionalists. State Republicans won important elections in 1984, 1986, 1988, and especially in 1994. In 1994, state Republicans became the majority in the House of Representatives and came close to becoming the majority in the Senate.

Luebke (1998) acknowledges the religious right is often credited with these gains.

By 1996, state-wide Democratic Party membership had declined from 70 to 56 percent. Luebke (1998) says the Democrats’ “position on race and gender issues hurt them among white voters” and because they were reluctant to “shift the burden of taxation to big business and the affluent,” Democrats were unable to connect with middle and low-income whites, while Republicans did so by “labeling Democrats the tax-and-

spend party” (pp. 217-218). Although the traditionalist ideology became prominent in the 1990s, it was their social beliefs, rather than economics, that attracted voters and state leaders. The state government continued its investment in business, operating under the belief that “what was good for business was good for North Carolina” (p. 48).

North Carolina since the 1960s, according to Fleer (1994), “has become a state of increasing two-party competition within a framework of Republican dominance in presidential politics, Democratic dominance in state legislative politics, and growing competition in gubernatorial and congressional politics” (p. 158). This competition has led to more “ticket-splitting” voters and “decreased party loyalty” (p. 163). Luebke (1998) asserts despite the success of the Republican Party, the state will not likely become “firmly Republican” as other southern states because of “the migration of many nonsoutherners” who do not adopt traditionalist views (p. 236). In predicting North Carolina politics, Luebke says

North Carolina’s political future will likely be closely contested between Republicans and Democrats into the twenty-first century. Republicans will try to demonize the Democrats as tax-and-spend liberals; Democrats will seek to stereotype Republicans as heartless Newt Gingriches who would deny social programs to the needy young and old people of the Tar Heel state. But most importantly, who wins in the twenty-first century will heavily depend on how Republicans and Democrats solve the strong intra-party conflicts that, in the late 1990s, showed no immediate signs of easy resolution. (p. 236)

Interpretation of Findings

It is within this political context that House Bill 1183 was introduced in April 2005. This study's primary research question investigates the social and political factors influencing the policy debate involving House Bill 1183. The data suggest that those factors include the changing demographics of the state and the time and context wherein the bill was introduced, the media, specifically conservative talk radio, social and economic concerns and concerns about illegal immigration, and the public's response to the bill. One study participant felt that these factors, concerns about illegal immigration, the timing of the debate, the growing Hispanic population, and talk radio, combined and affected many North Carolinians' views on this issue. In his opinion, these factors created "the perfect storm," leading to one of the most heated political debates of the year.

Additionally, this study is grounded in the advocacy coalition framework developed by Sabatier and Jenkins-Smith (1993), which suggests that policymaking is the result of competition among advocacy coalitions who compete to achieve the policy objectives. Through this study, the researcher explored the advocacy coalitions involved in the debate surrounding House Bill 1183 and the strategies they used to affect the outcome of this policy debate. The findings, however, are not consistent with the major tenets of the framework. For example, the data does not indicate the presence of significant, highly organized coalitions, as described by the framework. Although the supporting and opposing organizations were key in this policy debate, the data suggest that the bill's defeat was not solely the result of the depth of their coalitions or lack of strategy; however, it was the issue and the perceived implications of the policy that primarily drove the public's reaction.

When House Bill 1183 was introduced, supporters did not anticipate the intense opposition from many North Carolinians. Although several said they expected some disagreement, they were surprised by the anger and frustration that arose from this bill. One of the factors believed to have contributed to this reaction is the growing population of illegal immigrants living in North Carolina. This finding is supported by the literature that suggests the public's attention and reaction to an issue is often influenced by the "concentration" (Peters, 1986) or its "proximity" (Rocheft & Cobb, 1994b). Study participants believed that concerns about this growing community were expressed in this political debate. Hispanic immigrants have become a highly visible part of North Carolina's community (in schools and in the workforce), and North Carolinians voiced their concerns about illegal immigration and the social and economic problems associated with it when responding to House Bill 1183.

