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*Choosing Security:  
Political Rationalities in the  
Securitization of Migration in Arizona*

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Thesis submitted for the degree of Doctor of Philosophy  
The University of Edinburgh  
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## *Declaration*

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I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where stated otherwise by reference or acknowledgement, the work presented is entirely my own.

11 July 2016



The state of Arizona became the main corridor for unauthorised migration into the United States in the early 2000s. A security approach to the issue at the state and local levels of policymaking became increasingly marked later in that decade. This escalation challenged the longstanding settlement in the United States that immigration was an exclusively federal matter, but occurred during a time when, by traditional measures, the unauthorised entry problem was easing. Such a development raises important questions about why security is chosen as a policy approach, highlighting the need to understand the securitization of immigration as a matter of political rationality. This thesis uses recent immigration politics in Arizona as a case study in order to examine why policymakers treat an issue like immigration as a security issue, when other interpretations are available. This thesis provides a detailed historical narrative of the evolution of migration and border-security politics at these levels of government in Arizona from 2004, when a broad political consensus began to emerge that there was a security problem on the international border which the state had to act to address, to 2011, when the then-years-long trend of securitizing immigration at the state level was abruptly halted. Taking an interpretivist approach to understanding policymaking, this thesis employs semi-structured elite interviews with state and local-level policymakers in Arizona, and extensive analysis of media and government documents.

This research contributes originally to knowledge in two main ways. First, it furthers the migration politics field by advancing its understanding of the securitization of migration, and particularly the phenomenon of parties across the political spectrum coming to support security approaches towards, and restriction of, immigration. This thesis thoroughly explains the occurrence of this phenomenon in a major case, identifying the elite political logics, strategies, and understandings that were instrumental in the decisions that composed this process. Second, this thesis contributes to a developing security-studies literature that conceptualises securitization not as an “exceptional” form of politics, but as driven by “normal” political considerations. This research identifies how competitive democratic political logics produced phenomena usually ascribed by

securitization theory to exceptionalism, including the narrowed field of contestation around security issues, and the adoption of policies that would previously have been considered extreme. It also examines how, in this case, securitization was successfully contested democratically. In this way, this thesis contributes toward the development of a concept of “security politics.”

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# Chapter One

## *Introduction: Puzzles and possibilities in Arizona's border-security politics*

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There is no higher priority than protecting the citizens of Arizona. We cannot sacrifice our safety to the murderous greed of drug cartels. We cannot stand idly by as drop houses, kidnappings and violence compromise our quality of life. We cannot delay while the destruction happening south of our international border creeps its way north. We in Arizona have been more than patient waiting for Washington to act. But decades of federal inaction and misguided policy have created a dangerous and unacceptable situation. (Brewer 2010c)

With those words, on 23 April 2010, Jan Brewer, the governor of the U.S. state of Arizona, signed into law Senate Bill 1070. The bill – which, among other measures, required Arizona law enforcement officers to enquire about the immigration status of anyone they reasonably suspected was in the country unlawfully, in a so-called “show me your papers” provision – convulsed Arizona politics in ways that seemed without historical precedent. As that state of 6.4 million people shot to national and even international headlines through its hard-line stance, internal dispute roiled in ways that bespoke magnifying tension between Arizona’s growing Hispanic minority and its politically dominant Anglo<sup>1</sup> majority. Loud objections that the bill compromised cherished civil rights, licensed racial profiling, escalated inter-group conflict, and transgressed important constitutional principles were dismissed. There was a crisis – a gaping border-security hole, scandalously ignored for too long, on the state’s border with Mexico. “I will not back off until we solve the problem of this illegal invasion,” the driving force behind SB 1070, state Senator Russell Pearce, had vowed. “Invaders, that’s what they are. Invaders of American sovereignty, and it can’t be tolerated” (Robbins 2008).

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<sup>1</sup> “Anglo” is the term used in the Southwestern United States for non-Hispanic whites, usually of an English-speaking background.

