

Sifting Immigrants: The Political and Historical Roots of Administrative Failure in the INS

Rebecca Bohrman
Yale University

Miller Center Fellows Conference, April 7-8, 2004

When people who deal with the INS try to illustrate the depths of its inefficiency and obduracy, they often find themselves at a loss for American institutions to compare it with, and turn to foreign examples -- the South Vietnamese Army, maybe, or the Bolivian Foreign Service

-- Calvin Trillin, 1984

The ability to decide who may enter the country, who is entitled to legally work, and who can become a citizen is a constitutive power of the state. Decisions about how to control national borders affect not only immigrants but also nearly all aspects of American economic, social and political life. However, the agency that administers the nation's borders, the Immigration and Naturalization Service (INS), has long been one of the most ineffective, widely criticized, inconsistent, and error-prone government agencies.¹ The central question of this dissertation is to explain why, for over 100 years, politicians been unable or unwilling to fix American immigration administration.

Administrative incoherence is common, even prevalent, in the American system; as Terry Moe writes, they are often "designed to fail." On any possible scale, however, the

¹ The Homeland Security Act of 2002 abolished the Immigration and Naturalization Service, replacing it with the Bureau of Citizenship & Immigration Services and the Bureau of Immigration and Customs Enforcement. Until 1933, the immigration administration agency was called the Bureau of Immigration. This paper will refer to the post-1933 immigration agencies as the INS for consistency and because the transition to the new organizational structure is still underway.

INS stands out as a long-time, extreme bureaucratic failure. Contemporary critics charge that the INS operates with nineteenth-century tools, lacks professionalism, and suffers from "crippling fragmentation, abysmal service, and chaotic enforcement" (Morris 1985; see also Sutherland 1996; Crewdson 1983). A recent audit of the INS found that employees made at least one error in over ninety percent of the cases it processed (Seelye 1998). Even the agency itself has frequently complained that it has received too little government guidance to adequately enforce the law, and one of the earliest leaders the Bureau of Immigration lamented the inadequacy of congressional leadership.² Similarly, recent INS head Doris Meissner requested more specific and definite directions from Congress, more competent employees, and better training (Meissner 1997). Most recently and notoriously, the government, the public, and the press have excoriated the INS for issuing visas to six of the World Trade Center terrorists, which catalyzed President Bush and Congress to begin a massive restructuring of the agency.

The continued disarray of American immigration administration has a real effect on American political, economic, and cultural life. The INS' inability to regulate the southern border, perform interior enforcement, or pursue employer sanctions has led to high levels of undocumented immigration. While there is debate over whether immigrants lower wages or drain local social services, immigrant flows have a substantial effect on everything from food prices to local school systems. Furthermore, because the INS is the

² "These are questions I ask/Of myself every day/Why cannot our law makers/Point the right way/To sift out the best/From this tangle and muss/So that we may pick them/And not let them pick us." Powderly Papers, "With the Board of Review," n.d. This poem is the source of my dissertation's title.

first American government agency future citizens face, it presents them with an initial image of the state that is inconsistent and incompetent.

The long history of bureaucratic failure at the INS also presents a theoretical puzzle that is not fully explained. In contrast to existing rational choice, historical institutionalist, and immigration-specific accounts of bureaucratic failure, I argue that the roots of INS incompetence reside in its institutional design, and that these original problems are perpetuated by the particular alignment of political conflict over immigration issues. Every stage of the INS's formation and growth has followed the same pattern: Congress responds to a perceived immigration crisis with an emergency measure; the measure holds, regardless of its success, until the next crisis spawns the next emergency measure. Each new set of laws complicates and expands the tasks of the INS without addressing the fundamental structural problems with the agency.

This paper elaborates this thesis over four sections. Section One criticizes existing explanations for the INS' difficulties, devoting particular attention to the limits of rational choice, the omissions of extant accounts in the historical institutionalist perspective, and the false exceptionalism of immigration-specific accounts. Section Two outlines the early years of the Bureau of Immigration, showing that the agency began with little foundation for success. Section Three links the lasting disarray to these historical origins. I argue that the INS was created at a time of relatively limited expertise, but its poor performance has persisted due to the difficulty of forming political coalitions for and against administrative reform. Using party platforms and roll call votes, I show that immigration is an issue that internally divides both the Democratic and Republican parties. Section Four concludes by situating the long-standing bureaucratic failure in the post September 11 restructuring.

While the restructuring is still in-progress, I make a tentative case that our historical antecedents and political terrain make these reforms unlikely to succeed.

I. Theories of Agency Capacity

This is a study of the causes of bureaucratic failure. While bureaucracies in the American political system may tend to be weak or incoherent, some are far more effective, efficient, and autonomous. In the case of the INS, agency incapacity takes two interrelated forms. First, the agency has difficulty carrying out its core responsibilities as defined by Congress and the president, such as effectively patrolling the borders or constructing a database of all visitors and immigrants. Second, the INS is characterized by administrative mistakes and even disasters, such as providing incorrect information, losing paperwork, and shredding documents when the workload becomes unmanageable. This section addresses the three theories that offer possible explanations for why some government agencies are less effective than others. Each theory provides some insight, but none sufficiently explain the causal mechanisms underlying bureaucratic failure.

Immigration-Specific Explanations

There is an enormous literature on American immigration policy, but this work rarely addresses immigration administration. This omission is curious, given that immigration policy is shaped just as much by its administration and implementation as by government laws.³ These theories focus on immigration-specific explanations for why the INS is so incapacitated, and therefore are limited in their ability to rule out competing

³ Tichenor (2002) stands out as a study of U.S. immigration policy that does incorporate

explanations.

Immigration-specific explanations focus on the problems of INS incoherence in isolation; this myopia tends to produce accounts that elaborate on the dependent variable rather than explain it. These accounts focus on the INS' contested mission, hard-to-control field staff, politically uninfluential constituents and lack of autonomy (Morris 1985; Crewdson 1983; Barrios 1999).⁴ While these factors are true, they do not sufficiently explain INS behavior and outcomes, because other agencies faced with such problems have been able to remain or become administratively competent.

Academics and government officials have argued that the INS' difficulties can be traced to its contested mission: to serve immigrants and to enforce the law. The recent reorganization of the INS is guided by this criticism, separating service and enforcement functions. A contested mission, however, cannot explain bureaucratic failure, because it is common for government agencies to perform both service and enforcement functions. For example, the Social Security Disability program also has internal conflicts over goals, required to both help the deserving and remove the undeserving (Mashaw 1983). Similarly, the Internal Revenue Service provides information to taxpayers and enforces tax laws.

While it is true that the INS manages a politically powerless clientele, this fact alone does not explain bureaucratic incompetence. Non-citizens cannot vote, but politicians have always been concerned with obtaining the future votes of immigrants. Moreover, INS incapacity affects many politically important groups, such as current citizens and powerful interest groups like labor unions and business organizations.

immigration administration.

⁴ Several interesting works that focus solely on the INS either deal with a single program (Calavita 1992; Salyer 1995)

Moreover, immigrants are politically weak in all countries, but other nations have achieved greater bureaucratic efficacy. Australia and Canada, for example, have high immigration rates, yet they maintain comparatively competent immigration bureaucracies (Nobuaki 1994; Brawley 1995).⁵

Other immigration-specific accounts blame the government for restraining the INS to the point of total impotence. One study of the INS argues that reforms fail because the agency suffers from a lack of autonomy, and is too constrained by policymakers, demanding constituencies, and weak clientele support (Barrios 1999). However, political constraints on the INS have varied over time, while the agency's problems have remained. In particular, in the first years of the Bureau of Immigration, one of the agency's main problems was too little guidance from Congress or the president on how to go about enforcing the new immigration laws.