Historically, waves of immigrants have met resistance from the American public and demands for exclusion because many citizens perceived immigrants as racially inferior and were concerned that immigrants would not assimilate into American society. Immigration policies have been implemented in response to the public's concerns over illegal immigration and demands for immigration reform (DeLaet, 2000). DeLaet (2000), for example, says, "Rising numbers of both legal and illegal immigrants since the 1960s have contributed to the widely accepted perception that immigration is 'out of control.' Politicians frequently speak of 'invasion' when they publicly discuss immigration and increasingly treat immigration as a 'national security' concern" (p. 2). Gimpel and Edwards (1998), when discussing immigration policies in the 1990s, suggest "immigration concerns unified congressional constituencies in some parts of the country,

such as Southern California, in other areas of the country it was divisive, and in still others it was not salient at all” (p. 212). Furthermore, Alvarez and Butterfield (2000) found that individuals living in Southern California were more likely to support Proposition 187 than residents of Northern California as those residents lived in areas with larger immigrant populations. In their study, although Citrin et. al (1997) did not find a relationship between immigration opinions and immigration levels, they do acknowledge “the influx of newcomers to a community and the nature of their local impacts almost surely will affect the level of anti-immigrant collective action” (p. 877).

Passel (2006) estimates that between 2002 and 2004 North Carolina was ranked eighth in states with the largest numbers of illegal immigrants with approximately 300,000 illegal immigrants. Karsarda and Johnson (2006) also find that approximately 45% of North Carolina’s Hispanic residents are undocumented. According to study participants, this population has become highly visible in the past decade, which in their opinion, triggered the public’s response to House Bill 1183. Seeking economic opportunities, Hispanic immigrants began coming to North Carolina to fill agricultural jobs in the 1970s, and as employers experienced labor shortages, Hispanic workers were able to fill positions in other areas such as the textile and meat-processing industries (Luebke, 1998). Luebke (1998) says, “Not surprisingly, the Latino migration toward available jobs was accompanied by both social and economic conflict” (p. 132).

The organizations involved used social and economic arguments to advocate for or against House Bill 1183. Supporters argued that the policy would provide long-term benefits to the state, as the students would be educated, assume higher paying jobs, and contribute financially to the state’s economy. Opponents argued that the policy would

further burden the state's economy, as taxpaying citizens would be forced to finance the education of illegal immigrants. Additionally, North Carolinians would be denied admission to state universities because illegal immigrants were being admitted. Analysis of letters to the editors and other communications indicate that North Carolinians' opposition to the bill reflected the opponents' perspective of this issue. North Carolinians felt the policy would encourage more illegal immigration, drain the state's economy, and lead to increased crime rates. The finding that North Carolinians opposition to House Bill 1183 resulted from social and economic concerns is consistent with previous research. Alvarez and Butterfield's (2000) findings indicate that people's "perceptions" of the economy influenced their vote for or against Proposition 187. People with negative views of economic conditions were more likely to support Proposition 187. Chandler and Tsai (2001) also found those with negative perceptions of the economy held "anti-immigration" views. Additionally, Citrin et. al (1997) say "Unhappiness about the state of the national economy, anxiety about the prospect of rising taxes, and negative assessments about the economic and social costs of immigration are persistently related to restrictionist opinions" (p. 872). Citrin et. al further discovered that those restrictionist attitudes increased even when economic conditions had improved. They suggest this may be a result of "the public's exposure to and acceptance of arguments about the economic costs of immigration" (p. 873).

Interestingly, when examining the influence of an individual's economic status and their immigration views, studies find no significant influence but indicate that concerns about national and state economies have a significant influence on perception. For example, Alvarez and Butterfield's (2000) study suggests "personal financial

situation” was not a factor “because nativists cycles are driven by poor overall economic conditions of the state or nation, validating earlier research on the importance of national economic perceptions on voter behavior” (p. 176). According to Citrin et. al, their findings are similar to others suggesting “personal economic circumstances, whether defined in objective or subjective terms, fail to exert a strong influence on preferences on public policy questions and vote choice” (p. 872).

Data from the study also suggests that some North Carolinians opposed House Bill 1183 because of racial prejudices toward Hispanic immigrants and concerns that these immigrants fail to assimilate into American society; however, those individuals may represent the extremes of those who opposed the bill. Other studies show that race was not a primary factor in support of immigrant restriction policies. For example, Chandler and Tsai (2001) in their study of factors affecting people’s attitudes toward immigration find that race was not a significant factor. Their study finds “the same percentages of both Whites and Blacks believe the number of immigrants should be reduced” (p. 186). As the authors compared the responses of “whites” and “nonwhites,” they found that “nonwhites were somewhat more favorable toward larger numbers of immigrants. Still, 60% of nonwhites wanted to limit immigration further” (p. 186). Alvarez and Butterfield (2000) also considered the impact of race on people’s support of California’s Proposition 187. They argue

