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## Is Arizona's Senate Bill 1070 a degenerative policy? Latinos say yes, and no. Implications for Latinos and Democracy in a Trump World

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Does political rhetoric framing public policies thwart political participation? Latinos say yes, and  
no.

### Implications of Latino civic engagement in a Trump world

Schneider and Ingram's theory of policy design (1997) states that policy making includes a process through which knowledge is socially constructed and is a domain in which power elites are able to manipulate symbols, rhetoric, images, and distort logical lines of inquiry to justify policies that privilege certain social groups while stigmatizing and disenfranchising others. Policies act as lessons, and individuals, in turn, then internalize messages on their value to society based on the policies that are assigned to them. Using qualitative data in the form of in-depth interviews conducted with Latinos in Arizona, this paper asks, *Do Latinos characterize S.B. 1070 as a degenerative policy, and if so, what is the impact of this policy on their civic engagement?* Findings show that a degenerative policy as S.B. 1070 causes harm by obstructing the political integration of Latinos and Latino immigrants in the United States, as they report feeling increasingly targeted by the state and repeatedly portrayed as criminals and threat to national security. As a result, Latinos tend to alienate and have little to no desire to engage in conventional forms of political participation; civic engagement attitudes are shaped and formed on the premise that participation is futile as the state does not care for them and will instead politically gain from their disenfranchisement. This paper provides insight on how Latinos' political behaviors and attitudes will likely result in stigma and withdrawal given the current policy initiatives proposed and/or implemented now that the Trump administration is in power. Public administration, as the action part of government, has the opportunity to play a crucial role in changing these policy dynamics into a more positive scenario, one in which democracy is strengthened rather than stifled, that upholds key values of social justice and equity in its interactions with the constituents it serves (especially by street-level bureaucrats), and is devoted to community building and improvement.

This paper uses Schneider and Ingram's theory of policy design (1997) to evaluate whether Arizona's infamous immigration legislation Senate Bill (S.B.) 1070<sup>1</sup> meets the criteria of a "degenerative policy design" (p. 6). This specific type of policy design is comprised of implicit or explicit social constructions that target and stigmatize certain societal groups; as a result, groups who are socially constructed as deviants and criminals experience political marginalization and disenfranchisement, lose trust and/or belief in formal government processes, and, ultimately, withdraw from formal political arenas based on their exchanges with the state. This type of degenerative policy design is made possible by a manipulation by those who are power positions (and in power relationships) who exploit the use of policy dynamics in the interests of their own personal political gain. "Such policies distort our understanding of citizenship and pervert the capacity of public policy to solve problems and serve justice" (1997, p. 6).

Levels of conventional Latino political participation (i.e., electoral voting) persistently remain low in comparison to all other racial and ethnic groups in the United States (U.S.), even when controlling for level of education and socio-economic status. Barriers to parity in political participation represent barriers to social equity. Meanwhile, as this phenomenon remains stagnant, the national media coverage on the politicization of immigrants, national security, and refugees/asylum seekers continues to climb and gain exposure on all national media outlets *and* social media. The national political discourse shaped by the Trump administration has been used just as Schneider and Ingram describe, by manipulating political images and rhetoric to create

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<sup>1</sup> S.B. 1070 was amended to be House Bill 2162.

the social construction that Latinos are “criminals and rapists” and therefore undeserving of state resources and in need to be disciplined and punished.

This research empirically tests the “translation dynamics” causal mechanism of Schneider and Ingram’s theory by asking Latinos directly about the messages they internalize as the result of public policy initiatives and the political discourse framing these. Using qualitative data, this paper asks, *Do Latinos characterize S.B. 1070 as a degenerative policy, and if so, what is the impact of this policy on their civic engagement?*

Findings confirm that S.B. 1070 is a degenerative policy as S.B. 1070 and ultimately causes harm by obstructing the political integration of Latinos and Latino immigrants because these feel increasingly targeted by the state and socially portrayed as criminals. As a result, Latinos tend to alienate and have little to no desire to engage in formal political participation. Public administration, as the action part of government, has the opportunity to play a crucial role in changing these dynamics into a more positive scenario; one in which democracy is strengthened rather than stifled, that upholds key values of social justice and equity in its interactions with the constituents it serves (especially by street-level bureaucrats), and is devoted to community building and improvement. Local government initiatives that aim to facilitate immigrant integration and build trust in government among disenfranchised communities are discussed.

### **Conceptual Framework**

Schneider and Ingram’s theory of policy design (1997) describes how the way in which groups are socially constructed determines not only the type of public policies afforded to them, but even how the implementation process will likely unfold based on the underlying assumptions tied to each group’s identity. Groups are socially portrayed as deserving or undeserving of

beneficial policy and positive government intervention. Undeserving groups are presented as deviants, criminals, and a threat that society must be protected from, justifying the use of unequal policy burdens created and administered by the state. These policy burdens garner mass amounts of public support because they manipulate symbols, rhetoric, images, and distort logical lines of inquiry to justify policies that “afford privilege to some and stigmatize and disenfranchise others” (1997, p.6). It is noteworthy to mention Schneider and Ingram believe public policies comprise a series of ideas, assumptions, and symbols that *may not* be explicitly formally written in text, but whose embedded beliefs and values become evident through practices, symbols, and discourse. Since the state itself socially construes identities that are linked to how public policies are designed, then it is the state itself that is responsible for creating and/or perpetuating social inequality. This makes public administration an especially relevant area of inquiry since the way in which bureaucracies are administered (both formally and informally) is critical in setting the tone of how individuals interact and experience government. Discrimination at a structural level, the “accumulated institutional practices that work to the disadvantage of racial minority groups even in the absence of individual prejudice or discrimination” (Link & Phelan, 2001), is then an issue of bureaucracy.