The stroke of Brewer's pen on 23 April 2010 had all the trappings of a singularly exceptional moment. Of course, though, this was neither the beginning nor the end of the story.

### **The securitization of immigration in Arizona: Puzzles and questions**

By the early 2000s, Arizona's 389 mile-long border with Mexico had become the main site of unauthorised border-crossing into the United States. Amid shifting federal enforcement strategies and the continuing movement north of unauthorised Mexican labour migrants, the state had become the principal corridor for one of the world's most voluminous migration flows. In America's federal system, it had long been settled that state governments like Arizona's bore little or no responsibility related to such things. The Constitution of the United States vests in Congress the power to "establish an uniform Rule of Naturalization" (Article I, Section 8). This, combined with the federal government's clear sovereignty over the nation's frontiers and the general principle of federal law's supremacy in conflicts with state law, had long led immigration and border security to be broadly considered areas of exclusive federal authority.

SB 1070 is the most famous single episode in Arizona's immigration-related lawmaking, but it came about only after several years of escalating state-level policymaking on this issue. During this time, immigration came to be the dominant issue in state politics, and state efforts to make policy on it constituted, either purposefully or practically, a sharp challenge to the settlement that immigration and border policy was an exclusive federal domain. This pushing of the constitutional envelope seems to add another exceptional quality to the policymaking effort that gave rise to SB 1070. Starting from a broadly accepted premise that the state had no role to play in border security, around 2004, the policymaking system in Arizona began to yield immigration- and border-related policy proposals in scores. This policy outflow was remarkable in yet another respect: the clear security orientation of almost all of the proposed measures. This occurred despite the fact that there was no clear preponderance of "border hawks" in government. For much of this period, policymaking power in Arizona was divided between Democrats and Republicans, and presumably non-"hawkish" figures held important positions.

As, starting mid-decade, these issues became a major policy focus and many of these proposals were enacted, immigration and the border in Arizona politics became markedly “securitized.” Securitization as a process, of course, has developed an extensive body of theory. To make such an observation about immigration in Arizona at this juncture, however, is to use “securitization” while stepping back from the theoretical implications the term often carries, in order to make an empirical observation: that, in Arizona, immigration and the border were increasingly treated as, or became, “security” issues. In a basic sense, “securitization” describes this empirical phenomenon, in which other possible understandings of an issue are de-emphasised, defeated, or forgotten, while security understandings predominate. This process can be measured in multiple ways, including discerning either discursive or institutional indicators of securitization (Bourbeau 2011). In the Arizona case, the “institutional” indicators of securitization, or the manifestation of this securitized problem conception into policy, are stark. From 2003 to 2011, there were more than 100 enacted or proposed policies in Arizona clearly employing a security approach to these issues, seeking to integrate diverse areas of state government activity into a burgeoning state border-security governance, premised on the notion that immigration and the border presented a security problem. During this same time, there was only one politically viable proposal for a concrete state policy change that viewed immigration or the border through a lens that was distinctly not one of security (see Appendix A). Migration has often been studied in investigations of securitization precisely because the issue is not part of the “traditional” state-centred security agenda, and because it does not seem inherently to be a security issue more than, say, an economic or humanitarian one (see *e.g.* Huysmans 1995; 2006; Boswell 2007; Neal 2009; Aradau and Huysmans 2009; Bourbeau 2011). In Arizona, however, this securitized view of immigration clearly came to overwhelm other possibilities.

This is a puzzling development to explain in two principal regards. The first is temporal. The state’s policy treatment of immigration as a security issue intensified as the purported problem of unauthorised border-crossing precipitously declined. U.S. Border Patrol apprehensions, the measure most usually employed as a rough proxy for levels of unauthorised traffic, peaked in Arizona around 2000 and then again around 2005. By the time of SB 1070 in 2010, however, this metric had been declining for years and had