Keith Fitzgerald's account of bureaucratic variation is similarly limited. Fitzgerald does try to use the history of the agency to make larger claims about variations in areas of state strength, however, the study contrasts only legal, "front-door" immigration, illegal, "back-door" immigration, and refugee policy. Fitzgerald is correct to argue that the administration of refugee policy is far more modernized than the administration of border control. However, by looking at internal differences alone, the relatively small variations are magnified, while the far larger gulf between the INS and other government agencies is obscured. Similarly, by looking at the history of INS in isolation, he is able to argue that by 1924, the Bureau of Immigration had become a powerful agency that set the immigration policy agenda. While it is true that the Bureau of Immigration was larger and more

⁵ This comparative competence is accompanied by harsh and racially restrictive exclusions, which

powerful in 1924 than it had been in 1896, in contrast with other government agencies, it remained weak.

A final explanation for the difficulty of administering politics of American immigration policy focuses on ideology. This explanation says that as a nation, we have a contradictory attitude towards immigrants: we define ourselves as a nation of immigrants, but we fear the consequences of excessive immigration. This contradiction is manifest in policies that restrict immigration as a national policy but permit high levels of immigration in reality. Therefore, according to this account, our immigration policy and our immigration administration embody the conflicting ideas held by Americans. While this argument does accurately describe internally contradictory ideas about immigrants and immigration, it does not address the complex mechanisms by which this ideological contradiction is translated into administrative incoherence.

Rational Choice Theories of Congressional Control and Agency Design

Rational choice models of political control of government agencies assume that politicians and interest groups make strategic decisions, and therefore agency performance is controlled by political oversight. According to most rational choice work on the bureaucracy, rational and re-election seeking political actors control the American bureaucracy (Wood and Waterman; McCubbins and Schwartz 1984; Weingast and Moran 1983; Ferejohn and Shipan 1990). These scholars first argued that even when no reforms or sanctions are observed, Congress effectively controls agency behavior, because agency actors anticipate and avoid political sanctions. Later modifications by other scholars

incorporated the president and courts, but still argued that agencies respond clearly to political shifts. These articles take as axiomatic that a single, left-right or Republican-Democrat dimension is sufficient for understanding political control of government agencies. This overly simplified model of political conflict might be appropriate for agencies with clear supporters and opponents who neatly divide along ideological or partisan lines, but is less appropriate for agencies with more complex patterns of support and opposition.

Furthermore, rational choice models neglect the critical role played by historical battles over agency structure and behavior. Even if they take account of the possible independent preferences of bureaucratic actors, these theories do not consider the ways that initial agency design constrains later attempts at political control. Therefore, they cannot account for factors such as the timing of an agency's formation, which can have long-lasting effects on the ability of politicians to control agencies.

These models almost exclusively focus on regulatory agencies that have clear and easily measurable outputs. While looking at the volume of regulation under Republican and Democratic rule measures one important aspect of political control, it leaves out other important but less easily measured tasks performed by government agencies. It also gives little information about the mechanisms that politicians use to shape or neglect to shape agency behavior.

If this rational choice explanation were correct, we would expect to see the INS' behavior shift in response to changes in the partisan makeup of Congress. While there is congressional meddling in the INS, this usually takes the form of hearings, which have little effect, or interference in individual cases, which does not affect the overall behavior

of the agency. There is no evidence that the number of deportations changes in any systematic way with partisan political changes. Even if a relationship did exist, it would not explain the consistent pattern of agency inefficacy over a time span that includes every possible partisan configuration.

Although rational choice models cannot fully explain the incompetence of the INS or other agencies, they do point to a real relationship between political actors and agency behavior. Also, because rational choice models are parsimonious and focus on easily measured outputs, they make it possible to compare the political oversight of government agencies.

While most rational choice models assume the relatively unproblematic translation of political preferences into agency behavior, some rational choice models do focus on agency formation and bureaucratic failures. In Moe's seminal article on "The Politics of Bureaucratic Structure," he argues that "the inevitability of compromise means that agencies will be burdened with structures fully intended to cause their failure."

Moe argues that we should not expect agencies to run well, because they are designed by legislators who value the ability to intervene and by interest groups who use bureaucratic structures to defend their interests against competitors. In his analysis, neither the Consumer Product Safety Commission nor the Occupational Safety and Health Administration were created to do their jobs, and therefore, their performances deteriorated over time. Like other rational choice models, his work focuses on agencies that administer policies with clear supporters and opponents, who generally fall along party lines, such as labor or the environment. His model is less helpful if supporting and opposing coalitions are less coherent. Immigration supporters and opponents form strange coalitions, ones that

do not align on other issues, and often support or oppose immigration for very different reasons. While conservative Texans and labor Democrats might both seek to reduce immigration, they would want to do so in very different ways, which could affect the administrative structure each group would seek.

At first glance, the INS is a case that fits Moe's model. It could be argued that members of Congress have designed the INS in order to maximize opportunities for constituency service. Congressional scholars have observed that members of Congress use the bureaucracy to advance their electoral interests, in particular seeking opportunities for casework (Fiorina 1989). Members of Congress do perform a great deal of ad hoc intervention with the INS on behalf of constituents. A number of members of Congress have said that the INS is the single greatest source of constituency complaints (Congressional Record). Congress may not have the efficient administration of policy as its central goal, but neither does it try to maximize administrative disorder just to increase its casework. If it did, we would expect to find widespread administrative chaos, when in fact, it systematically varies across agencies. While it is true that members of Congress might gain some support from immigration casework, the agency is so deeply unable to perform its tasks that it is more a source of congressional frustration than possible casework opportunities.

As Moe's theory would suggest, in the realm of immigration politics, battles over structure are in part a product of political considerations. What is striking in the case of the INS is how rarely real structural reform has been proposed. If Moe's model explained INS ineffectiveness, we would expect to see congressional and interest group coalitions trying to insulate their preferences via the structure of the INS. However, until recently, there has

been relatively little interest group and congressional attention focused on INS restructuring, except for at the level of policy and individual constituents.

Some rational choice theories do address the importance of agency design. David Lewis (2003) argues that ramshackle agency creation leads to organizational problems and fragmentation of control. He laudably provides a testable theory of agency design and he deals with a wide array of agencies. In his account, presidents seek to maximize administrative control, and when it is difficult for Congress to come to an agreement, it is more likely that presidents will get the design they want. However, in the case of the INS, it is quite hard for Congress to reach agreement, but until recently, there has been no major president-driven reorganization. While Davis argues that organizational change accompanies policy change, in the case of immigration, policy change occurs without real organizational change.

Because rational choice models treat all actions as purposive, their understanding of institutions tends to be functionalist; structures exist because they meet the needs of politicians. However, the electoral goals of members of Congress and the president and the policy goals of interest groups only partially explain for INS structure and performance.

The Role of History in Agency Design and Success

The third approach to explaining variations in agency success is historical institutionalism, which focuses on the interplay between political institutions and historical development. This literature addresses questions about patterns, time and order, which are helpful for understanding why some agencies fail. Without knowing the way in which the

INS was created and the past efforts to reform the agency, it would be impossible to understand and explain the INS' current difficulties.

Daniel Carpenter's (2001) work on bureaucratic autonomy presents a thorough and convincing explanation for the causes of bureaucratic success. Comparing three agencies over time, he argues that autonomy occurs when administrative entrepreneurs forge new solutions and networks. Governments have limited ability to give agencies programmatic capacity, he argues, because it is "first and foremost a function of organizational evolution"(28). Carpenter shows that it is necessary to take into account bureaucratic structures and actors, and move beyond models that try to explain agency behavior by looking at partisan politics alone.

Carpenter criticizes most studies of state-building for looking at bureaucracy only via legislation and roll call votes, while neglecting to study the organizations themselves. However, shifting the focus to the organizations alone, Carpenter's analysis neglects the crucial interplay between partisan politics and organizational structure. Elected officials may not be able to create administrative capacity, but they are capable of hindering or failing to create the conditions for capacity. Carpenter argues that strong bureaucratic reputations require entrepreneurs to cultivate multiple and diverse network affiliations. In the presence of strong bureaucratic entrepreneurs, it is possible that a coalition "that includes Democrats and Republicans – particularly a coalition that includes Democrats of many sorts and Republicans of many sorts – is one that politicians can neither control by dint of party affiliation nor break apart by invoking principles of partisanship" (32). While these coalitions might be especially durable, they can also be especially fragile, temporary, and hard to forge.