Groups that are socially constructed as deviants or criminals and are punished through disproportionately policy burdens are the result of careful political strategy by those in power because “stigma is entirely dependent on social, economic, and political power” (Link & Phelan, 2001). Political leadership manipulate policy dynamics to “create a constituency on whom they can confer benefits and receive the accolades not only of the group itself, but of the broader public who believes the government has achieved a public policy success” (Schneider & Ingram, 1997, p. 6). This is why this paper argues Latinos, especially foreign-born Latino immigrants,

meet the criteria to be placed in this category—they collectively lack the social and political clout as well as economic resources to challenge their negative social image, yet political leaders are able to reap vast political gains in their careers by making use of this calculated political opportunity and punishing an “undeserving” group. This was observable during the 2016 presidential campaign and Trump’s xenophobic political rhetoric. After the election, in the first week of his presidency, Donald Trump signed an executive order comprised of anti-immigrant policy measures, including build a border wall along the U.S.-Mexico border, a travel ban to Muslim-majority countries, and vastly expanded the resources used for immigration enforcement, meaning detention and deportation. Groups are politically used as scapegoats and construed as social problems, especially during moments of economic downturn; Latinos and Latino immigrants make for easy targets and this is unlikely to change due to the group’s low levels of social and political capital. “Latinos, over the years, have consistently represented over 90% of those in immigration detention, prosecuted for immigration violations, and removed as ‘criminal aliens.’ The consequences have resulted in the devastation of Latinos, their families, their communities, and the countries of their origin, thereby contributing to their inability to gain economic and political stability” (Vasquez, 2015, p. 599). Latinos are deliberately chosen for punitive policy because they lack social and political clout and economic resources; then, it is because of this oppressive process that the group is hindered from advancing to a social position in which garnering increased levels of social, political, and economic support is possible. This dysfunctional cycle is a serious problem; it perpetuates inequality because it lacks self-correcting mechanisms, it deceives and discourages active citizenship, and ultimately, results in long-term policy failures that are detrimental to democracy (Schneider & Ingram, 1997, p. 5)

The political gain that results from punishing a deviant and powerless group has similar effects to allocating social benefits to a positively construed and powerful group; the former, however, is attractive to political leadership because it provides an avenue to make policy (some to serve a mainly symbolic purpose), and, theoretically, make substantial political gains *without* having to spend limited and scarce tax dollars. This political payoff for policy makers makes the use of deviant punishment even more attractive during times of economic hardship (Schneider & Ingram, 1997). This is relevant to the current context since, due to the great recession of 2008, governments at all levels have been forced to make due with less financial resources and have been cornered into making budgetary cuts, resulting in challenging and highly politicized decision-making processes that have chosen which policies and programs to fund and which to eradicate.

Schneider and Ingram (1997) state that individuals internalize and interpret the messages they experience from government based on the social category they belong to. Policies are lessons that reveal how much (or how little) social groups are valued by society (1997, p. 6). The social category of individuals shapes and sets the tone of interactions between them and the state. These exchanges and policy experiences create citizens who either feel valuable and believe in government efficacy because these formal systems have traditionally worked for them, or, conversely, these exchanges and/or policies result in individuals who withdraw from formal political processes because they consider it futile since they believe government does not care for them, making political participation a waste of time.

Governments actively send messages and lessons through policy. The messages that individuals internalize as a result of their experience with policy (and a given policy's political discourse, framing, and administration) are critical in shaping political participation patterns, and

participation is critical for the functioning of democracy. Participatory democratic theories have long argued that institutional arrangements leave their imprints on citizens; these processes then impact an individual's educative effects of political participation (Soss, 1999, referencing Pateman, 1970). Soss, in his formative work on welfare programs and these programs' recipients, has conducted numerous studies that provide confirmatory empirical evidence that government interactions *do* shape adult political learning and their subsequent recourse from political action; "as citizens participate in welfare programs they learn lessons about how citizens and governments relate, and those lessons have political consequences... Program designs structure clients' experiences in ways that shape their beliefs about the effectiveness of asserting themselves at the welfare agency. Because clients associate the agency with government as a whole, these program-specific beliefs, in turn, become the basis for broader orientations toward government and political action" (p. 364).

This paper begins with an overview of how Schneider and Ingram (1997) described the process by which those in power are able to socially construct knowledge and frame problems in a perverse way that allows political leaders to capitalize and make professional gains. Then, the history of how Latinos and Latino immigrants came to be socially constructed as a multidimensional threat as it relates to policy making is divided into four threat categories and summarized: the first theme portrays Latinos as a threat to public safety by tightly linking immigration and criminality "crimmigration" in the public discourse; secondly, Latinos are routinely presented as an economic threat consuming scarce public resources, taking jobs from natives, and affecting labor and wages; furthermore, this group also represents a symbolic threat to culture, language, assimilation, and America's national identity; and finally, in a post 9/11 world, the most current theme involves Latinos and Latino immigrants as a threat to national



security. “Immigrants have been subjected to stigma, discrimination, and violence throughout the nation’s history. Yet it was only at the end of the twentieth century that immigration law became so enmeshed with criminal law that the ‘penalty of deportation’ became ‘most difficult’ to divorce... from the conviction,’ as the Supreme Court concluded in 2010” (Garcia Hernandez, 2013, p. 1460).

This paper suggests that Latinos’ social construction has created a stigma and image portrayal deeply linked to criminality and security, which then culminates as a barrier to political participation because Latinos have been indoctrinated as undeserving and are mere quiescent observers of government. The social construction and manipulation of image portrayal executed by the state against Latinos is *not* reserved for those who lack legal immigrant status. The net that was cast in suspicion of “the other” is wide and continues to widen; according to a national poll, Americans “mistakenly believe that most immigrants are undocumented or illegal” (Magana & Short, 2002). The tight link between immigration and criminality is a precise example of Schneider and Ingram’s work that explains how leadership politically maneuver symbols, frame issues, and pass public policies that are undemocratic, faulty, and hinder political integration and democracy as a political strategy; this is done at the expense of stigmatizing groups that lack the social and political capital to challenge them and a compromised democracy.

The paper then continues with research methods, data and findings, and concludes with a discussion on the practical implications of these findings aimed to especially serve local government and municipality administrators.