reached lows not seen in decades (Isacson, Meyer, and Davis 2013; Wasem 2013, 12). Border Patrol apprehensions in Arizona numbered 725,093 in federal fiscal year 2000, 577,517 in FY 2005, and only 219,318 in FY 2010 (United States Border Patrol 2015). It is thus difficult to read this securitized treatment of immigration and the border as flowing “rationalistically” from a reading of the problem. The second regard strikes perhaps even more profoundly at the case’s puzzling nature. The dominance of a security approach to immigration in Arizona occurred in a context where other possible interpretations of the problem were available, contested, and found substantial support. Repeatedly in public opinion polls, around two-thirds of Arizonans typically supported state immigration-enforcement provisions, such as allowing state and local law enforcement to check immigration status, verifying the legal status of workers, or withholding driver’s licenses from those without legal status in the United States. Similar majorities, though, expressed support for expanding legal channels for labour migration and for enacting a broad legalisation programme for many unauthorised immigrants (Wagner and Hansen 2010; see also Pew Research Center 2006). Mobilisation on behalf of migrants, and for reform legislation along such lines, has at times been very prominent in Arizona (Associated Press 2006; Balz and Fears 2006; Galindo 2010; Scherer 2012). The nuanced quality of public opinion would appear to provide the kinds of political material that would enable a varied policymaking effort, featuring both security and non-security approaches. This makes the lopsided nature of policy activity on this issue in Arizona seem very strange indeed. Just as this policy approach cannot be viewed as flowing from the problem, it cannot be viewed as flowing from a single obvious reading of the issue’s politics.

These observations raise important questions about why security is “chosen” as a policy approach to an issue like immigration, and open this case to a constructivist analysis. Constructivism as an approach has, of course, been hugely elaborated in various strands. Here, it is adopted as a basic social-scientific disposition toward the ontology of the social world: a position holding that the meanings of a phenomenon do not follow directly from material circumstances, and are instead socially constructed by human actors (Finnemore and Sikkink 2001). The idea that no way of understanding an issue is inherent serves as a starting point (Gusfield 1981). This position also points toward the

broad family of “constructivist security studies” (Bourbeau 2011, 7) as a source of possible enlightenment for why an issue might become one of security.

From these premises, a main research question arises: Why do policymakers choose to treat an issue like immigration as a matter of security, when other interpretations are available? Despite a broad concern about the ethics of opting to securitize an issue (Buzan, Wæver, and de Wilde 1998, 34), understanding empirically the reasons why policymakers in given contexts might pursue the securitization of certain issues has not been a major focus in security studies (see Karyotis 2012). Such a question, though, is one of clear empirical, theoretical, and democratic (normative) interest. It would seem to be an important aspect to explore in at least some instances of securitized policy, with possibly significant implications for understanding, and generalising about, the “securitization” process. This is particularly important in grasping securitization in its “institutionalised” sense, since that process inherently involves policy choices to submerge various issues into security governance. Typically, within constructivist security studies, discourse analysis has been the most prominent approach; while this method can reveal much, it is not particularly well suited to shed light on actors’ motivations (Buzan, Wæver, and de Wilde 1998, 176), leaving questions about the choice of security underexplored. In answering its main research question, this thesis will seek to speak to this broad constructivist family within security studies about the choice of security. Equally importantly, it will also speak to the literature on migration politics, which has puzzled about similar phenomena. While using a different language than “securitization,” this literature has noted in diverse cases a creeping restrictiveness, sometimes conceptualised as a “contagion” emanating from the far right (Norris 2005). The under-specification of how this “contagion” is transmitted as a matter of policy choice, however, leaves an opportunity to usefully investigate this question in light of this other literature, while broader political-science approaches may help to fill in many questions about security as a political choice.

The case of immigration and border politics at the state and local levels of government in Arizona from 2003 to 2011 is well disposed to shed light on this question. The amount of national and international attention that Arizona and SB 1070 in particular garnered distinguishes it as one of the most notable cases of the securitization of

migration in recent years (see Doty 2009). As noted, however, the fact that this process was subject to considerable contestation exposes the extent to which this security approach must have been selected from among other available possibilities. The relatively lengthy time period during which this securitization developed – and the many specific policy considerations that composed this process – provide a myriad of opportunities to understand securitization as a policy choice, and offer the prospect of gathering rich data regarding different particular instances of “choosing security” within this case. Since understanding securitization as reflecting policy choice also depends on employing methods that can access actors’ motivations, it is also significant that the environment of state government in Arizona affords the kind of access that allows for a social scientist can put such methods to gainful use. (This is discussed extensively in Chapter Three.)