Historical institutionalist theories come closest to explaining the causes of INS dysfunction, because they incorporate non-purposive, accidental, or time bound elements of institutional design and persistence. Purely instrumental, rational choice accounts, even those that would predict bureaucratic failure, do little to explain variations across agencies.

II. Historical Origins: The Bureau of Immigration and the Seeds of Failure

Federal limits on immigration were instituted at the behest of urban reformers with the support of labor unions and only slight opposition from business leaders. Until 1876, the states controlled immigration, but then the Supreme Court struck down state immigration laws, holding that only Congress could regulate immigration (Smith and Herring 1924).⁶ Once the Court struck down state laws, urban charities pressed for and obtained congressional action excluding sick immigrants or those likely to become impoverished (Higham 1955).⁷ Urban reformers and social scientists were loud voices for federal immigration restriction, but their expert advice focused only on the need to regulate immigration, not the mechanisms for doing so. Soon, labor became the most influential voice shaping immigration administration, with sporadic participation from business interests. However, neither labor nor business interests were sufficiently unified about immigration policy to be a clear, coherent voice for any particular form of immigration control policy. Nor was the Bureau of Immigration itself able to build political coalitions, call on experts, and make itself competent.

The Bureau of Immigration consisted of underpaid, overworked, and untrained employees who daily dealt with large numbers of people who wanted desperately to enter the

⁶ The short-lived Alien and Sedition Act of 1798 did have provisions for the deportation of dangerous aliens.

⁷ By the early 1900s, charity organizations began battling the restrictions that they'd sought earlier, because they decided that immigrants were oppressed minorities rather than threats (Higham 1955).

country. The Ellis Island station, the primary entry place for immigrants, was especially embattled. The assistant New York Commissioner, Edward McSweeney was charged and convicted of purloining and embezzling immigration records.⁸ The entire New York department was charged with accepting bribes to help immigrants escape detention. Roosevelt tried to clean up the station by firing corrupt officials, but they continued to have "embarrassing difficulties".⁹

Enforcement procedures were never systematized, and so the field offices often fought with the central Washington office over how to enforce the laws (Safford 1925). One observer wrote that the Ellis Island station was in "a state of indescribable confusion and disorder...in the methods of business pursued there" and that "Rules...were numerous... but appeared to be made only to be broken". The legal advisor at Ellis Island was not aware of the most basic procedures, such as the number of people who should sit on a board of Special Inquiry.¹⁰

Bureau of Immigration workers were unqualified and inadequately supervised. The immigration laws passed by Congress in 1907 and 1917 gave field officers wide responsibility, but appropriated too little money to find qualified workers, or to adequately supervise them. While Bureau officials would have liked to fire incompetent employees, they could not afford to, having "too few men as it is," and would instead promote them to Boards of Special Inquiry, where the poor judgement of one man would be cancelled out by the good judgement of two.¹¹

⁸ Newspaper clipping regarding Attorney General Burnett's report, Reel3, June 23, 1902 in "Papers of Terence Vincent Powderly, 1864-1937" (Glen Rock, NJ: Microfilming Corporation of America), cited hereafter as *Powderly Papers*.

⁹ Letter from Robert Watchorn, Commissioner of Immigration at Ellis Island to Powderly, Reel 6, February 4, 1908 (*Powderly Papers*).

¹⁰ From "Meeting of the Investigating Committee," Reel 81, February 24, 1900 (*Powderly Papers*).

¹¹ Letter from W. Williams to Daniel Keefe, Reel 3, August 8, 1912 (*Powderly Papers*).

The Bureau's ability to perform a key task, collecting data, was compromised by insufficient appropriations. As an immigration official observed in 1901, "The backwardness of the statistical department is a perfect nightmare to me. It seems like pouring water down a rathole to supply that branch with enough assistance," yet the Bureau was unable to give them more because the immigrant fund was depleted.¹² While pay for all government positions lagged behind the private sector, pay for immigrant jobs lagged behind other government positions, making it hard to retain staff (Annual Report 1918).

Labor's Internal Conflict

Labor unions were instrumental in starting and expanding the Bureau of Immigration. On March 3, 1891, Congress responded to growing pressure for more adequate immigration restriction by establishing a Superintendent of Immigration, with a staff of three. In 1895, Congress established the Bureau of Immigration and gave it responsibility for contract labor enforcement (Smith and Herring 1924). However, because labor interests were not in agreement about how strictly immigration should be restricted, and because the Bureau lacked real capacity, they were unable to get the Bureau to enforce even the most basic restrictions on immigrant contract labor.

Labor leaders, Bureau officials, Congress, and the public saw the Bureau as a tool for labor. It was headed by labor leaders -- the first Commissioner General was Terrence Powderly, the former head of the Knights of Labor. He was succeeded by Frank Sargent, a leader of the Brotherhood of Locomotive Firemen. Powderly, who was head of the Bureau from 1898 to 1902 and head of the Division of Information until 1924, wrote that "every moment of my time is taken up in the work of the immigration Bureau....to best serve the interests of the working people of the United States, in whose behalf the Bureau was

¹² Letter from W. Williams to F. Larned, Reel 4, June 17, 1901 (*Powderly Papers*).

established".¹³ Congress clearly linked immigration with labor, shifting the Bureau from the Department of the Treasury to the newly established Department of Commerce and Labor (1903) and then Labor (1913) (Smith and Herring 1924). Labor leaders communicated with the Bureau and expected it to pursue their interests; Samuel Gompers wrote that "the work of the Immigration Bureau involved knowledge of labor problems. This explains why so many labor men were appointed," and that "it was my custom to keep in close touch with the affairs of the Immigration Bureau of New York City" (Gompers 1925). The Bureau sought to represent labor interests, and keep in "close touch" with labor organizations.¹⁴

Though it would seem that labor interests would have carte blanche to shape immigration administration, this control was thwarted in part by internal disagreement. Labor organizations disagreed about how strictly the Bureau of Immigration should enforce the laws, who should run the Bureau, and what structure would best serve their interests. Many union leaders and members were first or second generation immigrants themselves, and therefore ambivalent about immigration restriction. Gompers, born in London, said that "he approached the immigration problem with the somewhat mixed feelings of one who had been an immigrant". Similarly, Powderly was the son of Irish immigrants, and wrote about his father that "at a later period I might, as Commissioner-General of Immigration, be obliged to deport him as likely to be a public charge".

Labor groups also battled over who should be appointed to the Bureau, with Powderly's selection to head the Bureau in 1898 provoking labor discord. One Knights of

¹³ Letter from Powderly to Leonard, Reel 2, March 31, 1898. President Roosevelt fired Powderly in 1902, in the aftermath of the corruption scandal at the Ellis Island immigration station, writing "I had hoped to be able to keep in Mr. Powderly...I have to make a clean sweep" in a letter to Mr. Goddard, Reel 2, March 25, 1902 (*Powderly Papers*). Powderly was cleared of any wrongdoing and rehired in 1906 (Garlock).

¹⁴ Letter from Powderly to William Wiehe, Reel 3, May 15, 1899, telling him to go to a metal workers convention to answer questions about the Bureau and get advice from the laborers

Labor group claimed that Powderly had "long since forfeited the good will and the respect of the organized workingmen of the United States" and accused him of being incapable of enforcing the law firmly. Many assemblies of the American Federation of Labor opposed his nomination as well, calling him unsympathetic to workers and the nomination itself an insult to labor.¹⁵ Other labor organizations fought for his confirmation, insisting that Powderly would protect the U.S. from undesirable immigrants.