### **Socially Constructing “Problems” by Power Elites**

Michelle Alexander, author of *The New Jim Crow* (2012), recently said in an interview that the most heterogeneous societies are the most punitive (2016). Indeed, the “politics of

punishment” are used strategically for calculated political reasons among leading policy makers and can be quite effective. For example, a recent Retro Report by the *New York Times* titled “Welfare and the Politics of Poverty” (May, 2016) presents how democrat Bill Clinton politically capitalized from his harsh welfare reform bill in the 1990s by openly punishing welfare recipients; these individuals were repeatedly framed and portrayed by politicians and the media to the public as lazy, abusive of the public assistance system, and a threat to scarce public resources. In retrospect, the report argues the bill did not succeed in its stated objectives of reducing the number of Americans in poverty, ending the need for social welfare programs, or decreasing social inequality in America. However, this welfare bill can be interpreted as a success in that it communicated harsh symbols and divisive political rhetoric; it propelled Clinton’s political career by adding legitimacy and increasing public support for him in his punitive stance against the villains in this story, the poor and unemployed.

Those in power opportunistically craft and define social “problems,” frame these issues as urgent social threats, then present their proposal of government intervention as the best (sometimes, the only), most plausible solution. In this sense, Trump’s concept of fake news is no novel phenomena because empirical facts have never mattered, only public perception. From a democratic perspective, “dishonest or deceptive policies undermine citizenship and confidence in a democratic government” because of their role in perpetuating inequality (Schneider & Ingram, 1997).

An illustration of personal gains by manipulating perverse policy dynamics is evident in Arizona’s governor’s political career, Jan Brewer. What was supposed to be a “slam dunk campaign for the democrat [Terry Goddard],” ended up an easy re-election for Governor Brewer in the midterm elections held earlier this month (Newton, 2010). The win was credited to the

politics of S.B. 1070; it was “fueled by her staunch support of Arizona’s controversial immigration law.” Arizona newspapers’ headlines following the 2010 midterm elections included statements like “Jan Brewer rides Arizona’s immigration law to victory; Governor’s wide lead over Dem Goddard highlights comeback,” “Brewer’s Immigration Boost,” and “Brewer’s Political Fortunes Reversed” (Medrano, 2010; Newton, 2010; Nowicki, 2010). Another article reported on the “reversal” of Brewer’s political favorability among the public by claiming Brewer’s “political fortunes were reversed by her signing of and strong support for the state’s new immigration law.” Her approval ratings also increased after she signed S.B. 1070 (Rasmussen Reports, 2010). These excerpts illustrate the political benefits of imposing punitive policies to undeserving, negatively portrayed groups who lack the social, political, and economic resources to challenge these negative stereotypes.

Trump continues this illustration seamlessly. Trump announced his candidacy, and though initially not taken seriously, went on to win more primary contests than any of his opponents. In his presidential announcement speech, Trump said, “When Mexico sends its people, they’re not sending their best. They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some I assume, are good people.” A key cornerstone of the Trump Campaign, which has won more state contests than any of his opponents, is a promise to build a wall along the southern international border with Mexico. Footage of rallies show large crowds cheering in support of Trump’s promise to build a wall between the U.S. and Mexico. This illustration showcases how politically advantageous the use of rhetoric, framing, and symbols can be.

Trump's political rhetoric frames immigration as a dire problem and immigrants as a threat that is multidimensional; firstly, immigration is framed as an economic threat in which immigrants are taking jobs, driving down wages, and are responsible for a lagging economic recovery that continues to shrink the middle class. Secondly, Latino immigrants (especially those of Mexican origin) represent a symbolic threat that jeopardizes America's culture and national identity (see Huntington, 2004); thirdly, Trump's political rhetoric and framing alludes there is also a real safety threat in which American citizens need protection from Latino immigrants' criminality, including gangs and organized crime tied to smuggling of drugs and other criminal activities. Lastly, Trump also reveals the perception of a real security threat in which the U.S.-Mexico border is a vulnerability that endangers national security and must be protected.<sup>2</sup> The four politicized items expressed in the aforementioned section that manipulate the Latino image in the U.S. will be elaborated on next.

### **Overview of Negative Social Construction and Framing of Latinos**

The domestic theater that frames immigrants as a threat and its accompanying political rhetoric by politicians and the media calling for government intervention through legislation is anything but novel; it can be traced to the Chinese Exclusion Act of 1882 (Nevins, 2002, p. 97) and has been reinforced consistently by both Democrats and Republicans (for example, Clinton had Operation Gatekeeper and Bush had Operation Streamline; see Vasquez, 2015, p. 639). Rhetorically, expanding "criminal" to "criminal alien" has cast a wide net of blame and suspicion to the threat of "the other;" practical implications of this manifest in ways that disproportionately burden and discriminate against Latinos and Latino immigrants (see, for example, Moreno Saldivar, 2015 for disproportionate red tape burdens on Latinos; see Moreno &

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<sup>2</sup> Trump also publically called for a ban of Muslims traveling to the United States as a counter-terrorism strategy.

Riccucci, forthcoming, on discriminatory and racial profiling local policing as an extension of immigration enforcement). “Crime control and migration control have become so intertwined that they have ceased to be distinct processes or to target distinct acts, for both noncitizens and individuals suspected of being noncitizens” (Garcia Hernandez, 2013, p. 1457). Because of government’s history of escalating its restrictive immigration and security measures, a growing concern of social justice is how this targets foreigners and immigrants, and is troublesome when citizens and legal residents are profiled and stripped of their legal rights because the threat of “the other” continues to grow and government discretion in this policy area continues to widen.