History shows us that nativism is not race dependent. The differentiating factor has been simply immigrant versus native status. Because blacks have historically perceived themselves as competing against illegal immigrants for jobs, we would expect them to support the measure more than other racial groups. (p. 170)

Their results indicate that black residents and people who felt economically threatened supported Proposition 187. In terms of fear of assimilation, Chandler and Tsai (2001) found the belief that immigrants pose a cultural threat in regards to the English language was an important factor in determining opinions. Gimpel and Edwards (1998) also recognize that assimilation has been a concern of Americans. According to the authors, “Many citizens and legal residents resent the proliferation of neighborhoods where only Spanish (or another foreign language) is heard. Many members of Congress routinely receive letters complaining about foreign-language signs, phone books, and automatic teller machines” (p. 302).

Opponents were well-prepared to attack House Bill 1183 immediately following the bill’s introduction. One supporter believed “the other side was mobilizing from the beginning of the session. From January, waiting for us to drop the bill.” Opponents were able to use talk radio effectively to get their message out to an audience that reached beyond their base of support. A radio host interviewed for this study said he attempted to represent both sides impartially—to provide a forum by which the issue was discussed and listeners then made the decision to support or oppose, but he openly acknowledged that he opposed House Bill 1183 as he said

When you have people that are here illegally, you have people who are here in the purse sense and form of breaking the law and you reward them by giving them in-state tuition and if that’s the case they you’re echoing what people told me—what does that say to the kid in Tennessee, an American citizen? Should he get in-state tuition?

Interviews from other sources suggest that conservative talk radio programs were not impartial—that programs used this opportunity to express opposition toward House Bill 1183. Several supporters said they declined to appear on talk radio programs because they would be criticized or as one legislator said, “beat up.” Supporters believed programs offered little opportunity for civil debate about the issue, and because opponents used talk radio as a medium, they were able to encourage people to contact to their representatives. Barker (2002) says “While traditional media...attempt to uphold occupational norms of objectivity and equal time in their coverage of political events, the new media are not regulated by such canons” (p. 1). Talk radio, according to Barker, is an example of this new media.

According to Barker (2002), recent research studies have found that people who listen to talk radio programs are politically active and use talk radio to gather information, be entertained, and “provide reinforcement of their own political views” (p. 20). These listeners “tend to have more knowledge about civics and current political events than do nonlisteners” and “tend to be older and are more likely than nonlisteners to be white males who call themselves ‘born-again’ Christians” (p. 19). Barker suggests that because of “selection bias” it has been difficult for researchers to determine the impact of the media on public opinion and actions, as people may be attracted to media that share or promote their particular point of view but when accounting for this influence, Barker finds, through an analysis of Rush Limbaugh’s program, that regular listeners often shared the same views as their host and that “as conservatives and moderates listen to Limbaugh over time, they become increasingly likely to express feelings of personal efficacy and become more likely to participate in the political

process, in the form of voting, proselytizing, calling Congress, joining or working for the Republican Party, contributing to campaigns, and so on” (pp. 124-125). He also discovered that “while talk radio listening is strongly associated with objective information about public affairs, it is also highly correlated with misinformation—the confident holding of information that is objectively false,” especially in cases when the show is led by conservative personalities (p. 125). This finding, Barker suggests, is contingent upon whether information contained an “ideological element.” Barker said that listeners were able to respond correctly to basic questions about policymaking and government, but “were also much more likely to inaccurately perceive that the federal budget deficit had grown under the Clinton administration” (p. 125). This misinformation, Barker suggests, may result because listeners “receive granuals of correct information, combine it with the ideological message they are hearing, and draw inferences about reality” (p. 125-126).

Supporters believed that a lot of the misinformation spread about House Bill 1183 was due to the media coverage of the bill and talk radio. Journalists interviewed also agreed that talk radio programs were biased in their representation. One journalist said, “I think talk radio does that all the time and they have a certain listener base who is going to probably tune in because of their own political beliefs that’s just reinforced by the back and forth conversation that they hear. I don’t think there’s anything surprising about that.” Another journalist described talk radio as “opinion radio.” She said, “they are opinion shows by nature.” As talk radio programs are typically conservative and biased and often have listeners who share similar views as those promoted on the programs, it is possible that opponents to House Bill 1183 found in talk radio listeners a welcoming

audience who would be most receptive to their beliefs and possibly resist supporters' perspective.