Furthermore, labor groups disagreed over the structure and purpose of the Bureau. The Division of Information was established in 1907 to direct immigrants away from cities and toward rural areas. Some labor groups supported the Division as a way of protecting urban jobs, while others feared it would encourage immigration. At the 1902 AFL convention, Powderly was told that the union would accept the Division, but Gompers, as well as the Secretary of Commerce and Labor, argued that the Division of Information was helping employers to import strike breakers (Gompers 1925).¹⁶

Even when labor was unified, the Bureau of Immigration lacked the capacity to pursue their objectives. While labor was ambivalent about the benefits and dangers of immigration, they were generally opposed to contract labor, because contract workers were treated poorly, undermined wages, and were hard to organize. At the 1892 Knights of Labor convention, Terrence Powderly argued that "Corporate greed is alone responsible for the sweeping tide of immigration now flowing in upon us" (1940). Similarly, American Federation of Labor's Samuel Gompers said that the only immigrants who should be excluded were those "used by the employers to build up the tenement house factory system" (Gompers 1925, 151). A Chicago labor union wrote a letter of complaint to the Bureau of Immigration, charging that

(*Powderly Papers*).

¹⁵ Newspaper clipping, around 1897 (*Powderly Papers*).

Chicago Steel Mills were importing laborers and treating them cruelly and unjustly.¹⁷ In fact, the public perception that the ban on contract labor was "a measure wrung from Congress against its will by power of organized labor" impeded the Bureau's ability to enforce it (1905).¹⁸ The Bureau of Immigration complained that the contract labor provision was ineffective because it only sanctioned immigrants, not employers. Also, the courts interpreted the Alien Contract Law as requiring proof that a contract existed, but if aliens were excluded then of course they could not be prosecuted.¹⁹ While the 1917 Immigration Act did allow the bureau to fine employers who used contract labor, the provision was still not fully enforced because the Bureau was too small and underpaid to adequately enforce the provisions of the 1917 law (Annual Report 1919).

Therefore, while the Bureau saw itself and was seen by others as a labor controlled institution, it was unable to pursue labor's interests, thwarted by internal conflict, inadequate laws and insufficient Bureau staffing.

Business's Internal Conflict

One possible explanation for inadequate contract labor enforcement would be that it reflects clandestine business domination. Indeed, labor leaders charged that "Immigration bureaus had been repeatedly used as a supply station for strikebreakers" (Gompers 1925). Furthermore, between 1896 and 1924, contract laborers were never more than 0.2 percent of

¹⁶ In reality, the Division of Information failed to dissuade immigrants from settling in the city (Smith and Herring 1924).

¹⁷ Letter from J. W. Burst to Powderly, March 1900 (*Powderly Papers*).

¹⁸ Powderly was concerned that the Bureau was so widely seen as beholden to labor. He ended a letter to the president by writing that "There are those who look with suspicion upon anything proposed by a labor man and...I shall esteem it a favor if you will adopt my suggestions as your own, or else conceal the identity of the author," letter to Theodore Roosevelt, December 8, 1906.

¹⁹ In Annual reports from 1901, 1909, and 1912; also in letter from Powderly to Senator George Perkins, Reel 3, May 17, 1900 (*Powderly Papers*).

those deported. However, business, like labor, was ambivalent about immigration. While business leaders tended to oppose congressional immigration restriction, arguing that immigrants were "touched by gold," these attitudes were tempered with the fear that immigrants might foment labor unrest (Higham 1955, 17, 31, 42-44).

There were some instances where business interests shaped immigration administration. A group of coal mine operators in West Virginia hired someone to recruit immigrant contract labor, and the federal government permitted this recruiter to hold the title of "Commissioner of Immigration". But because business interests were ambivalent about whether immigrants were radicals who might cause labor unrest or a cheap source of labor, they did not consistently advocate any particular form of immigration restriction (Higham 1955). When business did take a unified stand on a particular policy -- they opposed a literacy test -- they were able to delay but not prevent Congress from including a literacy test in the 1917 immigration law (Higham 1955). While the Bureau of Immigration did not successfully keep out contract labor, business interests were neither unified nor dominant. Neither business nor labor was able to push for a strong national bureaucracy regulating immigration.

The Bureau of Immigration: Bad Timing and Limited Resources

The Bureau of Immigration had the bad luck to be founded at a time when the national government had limited experience constructing large-scale national bureaucracies. It was unable to find talented employees and failed to attract entrepreneurial leadership.

Unlike other agencies, the Bureau of Immigration was unable to hire or train competent staff. The U.S. Department of Agriculture was able to employ a ready supply of professional, trained scientists who were graduates of the new land grant colleges (Skocpol and Finegold 1982). Because of its connection to universities, the agency was able to recruit and retain

talented personnel even when salaries fell below private sector wages (Carpenter 1997). Similarly, the Forest Service was seen as competent and effective, though employees were widely dispersed, in part because the new schools of forestry provided a source of well-trained employees (Kaufman 1960). In sharp contrast, the INS had no such pool of employees with specialized training from which to draw employees, instead selecting them on the basis of foreign language or typing skills (Wooddy 1934). Employees selected according to these criteria often lacked, in the INS' own words, "the qualifications to discharge with efficiency the very exacting duties essential to a successful enforcement of the law" (Annual Report 1902). The Border Patrol was initially staffed with postal clerks with no training (Briggs 1984). The Board of Special Inquiry, a panel of three that made final decisions on immigrants who were rejected during the primary inspection, were often political appointees with no experience with immigrants, or inspectors with good stenography skills (Cavanaugh 1928, Van Vleck 1932). While the Board positions demanded judicial skills, more skilled applicants were difficult to recruit because the pay was not equivalent to other "judicial type positions" (Annual Report 1907).

The Bureau was sympathetic to these expert arguments for race based immigration restriction, though it was not directly linked to social scientists nor was it the primary voice for racial exclusion. Beginning in 1902, the Bureau compiled literacy data that showed that of the 648,743 immigrants admitted the previous year, only 483,638 could read (contrast, they had excluded only 4974 immigrants). The 1902 Annual Report also showed that a literacy test would favor "old immigrants from England, Germany, and Denmark, while reducing the number of "new immigrants" from Russia and Italy (Annual Report 1902). Also, beginning in 1899, the Bureau began tabulating race as well as origin to better track "undesirable" immigration.

The Bureau of Immigration not only lacked experts or a pool of trained potential staff; they also lacked bureaucratic entrepreneurs. Carpenter's work shows that during this time period, some agencies were able to build broad coalitions and achieve agency capacity. His description of how between 1890 and 1910, the Post Office Department transformed itself from a decentralized, inefficient patronage operation to a centralized, routinized machine starkly contrasts with the ineffectual path of the Bureau of Immigration (Carpenter 2001). There were a few exceptions -- the Bureau tried to reorganize itself in order to better carry out the immigration laws. However, their reforms were limited, such as shifting the "the best men in the service" to primary inspections, and trying to fire or reassign the most corrupt employees.²⁰ Congress ignored most of the Bureau's suggestions, including Powderly's suggestion that the United States annex Canada to block smuggling (1940). However, the Bureau was not able to improve their own competence, instead relying on deportations as a measure of administrative success -- in 1911, the Commissioner General boasted that "deportations have materially increased in the last two years due...[in part] to "improvement in the efficiency of the service".²¹

Congress asystematically denied the agency adequate funding and clear guidance. The Bureau claimed that "It is believed that there is no other public office in which such a large number of subordinate officials are called upon to do incessant mental work and exercise discretionary powers of such volume and importance." Their task was made harder, they argued, due to the "utter inadequacy" of immigration laws (Annual Report 1903). The Bureau usually ran a surplus: in 1912, they were only allowed to spend half of the collected head tax

²⁰ For attempts to eliminate corruption, see letter from Powderly to John Parsons, Reel 3, October 25, 1902, and Memo from Daniel Keefe to the Secretary of Labor, Reel 3, July 5, 1912. However, some Bureau changes were merely efforts to improve their image: in a memo to the New York Commissioner, Powderly suggested "forbid the use of the term 'pen' by the officers at your station to designate the quarters," Reel 3, May 9, 1902 (*Powderly Papers*).