Although people of “numerous nationalities enter the U.S. without proper permissions to overstay their visas,” this negative image is “disproportionately most enforced on Mexicans and [following the attacks of September 11<sup>th</sup>] Muslim men” (Spiro, 2010). Still, politicians, power elites, and policy makers have exploited politics to their advantage by also making the site of the U.S.-Mexico border a contentious one; the border is a theater stage crafted for the American domestic audience that elites use to make constituents feel safer and garner political support. However, this is problematic when we consider the U.S. has known for decades that over 65% of undocumented immigrants in the U.S. did *not* enter illegally via the border, but are visa overstayers (Andreas, 2000). Policy efforts that have militarized the border and escalated the levels of resources diverted to this area can then be objectively defined as policy failures (Chebel d’Appollonia, 2012). Yet, the U.S. continues with more of the same political rhetoric, framing, and policies to portray symbolic images to its domestic audience, and, based on Trump’s wins in state contests, this proves to be more politically effective than presenting actual facts.

### **Immigrants’ Economic Threat**

An often-manipulated image is the one that frames immigrants as taking more than they give to the American economy, of being welfare-seekers that disproportionately consume scarce public resources, and of depriving citizens of jobs. However, studies show “the mere presence of immigrants, both legal and illegal, in the economy results in a net gain in taxed, both federal and local, as well as overall spending in consumption” (Magana & Short, 2002). The fact is illegal immigrants “pay income taxes, property taxes, sales taxes, and even Social Security” (Reyes, 2010). There is an evident economic benefit aspect to immigration not accurately portrayed through national media outlets, but this is in accordance with Schneider and Ingram’s notion that knowledge is also socially constructed and what we certify as true may not always be so. “Any social construction can be legitimate without constraints from ethics, facts, empirical and scientific evidence” (1997).

### **Immigration + Criminality, “Crimmigration”**

Increasingly so, there is a retreat from “framing noncitizens as contributing members of society on the path to full political membership as citizens... [these are] reimagined as criminal deviants and security risks. They are people to be feared, their risk assessed, and the threat they pose managed” (Garcia Hernandez, 2013, p. 1460). A field of study with a growing literature that combines the study of criminal justice, law, and immigration enforcement has been dubbed “crimmigration” and shows how closely linked criminality and immigration are, especially in political rhetoric, and this spreads easily and quickly through various large media outlets.

Nationally, there has been a portrayal of immigrants as criminals. “Hispanic, and particularly Mexican, immigrants are often stereotyped as criminals” (Warner, 2005-06). Research, however, shows that “immigrants have a lower potential for criminality and a lower rate of criminal recidivism” (Warner, 2005-06).

Clinton, who represents the first time the Democratic Party started using the term “illegal immigration,” (a term in use by Republicans since 1984) added to this image portrayal of Latinos and immigrants through his own federal immigration legislation, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. His legislation prioritized businesses and employers while criminalizing immigrant laborers, failing to acknowledge that Latino immigrants exist to meet the U.S.’s demand for cheap labor. The Clinton Administration defined the border as both the site of the problem and solution of the problem, despite having evidence to the contrary on visa-overstayers (Andreas, 2000). Clinton’s immigration legislation included measures that brought “tougher sentencing, double penalties, construction of physical barriers [along the U.S.-Mexico border], and use of technologies and equipment on the border [originally intended for military purposes]” (Andreas, 2000). Clinton also marked the subtle impetus for the perception of immigration as a cultural threat in the U.S., legitimizing concerns that about Latinos’ affecting American values, language, and fueling beliefs that Latinos do not assimilate fast enough. Evidence on cultural aspects also points to the contrary (for example, see Cornelius, 2005; Citrin et. al, 2007).

An increased reliance on criminalizing Latino immigrants, despite the empirical facts available that can discredit these claims, has become institutionalized and, therefore, legitimate. This is a component of the theory of policy design—Schneider and Ingram point out that pathology underlying policy making can be indoctrinated through the social construction of a reality that becomes widespread and accepted because it is repeated by “culture, socialization, history, the media, literature, religion, and the like. The social construction of knowledge refers to the way facts experiences, beliefs, and events are certified as ‘true’” (1997, p. 75). Policy

decisions are critical because they determine the rights each class of migrant enjoys, as well as how aggressively those rights are enforced” (Cornelius & Rosenblum, 2005, p. 112).

### **Immigration & New Security Paradigm**

Immigration enforcement post 9/11 has expanded so much that this area of research is now a standalone field—the securitization of immigration governance (Chebel d’Appollonia, 2015). This refers to how political elites in power frame immigration as a security issue. In the U.S. and in Europe, immigration policy is framed and presented as counter-terrorist policy and vice-versa.

Because of these post 9/11 developments, I argue that applying Schneider and Ingram’s (1997) work to Latinos and/or Latino immigrants requires a number of revisions. Schneider and Ingram (1997) originally present punitive policies as a means of communicating symbols and messages and gaining public support without spending [large amounts of] tax dollars. In the evolution of immigration governance and the policy dynamics embedded in this policy area, however, this is not the case at all. Aside from the unquantifiable cost of demoralizing groups that are deemed unworthy, invaluable, and indispensable to government, in the specific case of criminalizing immigrants, this has been a *very* financially costly endeavor. The escalation of securitized immigration policies is largely symbolic and these policies fail to meet their stated intended outcomes (Chebel d’Appollonia, 2012). The cost can be classified into two categories: the case of Arizona’s legal fees in defending S.B. 1070 in court, and the dollar amount invested in the escalation measures and expansion of the Department of Homeland Security (DHS).<sup>3</sup>

For the state of Arizona alone, after Arizona passed S.B. 1070, District Court Judge blocked the most controversial components of the law. The state filed for an appeal, asking the

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<sup>3</sup> Figures for the War on Terror, now added to policy dynamics of this area are astronomical and not reflected here.



blocked injunctions be removed. The Court of Appeals for the Ninth Circuit ultimately ruled against Arizona, and let the previous decision stand (Lacey, Appeals Court Rules Against Arizona Law, 2011). Arizona Governor Jan Brewer spent nearly a total of \$1.5 million on the legal defense of Senate Bill 1070 (Duda, 2011), now amended as House Bill 2062.