Although the public response to the bill caused significant political pressure leading to the bill's defeat, it cannot be said that this response was representative of the majority of North Carolina citizens. As suggested by several study participants, it is plausible that citizens supporting the bill chose not to voice their support to legislators and the media, while opponents were more vocal. The two opinion polls released after the bill's introduction show conflicting results. The Civitas Institute Poll showed overwhelming opposition to the bill; however, the researcher suspects that the participants were not randomly sampled. The Elon University poll's participants were randomly sampled, and the results showed support for the policy possibly because the bill's major components were described to respondents. The poll's former director, Dr. Tim Vercellotti, commented in an April 28 *Charlotte Observer* article that the results suggest that North Carolinians were divided on the issue.

Glynn et. al (2004) suggest scholars disagree on the influence that public opinion has on policymaking. Although there are different interpretations, this debate seems to reflect the belief that public opinion is a "phantom" and that the media and political leaders make claims about public opinion but fail to base their claims on empirical data. In claiming that the vast majority of North Carolinians opposed House Bill 1183, opponents, through interviews and media outlets, criticized the Elon University poll and cited media polls showing overwhelming opposition. One study participant, a researcher, criticized such media polls as unscientific because individuals are able to respond

multiple times. Despite the questionable validity of such polls, opponents made claims while failing to admit the possibility that many citizens were supportive.

Although the supporting and opposing organizations were instrumental in this policy debate, the data do not indicate the presence of highly organized coalitions as described the advocacy coalition framework. Sabatier and Jenkins-Smith (1999) say,

The ACF assumes that actors can be aggregated into a number of (usually one to four) ‘advocacy coalitions,’ each composed of people from various governmental and private organizations that both (1) share a set of normative and causal beliefs and (2) engage in a nontrivial degree of coordinated activity over time...most coalitions will include not only interest group leaders, but also agency officials, legislators from multiple levels of government, applied researchers, and perhaps even a few journalists. (p. 120)

In this case, the data does not suggest that either coalition had this level of involvement or coordination. Participants acknowledge that El Pueblo, according to one participant, “took the lead” in this initiative, while other organizations served in a secondary capacity. They were there to provide support, advice, and information; consequently, El Pueblo was seen as the voice behind this initiative, and they were the target of the opposition.

For example, one participant, when asked about supporters’ strategy, said

It’s hard for me to say because I feel out of the four groups we were the least involved. The very most involved was El Pueblo...I think that El Pueblo, given that they were full-time lobbyists on the issue, made a lot of those decisions and consulted with us and the other groups when there was time. The other groups were providing input on everything when there was time, but sometimes decisions

had to be made all of a sudden. So I think there was sort of a period where we were trying to check in by phone every week and things like that. But it didn't always go perfectly.

The House Bill 1183 debate has led supporters to reflect and reevaluate their strategy. Several participants acknowledged the need for more collaboration, a larger and stronger base of support, and greater efforts to educate the public about immigration issues. Interviews suggest these organizations are moving in that direction. Supporters indicate that they learned valuable lessons from their experience and will use this knowledge in the future. Many believed House Bill 1183 was not the end of the debate and that it will come up again, as the state cannot ignore the needs of a growing population of students.

The opposing coalition consisted of two organizations, although participants suggested they had worked with a variety of state and national groups. Although they had an effective strategy of using talk radio, email, and the Internet to get their views to the public, the data suggest that it was not the strength of their coalition that earned them success; it was the strength of their message. The organizations framed the issue emphasizing what would be lost to North Carolinians if the bill was passed. It was this message, the economic and social implications of the policy, that resonated with North Carolinians and caused them great concern.

Implications for Further Research

This study's findings offer additional areas for further research, specifically regarding media coverage, public opinion, and organizational strategy. Although study participants agreed that talk radio played a tremendous role in this policy debate, further research should explore the content of those programs and whether those programs had a

direct influence on the public's response. Transcripts of talk radio programs were not available to the researcher; however, such information can provide details about the depth and scope of talk radio discussions.