(Smith and Herring 1924). Year after year, the Bureau claimed that their staff was "numerically insufficient," and that they "can only secure inexperienced men to do highly specialized work". Furthermore, the Bureau recognized that the field staff was inadequately supervised, and asked Congress for a corps of special agents charged with observing the "vast field service" (Annual Report 1907). Congress never appropriated funds for supervision. Congress routinely enacted changes in immigration policy that increased the Bureau's responsibilities without appropriating money for salaries. In the Act of 1907, Congress told the Bureau to print and distribute information, but appropriated no money to do so.

III. Fragmented Coalitions Produce Incoherent Bureaucracy

The historical origins of the INS laid the groundwork for its future failure. But while the INS has grown in size, its problems have persisted. Why has the INS been plagued by the same set of problems for so long while other agencies have been restructured, modernized, or reformed? This section presents a piece of my answer to this question; that political parties are internally divided over immigration, and therefore there are no stable coalitions to promulgate successful administrative change. Looking at party platforms, roll call votes, and legislative debates, I find that immigration is consistently more internally divided than other policy areas, in particular tax policy.

Party Platforms

Presidential party platforms are one way to identify party positions.²² On policy issues that neatly divide along party lines, we would expect to see the two parties staking claim to opposite sides of the debate.

²¹ W. Williams speech to Congress in re House Res. 177, Reel 11, July 7, 1911 (*Powderly Papers*).

²² This paper primarily focuses on congressional politics and control, but though platforms are

According to my analysis of all major party platforms between 1856-2000, immigration has never been a clearly polarized partisan issue – during no election year does one party advocate restriction while the other demands growth. While it could be argued that party platforms are usually designed more to appeal to voters than to advocate some particular ideology, real differences in party platforms are found in many policy areas, including economics and social welfare policy (Royed and Borelli 1997). It is necessary to go back 40 years to find a platform that explicitly recommends changing the number of accepted immigrants (Republican Party Platform, 1960), and between 1856 and 2000, there are only eight sentences in both Democratic and Republican platforms that advocate lowering or raising immigration.²³ Less than half of all party platforms mention immigration at all (35 of 74, between 1856 and 2000), and when platforms do discuss immigration they have focused far more on condemning illegal immigration and vague statements declaring that America is a nation of immigrants than on specific immigration policies. Other mentions of immigration are consensual, in particular from 1864-1928 and from 1996-2000. The first period marks the beginning years of the Bureau of Immigration, when there appears to be a bipartisan consensus that immigration should be reduced. The statements calling for increased immigration in the 1950s and 1960s are Democratic challenges to the quota system and bipartisan calls to admit refugees. In 1972, Republicans begin calling for restrictions on illegal immigration, with Democrats joining in 1996. 1996 is also the first year that reforming the INS itself is mentioned. But again, consensus, at

presidential, they do indicate basic party commitments. Party platforms were downloaded from www.sourcedocuments.com

²³ In contrast, the 1996 Democratic Party platform has 16 sentences on illegal immigration alone, though it is true that platforms have been getting longer.

least post-1932, is not about the level of immigration but rather around particular, less controversial components of immigration policy.

Party platforms, then, suggest that parties are reluctant to suggest wholesale changes in immigration policy (after the 1920s), and tend to form consensus around particular issues, leading to policy changes without agency modernization.

Roll Call Data

Immigration scholars have noted “...the often remarked upon tendency of immigration politics to straddle the ordinary liberal-conservative divide and concomitantly the emergence of strange bedfellow coalitions for or against particular proposals” (Zolberg, 3; see also Money 1999). However, one study does claim that immigration policy neatly divides Democratic and Republican members of Congress (Gimpel and Edwards 1999). If immigration votes tend to cut across traditional party lines, then we would expect members of Congress to vote with their party less often on immigration votes than other votes. In order to determine whether immigration issues really are best explained by party divisions, I used roll call votes from 1890-2000, using vote breakdown data from the Poole Rosenthal dataset, as well as Congressional Universe vote data to compile a database of all votes, coded by issue area.²⁴

One measure of internal division on immigration issues is the degree to which members of Congress vote with their party on bills. In order to determine the level of

²⁴The data set includes all roll call votes held in the House of Representatives between 1864-2000. Following the procedure used by Congressional Quarterly, party unity scores were calculated by averaging the number of votes during the period in which a majority of Democrats opposed a majority of Republicans. The dataset consists of approximately 30,000 votes, 300 of which are related to immigration.

intraparty conflict, I explored the level of party loyalty on immigration votes. My analysis of party unity looks at the percentage of party members who voted with their party on immigration votes compared with their party loyalty on all votes and on tax votes. As Figure 1 shows, for Democrats and Republicans, party unity is substantially lower on immigration votes than overall or on votes concerning taxes.

[Figure 1 here]

For the Democrats, this cannot be explained by the defection of southern Democrats; in fact, the difference between overall northern Democratic loyalty and loyalty on immigration votes is even larger than the gap for all Democrats. Democratic Party loyalty is consistently lower on immigration votes than on all other votes. This high level of intraparty conflict has been consistent over the last century. Figure 2 shows that for most decades, Democrats were less likely to vote with their party on immigration votes than on all other votes and on taxation votes in particular.

[Figure 2 here]

Republicans are also divided on the issue of immigration, though the level of intraparty conflict on immigration votes is less stark than for Democrats. Republicans are almost seven percent less loyal to the party when voting on immigration issues than on tax issues (Figure 1). Looking at party conflict over time, during most decades, Republican loyalty on immigration votes was lower than on other votes and on tax votes.

[Figure 3 here]

It is plausible that the internal cleavage for Democrats, between opposition to immigration on labor grounds and support for immigration on social justice grounds is deeper than that between Republican supporters of big business and cultural conservatives. Another possibility is that roll call analysis does not fully capture the true level of ambiguity over immigration policies. One problem is that roll call votes are not a random sample of what happens in Congress, and the votes proposed may well be those least likely to provoke internal conflicts. Critics of roll call vote analysis have pointed out that it tends to exaggerate party loyalty and fails to capture what actually occurs in Congress (VanDoren; Krehbiel 2000). Evidence from congressional debates shows even more clearly that the Republican party is internally divided over immigration.

A close look at congressional debates over immigration even more strongly suggest not only that parties are internally divided, but that this internal division limits the kind of policies and reforms that are eventually enacted. The most recent overhaul of American immigration policy, in 1996, was characterized by broad coalitions that united unusual coalitions of ethnic groups and business interests, as well as internal party divisions.

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), a bill that the sponsors had hoped would address both illegal and legal immigration. The resulting bill was targeted almost solely towards enforcing restrictions against illegal immigrants, abandoning most measures that would rework legal immigration, employer sanctions, or the INS' dealings with legal immigrants. The Republican party struggled deeply over the eventual shape of the 1996 bill, in particular over public education for the children of illegal immigrants. Republicans faced competing interest groups, with businesses complaining that the legislation was "workplace

regulation", and the anti-immigration Federation for American Immigration Reform accusing them of "falling in line with the Great Society immigration policy" (Katz 1996). When the legal immigration bill came to the floor, it was rejected with the help of 36 percent of the Republican vote. In contrast, in 1996 the average level of Republican party loyalty that year was 77 percent. During the two years leading up to the eventual 1996 reform, unusual coalitions and internal struggles were pervasive: one observer noted that immigration "is one of those issues that really threatens to tear the Republican Party in half" (Moore 1995).