By creating the threat of the illegal alien, the INS and the U.S. Customs and Border Protection became the fastest growing federal agencies; the INS annual budget tripled from \$1.5 billion to \$4.2 billion, and the Border Patrol's budget also increased by approximately 150% in 1998 (Andreas, 2000). The Immigration Reform of 1996 included the construction of physical barriers along the border and the implementation of new and more advanced technologies to be used for border security; it was then the notion to use modern warfare equipment along the international border was introduced and has remained. During the Bush administration, the "Secure Border Initiative" was set forth hiring military contractors to apply some of the same technology used in Iraq and Afghanistan along the international border; "the Bush administration intends to not simply buy an amalgam of high-tech equipment to help it patrol the borders—a tactic it has also already tried, at a cost of hundreds of millions of dollars, with extremely limited success. It is also asking the contractors to devise and build a whole new border strategy that ties together the personnel, technology and physical barriers," (Lipton, 2006). The Initiative also increased the number of Border Patrol Agents from 11,500 to 18,500. Still, using the tools of modern warfare for border security is significant because it marks the use of war equipment at a time of no war; it is meant to convey symbolism to its domestic audience and placate public fears about an out of control border, and it also significant because there have been many "elaborate border technologies that have proven to be ineffective and wasteful" (Lipton, 2006). For example, in Arizona, a \$6.8 aerial vehicle used to patrol the border at night along a 300-mile

stretch crashed within a year of its use, raising skepticism about the effectiveness of high-tech equipment for border security purposes. The Initiative began by the Bush Administration, eventually awarded the military contract to Boeing and should be by now covering the entire 2000 mile international border with Mexico; however, Homeland Security Secretary Janet Napolitano announced March 2010 the “virtual fence” project would come to a halt, after \$1.1 billion had been spent on the project with “little to show for it beyond the two testing sites in Arizona. Napolitano said the project had “produced little more than headaches for the federal government,” (Archibold, Budget Cut for Fence on U.S.-Mexico Border, 2010). Billions of dollars have been spent on border security, so contrary to Schneider and Ingram’s premise, in the case of immigration and security policy, this politically successful and “degenerative policy” has succeeded at negatively constructing the immigrant as a deviant and targeting this “nuisance” for political gains; however, in doing so, it has incurred the cost of billions of dollars, a deviation from traditional degenerative policies.

### **Evidence of Policies as Lessons, Messages**

Policy decisions send messages to citizens and are powerful when we consider that these can communicate to individuals how much or how little government values them. A quantitative, three-wave study done by Brodtkin et al. (2010) provides empirical data to corroborate this argument. Brodtkin et al. (2010) found that individuals opt for voluntary exclusion of social programs as a result from the interaction between rules, modes of governance, and informal practices of an administrative organization. This study examined two different social welfare programs and the motivation behind eligible individuals who voluntarily left the program; the study concludes that administrative procedures have the potential to lead to nonparticipation. This is critical in understanding that individuals *do* internalize messages about their self worth

based on how government treats them; when individuals decided to leave the program for nonprocedural reasons and not for reasons tied to eligibility, the authors concluded that these individuals were targeted with disproportionate amounts of red tape, creating a deliberate barrier of highly scrutinized means-tested processes that sent a message to individuals about their value to the state. Additional research on administrative burdens by Moynihan, Herd, and Harvey (2014) empirically show that vulnerable populations experience administrative burdens in the form of additional learning, compliance, and psychological costs.

Existing research has long emphasized the institutional design in administering social programs, as this determines the quality of rights experienced by recipients. King and Waldron emphasized the institutional form of provision is even more critical than the fact of provision; rights of social citizenship exist only through “provision for need that is given universally, that is provided without supplication or stigma, and that avoids as far as possible the invidious operation of official discretion” (1988, p. 422).

This argument becomes invaluable to the field of public administration when we consider that the distance between the administration of policies and the individuals that experience them is a short one, especially when taking into account the role of street-level bureaucrats. Edelman (1988) discussed the policymaking process as one so often relegated to the status of a distant “spectacle;” however, Soss (1999) makes a critical argument—public bureaucracies are immediate experiences with government for citizens. “Legislatures may host more dramatic political activities, but the police station, the motor vehicles office, and the Internal Revenue Service are more likely to supply citizens with lessons about government that ring with the truth of first-hand experience. From mundane encounters at the post office to the more total experience of prison life, public bureaucracies should be studied as sites of political learning”

(Soss, 1999, p. 376). This makes Schneider and Ingram's work on policy dynamics, from the perspective of public bureaucracy and administration, even more impactful.

### **Policy Lessons' Impact on Political Participation**

Sapiro (1994) emphasizes that social programs are critical sites of adult political learning. Soss's (1999) research of the AFDC social welfare program provides empirical evidence of public social programs creating stigma in its participants and their subsequent attitudes on government efficacy (based on the messages they internalized) and their political participation; not surprisingly, participants were deeply discouraged from any sort of political action. Soss found that one hundred percent of participants interviewed in his study reported feeling stigmatized in society by their participation in the AFDC program. Based on their participation in this welfare program, AFDC recipients reported feeling insecure and were more inclined to political isolation, not engagement. Previous research explains that welfare recipients accept negative stereotypes of fellow recipients, and actively seek to distinguish themselves from this group; this ultimately leads to serious social and political implications (Briar, 1966; Goodban, 1985; Rank, 1994; Seccombe, 1999). Soss's research aligns with social control theory, which suggests that institutions can reinforce the marginality of the poor both through the messages they convey to the public *as well as* the messages they communicate to its recipients. When clients participate in welfare programs, they gain lessons about how governments work and with whom they relate to; these lessons shape patterns of political participation. Welfare recipients have been responded with quiescence; similarly, Latinos react to immigration and security policies with acquiescence responses as well.

### **Data and Methods**

This study collected original qualitative data in the form of 28 in-depth interviews in the state of Arizona. Deliberate, purposive sampling method was used to ensure variation of Latinos by a number of critical characteristics mentioned in the literature, including educational attainment level, immigration status, and generational cohort (please see Tables 1-4). The cities of Phoenix, Yuma, and San Luis are included, and all Latinos are of Mexican nationality.