Supporters of House Bill 1183 also criticized the print media for failing to represent the issue impartially. Although the newspaper articles examined reflect efforts to represent the issue impartially as many described both sides of the debate, headlines seemed to exaggerate the bill's intentions, possibly in an attempt to attract readers. Further analysis of newspaper articles and reports may yield additional findings about the role of the print media in framing this issue. The data also revealed little about the role of television media in this debate. Because data collection occurred several months after this debate had ended, live news coverage of the debate was not accessible to the researcher. This information may have yielded useful analysis of media impact as television is the "most frequent and trusted source of news" for many Americans (Fleer, 1994, p. 191).

Participants also believed that more effort is needed to educate the public about immigration issues so that meaningful discussions about policies such as House Bill 1183 can take place. Supporters found that their message was ignored by the public in part because of fears and misinformation about immigration. Because nine states have introduced and passed policies similar to House Bill 1183, it would be useful to advocates and policymakers to explore and compare the strategies used by organizations within those states to garner public and political support for such policies. Additionally, because North Carolinians were concerned about the social and economic implications of the bill, it would be beneficial to examine the impact of national immigration discussions on this policy debate. Has the national political debate shaped the way people viewed

House Bill 1183? In discussing House Bill 1183, opponents and citizens repeatedly voiced economic arguments about the financial impact of immigrants' use of public benefits, while failing to acknowledge the economic contributions made by immigrants. Kasarda and Johnson's (1996) study suggests that Hispanic residents make substantial contributions to North Carolina's economy and are vital to the construction and agricultural industries. Kasarda and Johnson also estimate that the net cost to the state of the Hispanic population on education, health, and correctional services is about \$102 per person or \$61 million. Kasarda and Johnson advise

It is important that this estimated \$61 million net cost to the state budget be seen in the context of the aggregate benefits Hispanics bring to the state's economy. Along with directly and indirectly generating over \$9 billion annually in North Carolina business revenues, Hispanic workers contribute immensely to the economic output of the state and to the cost-competitiveness of a number of key industries. For example, our estimates indicate that, without Hispanic labor, the output of the state's construction industry would likely be considerably lower and the state's total private sector wage bill as much as \$1.9 billion higher. Some of these labor-cost savings keep North Carolina's businesses competitive while others are passed on in the form of lower prices to North Carolina consumers. (p. 41)

Citrin et. al suggest views about the economic costs of Hispanic immigrants may result from "the tendency of politicians and labor union leaders to blame foreign workers for unemployment and downward pressure on wages" (p. 859). Citrin et. al suggest that more research in this area is needed.

Implications for Policymakers

The data suggest that policymakers and organizations need to be proactive in framing discussions around controversial issues. Supporters of House Bill 1183 interviewed for this study suggested the public was misinformed and needed to be educated about immigration-related issues. One legislator felt that supporters “didn’t do a good job” of “getting out and doing the prep work before the bill was filed” and that they failed to “respond fast enough to the overwhelming negative press.” This mistake was due to supporters failure to anticipate strong opposition to the bill and suggests that policymakers and proponents, when dealing with such issues, should strive to frame the debate rather than simply respond to opposition’s criticisms.

Also, this study suggests that policymakers and proponents must initiate grassroots campaigns to engage organizations and supporters throughout the state in the debate. One supporter felt that their coalition failed to make these connections with groups throughout the state. For example, she said

I think we still have a ways to go in making that a smoother sort of collaboration, but we are all doing our part in working on things. I mean there’s a disconnect between the four groups...that were at the center of it and those other groups...I think we need to grade ourselves with a grade B or grade C on how well we integrated all of our different powers and strengths and community support and media strategy...So I think it will be good for you to hear the perspective from the more grassroots side about this. Groups in Raleigh made all these decisions without figuring out how we could help or how we could support. So you may hear that kind of thing from them.

By initiating this type of grassroots organizing, policymakers and proponents can strengthen their base and have their supporters and constituents prepared to respond and act when bills are introduced.

Conclusion

This study suggests that House Bill 1183's defeat was due to a combination of factors. These factors included social and economic concerns, changing demographics of the state and the time and context the bill was introduced, the media, and the public's response. A combination of the other factors contributed and significantly influenced the context of the public's response, which undoubtedly led to the defeat of the bill. Advocacy coalitions, to some extent, played an important role in this process; however, these coalitions were not as structured as the advocacy coalition framework would suggest. The bill's defeat was not solely a result of the opposition's efforts or any lack of planning or strategy on the part of supporters. Data suggest that the other factors primarily contributed to the bill's defeat.