IV. The Department of Homeland Security: Wholesale Transformation?

Looking at the last 110 years of INS history, the easiest prediction would have been that the INS will remain an agency in disarray. However, two major shifts may well transform the agency from a muddled, chaotic mess to a more efficient, though more punitive operation. First, over the twenty years, there has been a redefinition of immigration as an issue of crime rather than just economics, which has produced a bipartisan focus on decreasing illegal immigration (Bohrman and Murakawa 2004). Second, the September 11 terrorist attacks and the INS renewal of two of the terrorists' visas exactly six months later have produced a high level of public scrutiny and outrage focused specifically on the structure and functioning of the agency. This outrage has culminated in several reforms; renaming the INS, dividing service functions from enforcement, and relocating it to the Department of Homeland Security. It remains to be seen whether these reforms will actually transform American immigration administration.

Major immigration legislation in the last 20 years has concentrated on increasing

the border patrol (in contrast to changing the level of immigration or implementing real employer sanctions). By focusing on illegal immigration, defined as a criminal issue, the Republican Party avoids confronting either wing of their party. They can selectively encourage legal immigration of high tech workers and agricultural labor, while appearing to be aggressively tough on other groups of immigrants, especially illegal immigrants (without having any real effect on the number of illegal immigrants, either). For the Democratic Party, focusing on illegal immigrants allows them to tap into politically popular anti-crime rhetoric, though it threatens to alienate supporters of more generous immigration standards and critics concerned with human rights.

This new, bipartisan focus on illegal immigration and in particular, the border patrol, has sparked remarkable growth in the INS. As a percentage of all other discretionary government spending, spending on the INS has soared.²⁵ The government has historically underfunded the INS, making many demands but allocating few resources.²⁶ In 1996, Congress greatly expanded the number of Border Patrol personnel and the number of INS investigative agents. Between 1993 and 2000, the Border Patrol force increased by 150 percent (from 4,000 to 10,000). To put this in context, at the same time, the total federal civilian employment dropped by 11 percent, according to Office of Personnel Management data. Federal employment is now at its lowest level since 1960 (Kettl 2000). At the same time, employment at HUD, HHS, the EPA, and the EEOC were all cut. In fact, the only agencies and branches that grew were the Judicial Branch, the Justice Department (including the INS), the Commerce Department, the State Department, FEMA, and the

²⁵ INS Personnel Data and US Government Budget Authority Data

²⁶ The government's own internal reports, external critics, and repeated failures to provide adequate service are a consistent theme in discussions of the INS.

Postal Service. And within the INS, nearly all of the increase has been enforcement related: of the staff hired by the INS, 71 percent are allocated to enforcement, leaving programs that focus on service and information provision strapped for staffing and resources (US DOJ 2001). This INS staff and border patrol growth raised the level of agency punitiveness and deportation, without having a substantial effect on either agency competence or immigration levels.

[Figure 4 here]

The recent terrorism and INS mistakes have led to an agency restructuring that separates service from enforcement and greatly increases the enforcement staff. While the president and Congress have mentioned both the INS' inefficiency and their lax border enforcement, nearly all of the increased appropriations and detailed restructuring are focused on the enforcement side of the agency. Furthermore, like earlier reforms, the reorganization of the INS adds greatly to the size and responsibilities of the agency without dealing with the underlying causes of immigration administration disarray. So far, in spite of these budget increases and policy and organizational shifts, a number of recent reports on the INS say that the agency continues to suffer from huge backlogs and management problems (GAO 2004; Aleinikoff 2004).

The project of restructuring the INS is still incomplete. However, based on the history of immigration administration in the U.S. and the continued internal party division over immigration issues, I tentatively suggest that recent reforms are likely to fail. Like reforms of the past, they are based on crisis, and there is no lasting political consensus to force reform and forge overall agency competence.

Selected Bibliography

- Aleinikoff, T. Alexander. 2004. "Immigration," *The Department of Homeland Security's First Year: A Report Card* (Washington: The Century Foundation)
- Balogh, Brian. 1991. "Reorganizing the Organizational Synthesis: Federal Professional Relations in America," *Studies In American Political Development* 5: 119-172.
- Barrios, Sharon A. 1999. *Inside The Immigration and Naturalization Service: The Organizational Dynamics of A Problem Agency*. Doctoral Dissertation, Princeton University.
- Bohrman, Rebecca and Naomi Murakawa. 2004. "Remaking Big Government: Immigration and Crime Control in the New American State." *Global Lockdown: Women of Color and the Global Industrial Complex*, Julia Sudbury and Asale Angel-Ajani, eds. (New York: Routledge).
- Brawley, Sean. 1995. *The White Peril: Foreign Relations and Asian Immigration to Australasia and North America 1919-89*. Sydney: UNSW Press.
- Calavita, Kitty. 1992. *Inside the State: The Bracero Program, Immigration, and the I.N.S.* New York: Routledge.
- Carpenter, Daniel P. 2001. *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928*. Princeton: Princeton University Press.
- Carpenter, Daniel. 1997. "Institutional Selection and Corporate Attachment at the U.S. Department of Agriculture, 1880-1920", draft paper.
- Clark, William (1998), "Agents and Structures," *Institutional Studies Quarterly* 42: 245-270.
- Crowdson, John. 1983. *The Tarnished Door: The New Immigrants and the Transformation of America*. (New York: Times Books).
- Davila, Alberto, Jose A. Pagan and Montserrat Viladrich Grau. 1999. "Immigration reform, the INS, and the distribution of interior and border enforcement resources," *Public Choice* 99: 327-345.
- Ferejohn, John and Charles Shipan. 1991. "Congressional Influence on Bureaucracy," *Journal of Law, Economics, and Organization* 6: 1-21.
- Fitzgerald, Keith. 1996. *The Face of the Nation: Immigration, the State, and the National Identity*. Stanford, Calif.: Stanford University Press.

- Freeman, Gary P. 1995. "Modes of Immigration Politics in Liberal Democratic States," *International Migration Review* 29: 881-894.
- Gilboy, Janet. 1992. "Penetrability Of Administrative Systems - Political Casework And Immigration Inspections," *Law and Society Review* 26:273-314.
- Gimpel, James G. and James R. Edwards, Jr. 1999. *The Congressional Politics of Immigration Reform*. (Needham Heights, MA: Allyn and Bacon).
- Gompers, Samuel. 1925. *Seventy Years of Life and Labor. An Autobiography*. (New York: E.P. Dutton and Co.)
- Higham, John. 1955. *Strangers in the Land: Patters of American Nativism, 1860-1925*, (New Brunswick: Rutgers University Press)
- Fiorina, Morris. 1989. *Congress: Keystone of the Washington Establishment* (Englewood Cliffs, N.J.: Prentice Hall).
- Hardcastle, Leonie and Dr. Andrew Parkin, Allan Simmons, and Nobuaki Suyama. 1994. "Chapter 4. The Making of Immigration and Refugee Policy: Politicians, Bureaucrats, and Citizens" in *Immigration and Refugee Policy: Australia and Canada Compared*. Volume II. Carlton, Victoria: Melbourne University Press.
- Howard, Christopher. 1995. "Protean Lure for the Working Poor," *Studies in American Political Development* 9:404-436.
- Katz, Jeffrey L. 1996. "An Unusual Immigration Alliance." *CQ Weekly*. March 16: 700.
- Kaufman, Herbert. 1960. *The Forest Ranger, a Study in Administrative Behavior*. (Baltimore, MD: Johns Hopkins Press).
- Knowles, Valerie. 1992. *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-1990*. Toronto: Dundurn Press.
- Krehbiel, Keith. 2000. "Party discipline and measures of partisanship", *American Journal of Political Science* 44:212-227.
- LeMay, Michael C. 1989. "U.S. Immigration Policy and Politics" in *The Gatekeepers: Comparative Immigration Policy*. New York: Praeger.
- Lewis, David E. 2003. *Presidents and the Politics of Agency Design: Political Insulation in the United States Government Bureaucracy, 1946-1997* (Stanford, CA: Stanford University Press).