Purposive sampling (Teddlie & Yu, 2007) was used to deliberately include interviews with Latino noncitizens who are ineligible to vote. The purposive sampling began with participants who self-selected themselves and volunteered to participate when informed of this research project in Yuma, Arizona. Recruiting participants for this study was done through snowball sampling and fieldwork; the researcher asked for referrals to continue the data collection process and gave participants certain criteria to deliberately attempt to include as much variation in participants as possible.

Interviews were conducted in the cities of Yuma, San Luis, and Phoenix in 2012; then, follow up interviews were completed in 2016 once the presidential campaign was in full effect. Arizona participants represented first, second, and third generational cohorts and included undocumented, permanent legal residents, and naturalized citizens. Structured interviews using open-ended questions were used. Each interview lasted on average 50 minutes. Respondents were allowed to choose whether to have the interview in English or Spanish; eight were done in English and the remaining 14 were done in Spanish.

This study consulted interview questions previously used by Soss (1999) in his research with welfare participants to address concerns of question validity and reliability. Soss asked participants their views and attitudes on who and what influences public policy decisions; why political outcomes turn out the way that they do; whether governments do what citizens want;

whether governments listen to “people like me;” whether political action is effective; whether “people like me” could influence government decisions (1999). These questions are appropriate for this study because they contain the “framing dynamics” portion from Schneider and Ingram’s model (1997, p. 74). This causal mechanism of the cycle includes aspects on the experiences of individuals by a given policy; the messages, interpretations, and lessons these individuals deduce from this experience; the conceptions of government and the role of citizens; and, finally, patterns of political participation. Below are the primary research questions:

1. *Do you think there is a “Latino identity” in the U.S.?*
  - *If so, how would you describe how the “Latino identity” is portrayed in the U.S.?*
2. *Did S.B. 1070 have an effect on your interactions with local and state government entities? If so, how so? Please explain.*
3. *Did S.B. 1070 have an effect on your political participation? For example, did it make you want to participate more or less? (Probe allows for distinguishing between conventional political participation methods and unconventional.)*
4. *Do you think political participation is effective?*
5. *Does your local government make you feel valued? In what ways, or why not?*
  - *Does your state government make you feel valued? In what ways, or why not?*
  - *Does your federal government make you feel valued? In what ways, or why not?*
6. *Can you and people like you affect government, i.e. influence government decisions?*

Once qualitative data was collected and transcribed, it was analyzed by “procedures of theme development” (Creswell & Plano Clark, 2011, p. 84). Transcripts were organized by key themes.

## **Findings**

This study provides evidence that confirms S.B. 1070 is a degenerative policy as Latinos *do* internalize a number of messages from governments at different levels, which they

overwhelmingly report as a discouraging factor to political participation. Latinos overwhelmingly report feelings of inferiority and marginalization and don't have much desire to participate in either conventional or unconventional forms of participation as a result of policy like S.B. 1070. However, these effects were mitigated by several factors, the first being geographical location; responses within the state of Arizona varied greatly depending on location.

It is important to note *all* participants considered S.B. 1070 discriminatory and conducive to discriminatory practices, such as racial profiling by local police. All sites expressed general distrust of local law enforcement and were especially fearful and demoralized because local police are now deputized as immigration enforcers thanks to policy initiatives like S.B. 1070. Latinos internalized messages of low social value, "we are just criminals," and "they [politicians] only come to us during election time to pander and make empty promises." Latinos described Republicans as blatantly racist, but expressed disillusionment with the Democratic party for being silent and not fighting demeaning rhetoric.

Participants experience unequal effects of S.B. 1070, dependent on generational cohort, whether foreign or native born, English proficiency, rural or urban location, color of skin, and affiliation with community-based organizations. Respondents believed there had been an increase of rules and scrutiny by law enforcement at local, state, county, and federal levels based on these main variables. Participants with green cards (legal permanent residents who are noncitizens) felt fearful of voicing opposition or interacting with governmental entities and expressed greater insecurity since though they had legal status, they did not have citizenship. Though they would like to consider political mobilization, the most dominant emotion was fear.

Foreign-born immigrants who had become naturalized citizens were also very fearful in drawing any public attention to themselves. Participants explained that post S.B. 1070, their

interaction with government consisted of harsher exchanges, including longer lines of questioning and increased targeting by local police who are now deputized to act as immigration enforcers; they described these changes as permanent and likely to be emboldened even further with the presidential candidates trying to appeal to white voters. Even participants with college degrees in professional careers who are naturalized citizens perceived increased and deliberate targeting based on their pronunciation of English, their foreign-born status, and/or their skin color; their views on political action were overwhelmingly pessimistic because “priorities on who matters is made very clear.”

Participants overwhelmingly expressed in 2012 feeling ignored by the federal government for not intervening on their behalf when being targeted, discriminated, and “racially profiled” by S.B. 1070, suggesting that individuals internalize messages from governments at different levels in a given policy area and distinguish between the messages they infer from one government unit to another. Participants’ interpretation of S.B. 1070 included that to the federal government, “we [Latinos in Arizona] don’t matter to them,” “we are not a priority,” and “we are forgotten.”

Responses confirm the framing dynamics that Schneider and Ingram outline in their theory of policy design (1997), with participants referencing the way Latinos are socially construed throughout the United States, but especially in Arizona. In 2016, this theme was emphasized once again. “Trump is not new, it is bolder and louder, but we have been treated as criminals, perceived as inferior and unworthy for all of our history in this country.” The narrative on the criminalization of Latinos was a prevalent response at all interview sites. “We are not criminals. We are not drug dealers. We are not terrorists. Yet the state only emphasizes the welfare myth, the image of unintelligent lowly Mexicans, the drugs, the crime.” “My whole



life, being Mexican has carried a negative connotation. It implied we were poor, unable to speak English, a criminal in a gang, we eat beans, and probably here undocumented.”