In answering this research question, two subsidiary inquiries stand out. The first is to ask: How did securitizing, or supporting the securitization of, immigration make sense to those policymakers who made these choices, within their perceived political context? Imagining, inherently, that in some way securitization figures in to these policymakers’ navigation of a perceived political terrain, this research enquires about these policymakers’ “political rationalities,” a concept elaborated in Chapter Three. This question relates the process of securitization to these policymakers’ understandings of their political settings. Inherently, it also enquires about how this issue’s possible “security” nature affected the ways in which it seemed to make sense to deal with it politically, keeping in mind how skewed toward security policy treatment of the issue in Arizona became. This is an especially important consideration given that so few Arizona policymakers, before 2003, had ever shown much interest in taking a security approach to immigration and the border. Such figures’ formal consent to these policies was necessary throughout, but their motivations remain opaque. Indeed, in many ways, border hawks, such as Russell Pearce, the SB 1070 sponsor, are the least enigmatic characters in this story. Shaking Pearce’s hand, it is difficult not to notice that he is missing part of a finger; it was lost during his service as a sheriff’s deputy, shot off in a struggle with three Latino teenagers in 1977 (Ruelas 2005). Barrel-chested and blunt, Pearce’s speech simmers with indignation that such pervasive lawlessness, in his mind so costly, could ever be tolerated. Armed with strong ideological beliefs about

unauthorised immigration and border security, he and his border-hawk collaborators laboured to legislate these positions more or less straightforwardly, though the particular strategies they employed to do this are obviously of interest to this research. More mysterious in their motivations and strategies, however, are the many non-hawks present in the policymaking system, without whose support these policies could not have been enacted. Not possessed of such ideological rooting, how did these choices make sense to those figures? This question invites into a discussion of securitization all facets of political reasoning (Neal 2012a).

The other inquiry that follows from the main research question has to do with the noted systemic consequences of securitization for politics: in particular, the evaporation of politically significant dissent over whether an issue is one of security, and, perhaps most troublingly, the adoption of policies that would have previously been regarded as unacceptable. Both of these have helped to motivate interest in the securitization phenomenon from the beginning, and were notable developments in Arizona. Typically these have been explained by pointing to security's exceptionalism from "normal" politics; however, as Chapter Two explores, sustaining this distinction is theoretically and empirically difficult, to say the least. Equipped with this research project's particular perspective, how might these systemic phenomena of securitized politics be explained? The association of security with the suppression of democratic rights and procedure, and with the adoption of extremist policy, has prompted an extensive critical response, broadly seeking to counteract this perceived tendency to threaten democratic values (*e.g.* Aradau 2004; Wæver 2011; Huysmans 2014; Bourbeau and Vuori 2015). For those who envision a more positive role for security as a source of solidarity or as a public good (*e.g.* Loader and Walker 2007; McDonald 2015), such pathological manifestations of security constitute a real concern. In Arizona, the measures made law through SB 1070 in 2010 were broadly considered beyond the pale as recently as 2005, and for a good time after (Sinema 2012). In a complex and shifting political world, such a development can be unmistakable to observers and participants while its causes remain murky. During an interview for this project with a septuagenarian former legislator, sitting at his kitchen table, years removed from the fray, the interviewee reflected on debate around SB 1070, the last major confrontation he witnessed before his political retirement. Unthinkably extreme just years before, by 2010, SB 1070 was gliding toward enactment,

and this legislator and his allies felt powerless to stop it. The interview dwelled on this. The question was asked: “Why do you think things got so extreme? ... What happened in that process to move something that people thought was really beyond the pale to something that was getting endorsed?”