- Light, Paul C. 1999. *The True Size of Government*. Washington, DC: Brookings Institution Press.
- Lowi, Theodore J. 1979. *The End of Liberalism : The Second Republic of the United States*. 2nd ed. (New York : Norton)
- March, James G. and Johan P. Olsen. 1984. "The New Institutionalism: Organizational Factors in Political Life," *American Political Science Review* 78: 734-755.
- Mayhew, David R. 1974. *Congress : The Electoral Connection*. (New Haven: Yale University Press)
- McCubbins, Mathew D. and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms," *American Journal of Political Science* 28: 165-179.
- Meissner, Doris. 1997. *Citizens' Advisory Panel. Report to the Attorney General*. Washington, DC: GPO.
- Moe, Terry M. 1985. "Control and Feedback in Economic Regulation: The Case of the NLRB," *American Political Science Review* 79: 1094-1116.
- Moe, Terry. 1989. The Politics of Bureaucratic Structure. In John Chubb & Paul E. Peterson (eds.), *Can the Government Govern?* Washington, DC: Brookings Institution.
- Moe, Terry M. 1990. "Political Institutions: The Neglected Side of the Story," *Journal of Law, Economics and Organization*: 6: 213-253.
- Money, Jeanette. 1999. *Fences and Neighbors. The Political Geography of Immigration Control*. Cornell University Press.
- Moore, Stephen. 1995. Quoted in "Immigration: Bridging Gap Between Ideas and Action" by Holly Idelson. *CQ Weekly*. April 15: 1065.
- Monroe, Alan. 1983. "American Party Platforms and Public Opinion," *American Journal of Political Science* 27: 27-42.
- Morris, Milton. 1985. *Immigration - The Beleaguered Bureaucracy*, (Washington D.C.: The Brookings Institution).
- Orren, Karen and Stephen Skowronek. 1994. "Beyond the Iconography of Order: Notes for a 'New Institutionalism'," in *The Dynamics of American Politics*, ed. Lawrence C. Dodd and Calvin Jillson (Boulder, CO: Westview Press).

- Pierson, Paul. 2000. "Increasing Returns, Path Dependence, and the Study of Politics." *American Political Science Review* 94: 251-268.
- Royed, Terry J. and Stephen A. Borelli. 1997. "Political Parties and Public Policy: Social Welfare Policy from Carter to Bush". *Polity*.
- Salyer, Lucy E. 1995. *Law Harsh as Tigers : Chinese Immigrants and the Shaping of Modern Immigration Law*. Chapel Hill: University of North Carolina Press.
- Seelye, Katherine. 1998. "Facing Critics, I.N.S. Unveils Modernization," *The New York Times* February 10.
- Scholz, John T. and B. Dan Wood. 1998. "Controlling the IRS: Principals, Principles, and Public Administration," *American Journal of Political Science* 42: 141-162.
- Skocpol, Theda and Kenneth Finegold. 1982. "State Capacity and Economic Intervention in the Early New Deal", *Political Science Quarterly* 97: 255-278.
- Skowronek, Stephen. 1982. *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, (Cambridge: Cambridge University Press)
- Sutherland, Daniel W. 1996. "The Federal Immigration Bureaucracy: The Achilles Heel of Immigration Reform," *Georgetown Immigration Law Journal* 10: 109-139.
- Tichenor, Daniel J. 2002. *Dividing Lines: The Politics of Immigration Control in America*. (Princeton: Princeton University Press)
- Trillin, Calvin. 1984. *New Yorker*, May 28: 50-57.
- VanDoren, Peter. 1990. "Can We Learn The Causes Of Congressional Decisions From Roll-Call Data?" *Legislative Studies Quarterly*, 15: 311-340.
- United States Department of Labor. 1895-1925. *Annual Reports*, (Washington D.C.: GPO).
- Weingast, Barry R. and Mark J. Moran. 1983. "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission," *Journal of Political Economy* 91: 765-800.
- Wood, B. Dan and Richard W. Waterman. 1993. "The Dynamics of Political-Bureaucratic Adaptation," *American Journal of Political Science* 37: 497-528.
- Woody, Carrol H. 1934. *The Growth of the Federal Government, 1915-1932* (New York: McGraw-Hill Book Company)