This criminalization, participants explained, facilitated the momentum that made the passage of S.B.1070 possible in 2010, “This was all built on lies, not on any real economic analyses or facts.” Interviewees expressed their feelings of being treated as inferior through discrimination. They described S.B. 1070 as a “slap in the face, it sent a clear message—we are not wanted here,” and sadly expressed the context of living in Arizona post S.B. 1070, “you are treated as if you’re guilty, as if you are a criminal, not a human being.” Only one participant from the 28 collected throughout Arizona did not use the word “target.” All other remaining interviews described feeling like targets in Arizona after S.B. 1070. “We cannot trust the government here; it made us a target, it has made us the enemy.” “Even though the federal government challenged Arizona’s law, it was still not enough, it showed us that we are not important enough to them since we were left to bear this abuse on our own.” “The damage of S.B. 1070 was done when it was passed; the federal judicial challenges could not remedy this, the message had already been sent and could not be taken back.” One participant unknowingly summarized Schneider and Ingram’s policy dynamics through the following sentence, “the trigger [for S.B. 1070] was the changes in the global economy, the gap between classes is becoming wider. This was a political opportunity for Brewer that fell from the sky; the economy suffers, she blames the voiceless, becomes the hero, and wins her re-election term.” Respondents generally expressed this sentiment again in 2016, “governments work incrementally, the foundation was there; the ground pieces have been laid. Of course Trump has a real opportunity [to win the presidency].”

About their attitudes on political participation, Latinos in Arizona overwhelmingly expressed disillusionment and disappointment, and articulated their desire to alienate and not participate in formal political activities because they felt “there is no point;” the few who diverged from this sentiment were native Latinos belonging to second or third generational cohorts who had been educated in the U.S. and were fully fluent in the English language. Overwhelmingly, participants felt like “second-class citizens” with little faith in American democracy. Because of the state’s policy decisions, they felt deliberately targeted and perceived their citizenship and civil rights debased.

Generational cohort proved to be critical in whether Latinos were discouraged after S.B. 1070 or after hearing the punitive anti-immigrant discourse coming from the presidential candidates; second and third generation participants (whose family members were all of legal status, who were completely proficient in English, and whose color of skin was not profiled by local law enforcement) were the least affected.

The main divergences between the participants exist in the impact on participants’ motivation for political action. Community-based organizations (CBO), which are also tied to geographical location (metropolitan areas have the presence of four year universities and more local collective mobilization efforts by local non-profit organizations), play a critical role in organizing Latinos for political action—through both conventional and/or unconventional forms. When asked if they would be participating in efforts to demonstrate against anti-immigrant initiatives, Latinos in the city of Phoenix were the most optimistic about participation because they were more likely to be affiliated with community-based organizations that helped educate and mobilize the Latino community. These sorts of organizations, however, did not have a presence in the smaller towns of Yuma and San Luis. These smaller border towns’ lack of

community-based organizations may have led to the “silent reaction to S.B. 1070” Latinos showed in their lack of mobilization efforts. This difference led to different responses on whether government cared for people like them; in Yuma and San Luis where CBO’s are less prominent, participants emphatically responded no, government did not care about them at all, and so any subsequent political action would be futile. In Phoenix, however, where Latinos participants were more likely to be actively connected to a social network, the answer was much more positive. Respondents were more optimistic about getting government to hear their collective voice; the answer indicated that government could not ignore its constituents because of their size and unity, even if not originally a priority for government, they would not go ignored if they collectively mobilized.

Lastly, another key finding is that Latino participants commented on the security narrative that has become more prevalent since 9/11, which is consistent with the evolving literature on the securitization of immigration (Chebel d’Appollonia, 2012). Participants discussed how the criminality narrative had expanded to include the threat of “terrorist.” Latinos from cities of Yuma and San Luis, which are so geographically close to the southern border with Mexico, especially spoke at length about this, “I felt a very strong wave of negativity towards people like me in the aftermath of the attacks of 9/11, as if all foreigners are also terrorists.” This suggests that Latinos in the U.S. are disproportionately likely to experience the effects of securitization, a phenomenon that warrants further study and inquiry, especially as it relates to the use of discretion of public administrators. This has been an observable connection made by the Trump Administration in targeting immigrants, calling Mexican criminals and deliberately pointing to Muslims as a serious security threat, as well.

## **Discussion**

These findings are especially important because it illustrates that the media, the debates, and the political rhetoric that nationally frame immigration send messages to Latinos and suggest that the scope, reach, and potential to do harm through these means can quite substantial. Political rhetoric used to frame policy discussions have the ability to deter individuals who are already vulnerable and marginalized from engaging in political processes, thwarting their civic engagement.

### **Limitations**

The contribution of this study is that it includes direct responses from Latinos and Latino immigrants themselves, including legal noncitizens as well as undocumented individuals who are traditionally left out of empirical studies on political participation and their underlying motivation. It is important to note a few limitations in this particular research design, however, and these include the fact that Latinos in the U.S. are far from monolithic, and responses cannot be generalized. In addition, the political mobilization of minority groups has been empirically proven to be affected by a number of factors, with a large fraction of the literature emphasizing the importance of contextual factors. The context of a Trump presidency may be instrumental in politically mobilizing Latinos if opportunity structures are present, even if these have traditionally been discouraged and politically withdrawn from participating in traditional electoral processes by their experience in degenerative policy designs.

Although Schneider and Ingram (1997) predict that targeted groups are more likely to engage in demonstrations, rallies, and marches, or other forms of protest politics, this may be problematic in the context of a securitized immigration sector, given that government discretion is ample and that record deportations took place under the Obama administration and are now off to a substantial start under the new Trump regime. In the first 100 days of the Trump presidency,

immigration apprehensions and arrests increased by about 38%, all other things equal. Under the unchallenged wide range of discretion allocated to the state, the prediction of an increase of protest politics may not be a plausible alternative for foreign-born immigrants residing in the U.S. More research is needed on whether the role of securitization affects unconventional forms of political participation, especially since these channels of informal participation may be the only course available to Latinos who are not citizens.