This former lawmaker paused for a long time. “That’s a question I’ve thought a lot about,” he finally said. “And my short answer is I don’t know.” This research is, in part, an attempt to find out.

Thus, in summary, this research examines the case of immigration and border politics at the state and local levels of government in Arizona from 2003 to 2011, toward answering three research questions. The first and main one is:

1. Why do policymakers choose to treat an issue such as immigration as a matter of security, when other interpretations are available?

Two further questions follow:

2. Why did securitizing, or supporting the securitization of, immigration make sense to those policymakers who made these choices, within their perceived political context?
3. How might these ways of navigating the issue explain noted systemic characteristics of securitized politics, such as the evaporation of meaningful dissent around issues deemed ones of security, and the adoption of policies previously regarded as unacceptable?

## **The plan of the thesis**

With these orientations and objectives, this thesis proceeds in eight further chapters.

The next two chapters establish the scholarly, philosophical, and methodological grounding of this research. Chapter Two is its literature review, situating this work

among security-studies debates and literatures about migration politics. It examines how the “choice” of security might be conceptualised in these fields. The problematic role of exceptionalism in the Copenhagen School and its descending variants, which separates security from “normal” politics, complicates conceiving of securitization as a choice, and prompts a turn toward more sociological readings of securitization. However, attempts to modify the Copenhagen School with political-science perspectives, while not entirely convincing as models, show the potential for concepts from political science to play a principal role in explaining securitization. At the same time, while models of immigration politics have noted the same sorts of political phenomena that the securitization literature has, the shortcomings of these political-science models might be addressed through considering the particular perceived “security” content of this issue. Chapter Three explains the project’s methods and general philosophy-of-social-science premises. It elaborates the concept of “political rationalities” that the project employs as a way to understand how policymakers’ decisions make sense to them in a competitive and ambiguous political context. Interpretivist approaches to policymaking are crucial for gaining a hold of the beliefs and ideas underlying policy decisions. This chapter establishes the study’s focus on political actors and how it explains their actions through their beliefs, using qualitative process-tracing methods to understand particular policy decisions. Elite semi-structured interviews and analysis of media and government documents are the main research methods. In establishing the project’s mode of explanation and its inductive approach, this chapter also spells out the basis and purposes of this project’s narrative presentation of its empirical data.

The four chapters that then follow compose that narrative. While these chapters present the data in a narrative fashion, each also contains an analytical section at the end. Naturally, many strands run throughout some or all of these chapters, but each chapter provides the opportunity for a more particular focus. Chapter Four charts the development of immigration politics in Arizona from 2003 to 2005. This chapter examines how, during this time, an apparently stable *status quo ante*, where unauthorised migration was not seen to be a matter for state government, rapidly collapsed. By the end of this period, a state-declared emergency existed on the Arizona border. Developments during this period prompted political elites of all stripes to change their understandings of immigration as a political issue, yielding an ostensible consensus that

there was a security problem on the border on which the state had to act. These beliefs about the workings of this issue, elaborated in this chapter, would be important in guiding later developments. Chapter Five, examining developments from 2006 to 2008, describes the intense interparty security-politics competition that characterised this period, and the creeping securitization that resulted from these dynamics. Amid the apparent consensus that there was a security problem on the border, major policy disputes occurred in a context where all sides sought to use a perceived popular clamour for greater enforcement to their own advantage and against their opponents. This chapter analyses how, despite the apparent political success of moderates during this period, immigration continued to become securitized beyond what they preferred. The regular patterns of contestation that this competitive period produced, however, came to a sudden end at the close of 2008. Chapter Six, about 2009 and 2010, examines the intraparty politics that became pivotal upon the advent of one-party Republican rule in Arizona. It explains the contingent intraparty dynamics, competitive strategies, and resulting political rationalities that provided the conditions for Arizona border hawks' greatest victory: SB 1070. It also explores the extensive political implications of the immersion of Arizona's immigration debate into polarised national discourses and dynamics. By the end of this period, border hawks had won sweeping political victories, both within their own party and among the general public, and held more formal power than ever before. Chapter Seven describes the surprising events of 2011, where newly powerful opposition to the border-hawk movement arose. It examines the dynamics that eventually brought an era of intense immigration politics to a pronounced close.