Figure 1
Party Loyalty, 1860-1990

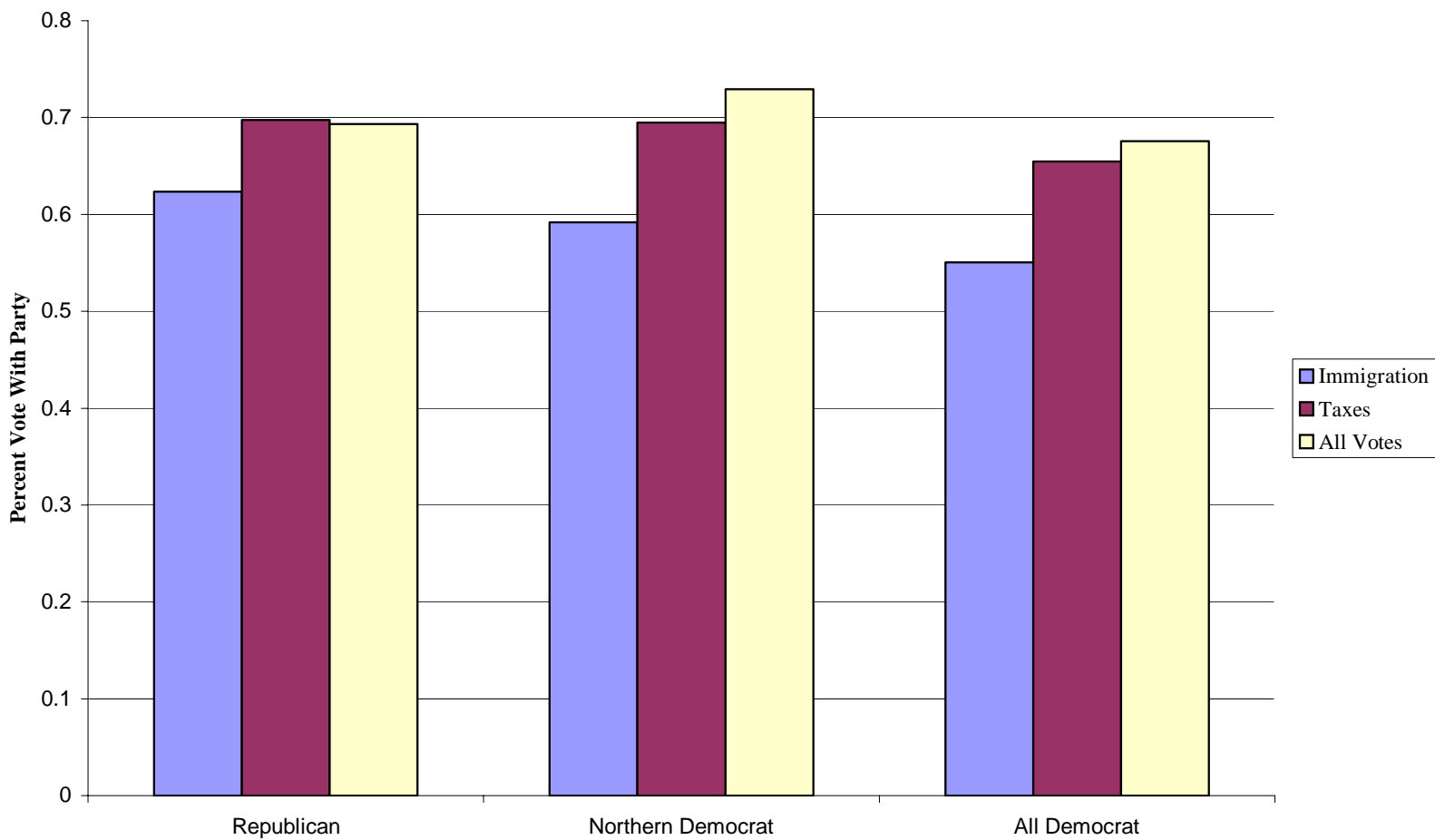


Figure 2
Democratic Party Loyalty

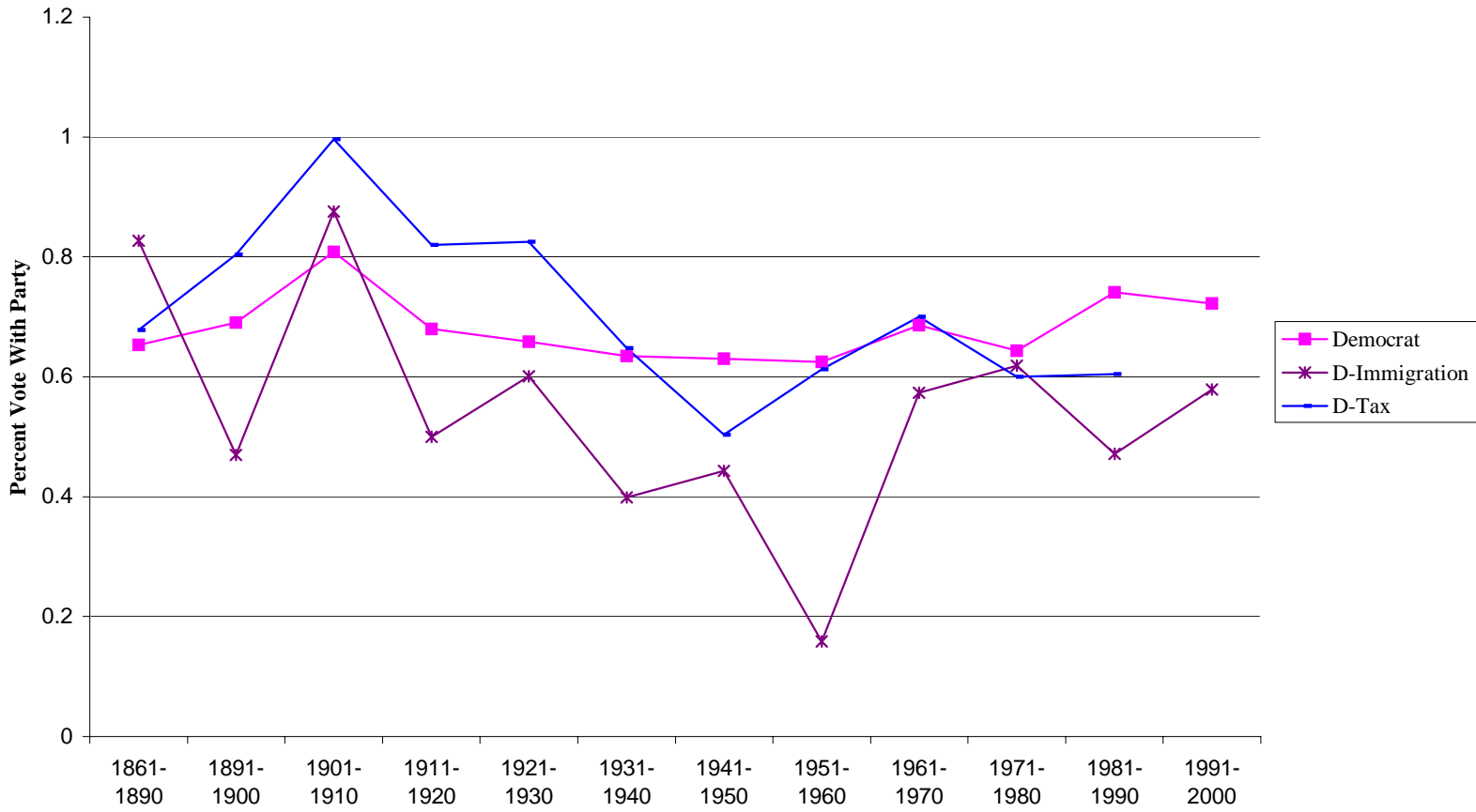


Figure 3
Republican Party Loyalty

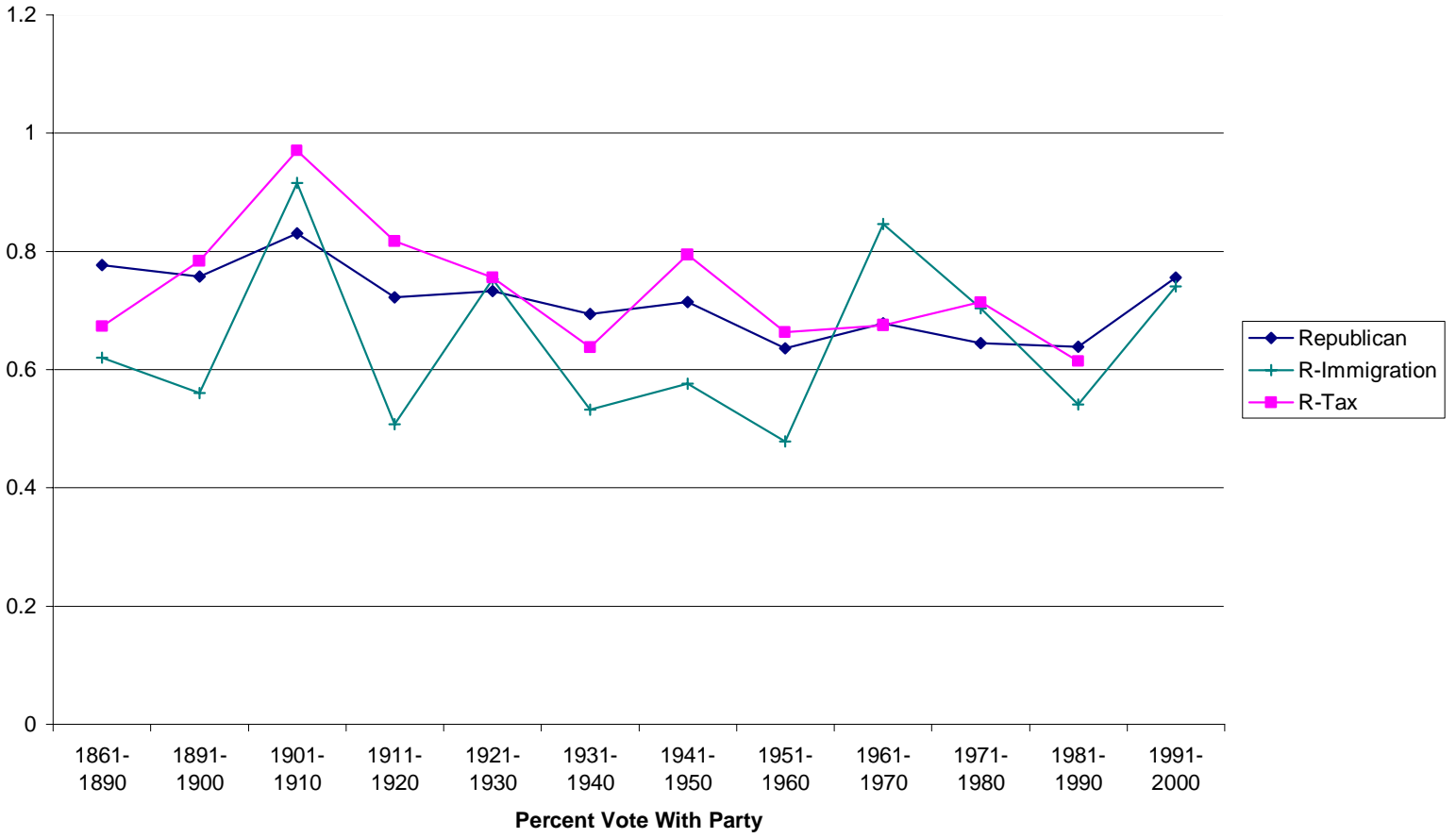


Figure 4
Immigration and Naturalization Service Positions