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APPENDICES

Appendix A
INTERVIEW GUIDE
LEGISLATOR OR GOVERNMENT OFFICIAL

Name:
Position:
Organization:
Length of Service:

1. Describe your position and your primary responsibilities.
2. Which committees do you currently serve on?
3. What are the goals of your organization?
4. What is your and/or your organization's position on House Bill 1183?
5. What are the major components of House Bill 1183?
6. What prompted you to support or oppose this bill?
7. What are your reasons for withdrawing your support for this bill?
8. Why do you feel House Bill 1183 is or is not important for North Carolina?
9. What do you perceive to be the social and economic impact of this legislation if it is passed into law?
10. Do you believe North Carolina citizens support or oppose this bill?
11. Has public opinion influenced your position on this issue? Why or why not?
12. Have you used or produced research/technical reports to support or oppose this bill?
13. How have you and/or your organization proceeded in advocating for or against this bill? What strategies have you employed?
14. What strategies have you used to garner public or political support for or against this bill?

15. Are you and/or your organization collaborating with any other groups or state leaders in your work to support or oppose this bill? If so, which organizations/leaders?
16. How long have you been working with these organizations or leaders?
17. What strategies have you and/or your organization used while working with these groups or leaders?
18. Have you and/or your organization changed your position or political strategies to further your political objectives? What prompted this change?
19. Have other bills been introduced in the North Carolina legislature that would have achieved similar objectives as House Bill 1183?
20. Do you think House Bill 1183 will be passed into law? Why or why not?
21. Is there any additional information that you feel would be useful?
22. Is there anyone else I should talk to about House Bill 1183?

Appendix B
INTERVIEW GUIDE
JOURNALIST

Name:
Position:
Organization:
Length of Service:

1. How long have you worked with the organization?
2. What types of stories do you generally cover? Politics? State and Local News?
3. When did you first learn this bill was going to be introduced in the legislature?
Before or after the press conference?
4. Did you immediately know that it would be a hot issue in the state?
5. What do you think sparked public outrage or response to this issue?
6. Did you receive any letters, calls, or emails from NC citizens about this issue?
About how many?
7. What was the context of those communications? What were the people's
frustrations?
8. Did you write any articles about this issue? How many?
9. What do you think was the media's role in the debate surrounding this issue?
10. How did talk radio fuel this debate?
11. Were you surprised by the anger expressed by people?
12. What factors contributed to the public's frustration?
13. Were you contacted by any organizations about how to write your stories or what
to include? If so, which ones?
14. To your knowledge, what organizations were supporters/sponsors of this bill?
15. Which organizations opposed this bill?

16. Why do you think the opponents of this bill were so successful in defeating it?
17. Do you believe North Carolina citizens support or oppose this bill?
18. Do you think House Bill 1183 will be passed into law? Why or why not?
19. Is there any additional information that you feel would be useful?
20. Is there anyone else I should talk to about House Bill 1183?

Appendix C
INTERVIEW GUIDE
ORGANIZATIONAL LEADERS

Name:
Position:
Organization:
Length of Service:

1. Describe your position and your primary responsibilities.
2. What are the goals of your organization?
3. What is your and/or your organization's position on House Bill 1183?
4. What are the major components of House Bill 1183?
5. What prompted you to support or oppose this bill?
6. Why do you feel House Bill 1183 is or is not important for North Carolina?
7. What do you perceive to be the social and economic impact of this legislation if it is passed into law?
8. Do you believe North Carolina citizens support or oppose this bill?
9. Has public opinion influenced your position on this issue? Why or why not?
10. Have you used or produced research/technical reports to support or oppose this bill?
11. How have you and/or your organization proceeded in advocating for or against this bill? What strategies have you employed?
12. What strategies have you used to garner public or political support for or against this bill?
13. Are you and/or your organization collaborating with any other groups or state leaders in your work to support or oppose this bill? If so, which organizations/leaders?

14. How long have you been working with these organizations or leaders?
15. What strategies have you and/or your organization used while working with these groups or leaders?
16. Have you and/or your organization changed your position or political strategies to further your political objectives? What prompted this change?
17. Have other bills been introduced in the North Carolina legislature that would have achieved similar objectives as House Bill 1183?
18. Do you think House Bill 1183 will be passed into law? Why or why not?
19. Is there any additional information that you feel would be useful?
20. Is there anyone else I should talk to about House Bill 1183?