This research also cannot speak to as whether governments' motivations are deliberate in the underlying communicative process that causes individuals to interpret and internalize policy messages and lessons a certain way. However, this research assumes that whether deliberate or not, the damage of degenerative policies is done as soon as the deliberation process politicizes and frames issues using symbols that target certain groups, which is why this area of policy dynamics is imperative to study and correct.

Future lines of inquiry can continue to base research on a securitized immigration sector, examining the political actions of Muslims after 9/11 in the U.S. For example, London has recently elected its first Muslim mayor, Sadiq Khan, through a political campaign dominated by issues of religion and ethnicity. This can provide insight on how to transform policy design dynamics to be self-correcting, to encourage political participation of targeted groups, and, ultimately, a greater level of political representation of targeted groups. These possibilities are all self-correcting mechanisms that aim to challenge the use of degenerative policies.

Local governments are also acting with innovation in attempting to resist the new federal administration's fervent targeting of immigrants. For example, deportation proceedings overwhelmingly begin with immigrants stopped by local police in routine stops. Since 9/11, local law enforcement has been deputized to enforce immigration status, which accounts for the

ever-growing number of immigrants in detention awaiting deportation proceedings. In response to this, local governments have formed over 100 sanctuary cities throughout the country, aiming to cooperate less with Immigration and Customs Enforcement (ICE) and prohibit federal agencies from collecting immigrants after non-violent routine stops (i.e. traffic violations).

These local governments are actively voicing their aim of ensuring immigrants feel safe and trust in their local government. Other municipalities have begun using city identification cards that do not ask on immigration status and provide some protection for immigrants in the case that local law enforcement ask for a current form of ID. These local measures are innovative in trying to respond to the punitive tone of the Trump administration's actions in terminating the DACA program. These measures by local government administrators and the role of community-based organizations will become increasingly important; currently, the Trump administration is seeking to add an immigration question to the next census, which would be catastrophic in that many Latinos will not participate and federal and/or state funding in areas most in need of public resources would find their budgets slashed.

### **Conclusion**

Existing policy dynamics communicate messages to both recipients and the public at large. Scholars have discussed that these policy dynamics can result in marginalization and disenfranchisement of certain groups. For example, social control theory suggests welfare programs exist to isolate and punish those who are categorized as “failures” in society, “welfare policy ...is an affirmation of majoritarian values through the creation of deviants. The poor are held hostage to make sure that the rest of us behave” (Handler, 1995, p. 8). Instead of encouraging solidarity and inclusion, the social welfare system isolates and marginalizes the poor. In the end, recipients who receive welfare benefits are caught in a system that perpetuates

their social class status and remain very poor; this ultimately assures the marginalization of these individuals continues within the materialistic society that is the U.S. (Piven, 1995).

This dysfunctional cycle that perpetuates social inequality is exactly why Schneider and Ingram write against the use of degenerative policies. “The contents of public policy are strongly implicated in the current crisis of democracy” (1997, p.5). The practical implications of degenerative policies are detrimental to the functionality of democracy. We can see that this is true based on how individuals’ perceptions of government efficacy, their levels of trust in the public sphere and in political processes is closely linked to their experiences with public policy and its implementation.

Practical implications of degenerative policy dynamics lead to a compromised form of citizenship. As certain groups are stigmatized by those in power who politically calculate opportunities and risks based on the use of politicizing images, rhetoric, and symbols, these groups learn that the right to equal citizenship is an illusion. If inequality exists so that power elites can accommodate those who society deems as “deserving” and then politically capitalize from this process, then those who belong to groups socially portrayed as undeserving and deviant lose faith in the very political systems that were put in place as direct measures of democracy and citizenship; they lose trust and belief in the processes that exist to provide individuals equal means by which to hold government accountable. Without the mechanism of political participation, the demand that faulty, undemocratic policies be corrected becomes unattainable to those that live and experience those policies on a daily basis. Without the mechanism of political participation, it is impossible to achieve political representation of those whose interests are marginalized so that government interventions that result in disparate impact or unequal policy burdens can be curbed.

Practical implications in the case of Latinos are especially important when considering the capacity and the critical role street-level bureaucrats play in the social and political integration process of Latinos and Latino immigrants. This is a critical component of Latinos establishing and strengthening their levels of social and political capital. This can be a driving force in community development and in strengthening relationships between local law enforcement and the communities they represent and are meant to protect. Accepting the notion that policies and their implementation are sites of political learning, the field of public administration can use policy implementation as a site to teach constituents that values of social equity and equal citizenship are not just empty rhetoric or illusions, but real pillars of the public sphere.

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**Table 1 Characteristics of Participants in Arizona**

**Foreign-Born Participants in Arizona:**

Fourteen Participants Total

<b>Gender</b>	<b>Immigration Status</b>	<b>College Education</b>	<b>Age</b>
Male: 7	Permanent Resident: 3 Naturalized Citizen: 4	College: 4 No College: 3	20-29: 0 30-39: 1 40-49: 2 50-59: 4
Female: 7	Permanent Resident: 3 Naturalized Citizen: 4	College: 2 No College: 5	20-29: 1 30-39: 2 40-49: 2 50-59: 2

*\*Four of these participants shared during interview they had been undocumented for a certain period of time in the U.S.*

**Table 2 Characteristics of Participants in Arizona**  
**Native Participants in Arizona:**

Fourteen Participants Total (Born U.S. Citizen)

<b>Gender</b>	<b>Generation in U.S.</b>	<b>College Education</b>	<b>Age</b>
Male: 7	First Generation: 3 Second Generation: 2 Third Generation: 2	College: 4 No College: 3	20-29: 2 30-39: 2 40-49: 1 50-59: 1 60-69: 1
Female: 7	First Generation: 4 Second Generation: 3	College: 4 No College: 3	20-29: 2 30-39: 2 40-49: 2 50-59: 1