Chapter Eight gathers these strands to synthesise this thesis's main theoretical contributions, which are in two principal parts. First, it sketches how competitive politics over immigration was affected by that issue's purported security content, toward a model of competitive "security politics." This chapter considers systematically how the immigration issue's perceived "security" content affected political decision-making surrounding it, and how these interacting political rationalities yielded notable systemic effects. It connects security to a perceived version of political responsibility, not necessarily unique to security, which appears to render stepping away from the issue politically unviable. Second, focusing in particular on the events of 2011, this chapter explains how the securitization of migration in Arizona was eventually successfully

contested, describing a form of counter-security contestation that has not previously been identified. Here termed “cosmopolitan counter-security,” this entailed the employment of cosmopolitan concerns and universalised concepts of reasonability to undermine the legitimacy of any continuing securitization effort and to relocate political accountability regarding the issue in the eyes of pivotal policymakers. Chapter Nine concludes with a reflection on these findings in light of this project’s limitations, and suggests avenues for further research about the Arizona case and about “security politics” in general.

This statement of purposes is incomplete without enumerating one last goal, which was sometimes expressed to interviewees who asked about the point of this project. As an Arizonan, it is notable to the author that, for all the ink spilled over SB 1070 and its aftermath, there has been less work considering it within the extended period of the securitization of immigration more broadly. Additionally, for all the consternation about Arizona as a rogue state given its hard-line policies, there have been few works connecting what happened in Arizona to clearly global phenomena like the securitization of migration. Indeed, few have asked what the case of Arizona might be able to say about others. In that spirit, one goal of this project is to provide, with a social-scientific outlook, an accurate and scrupulous political history of this era in a way that has not been done before. Doing so will hopefully shed useful light, and enable reflection, on what many surely will long remember as a difficult and divisive period for our state. With all of these goals in mind, the exploration now begins.



## Chapter Two

# *The choice of security in security studies and migration politics scholarship*

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Initial puzzles in the Arizona case emerge from a pair of observations about the political rise of “security” interpretations of the illegal immigration problem. First, this development did not seem to follow in any direct way from prominent measures of the problem. Second, this interpretation eventually dominated politically, despite public polling seeming to show considerable complexity in public attitudes about immigration issues. These facts raise important questions about why security is chosen above other possible interpretations of an issue. In particular these observations open the Arizona case to a constructivist analysis about the choice of security as a policy approach.

This chapter reviews scholarly literatures that seem to pertain to the question of security as a political choice, within a broad constructivist ontology. It proceeds in three parts. In a first, lengthy section, this chapter examines how the “choice” of security might be conceptualised within various strands of “constructivist security studies” (Bourbeau 2011, 7). The question of *why* political actors might securitize an issue has not usually been a primary focus in this literature (Karyotis 2012, 393). Whether it is possible within this literature to analyse this question is closely related to security’s theorised relationship to politics. Tying security to a logic of survival or of necessity, which is exceptional from “normal” politics characterised by competition and choice, is a crucial move in the securitization theory developed by the Copenhagen School (Buzan, Wæver, and de Wilde 1998). This move greatly complicates using that framework to understand securitization as related to political choices. Efforts to explicitly meld Copenhagen School securitization theory with models of policy choice ultimately indicate the promise of giving political-science models a much greater explanatory role regarding such questions. Indeed, a number of developments in security studies have promisingly loosened the exceptionalist fetters binding the securitization concept, opening room for conceiving of security as a matter of choice in a complex political context. This way, political phenomena associated with securitization – including the evaporation of dissent

over security issues, and the acceptance of measures previously considered extreme – might be examined chiefly through the lens of “normal” competitive political reasoning.

At the same time, however, the particular meanings of issues as “security” appears to shape the perceived political terrain in which those decisions are made. In its second part, this chapter evaluates portions of the migration politics literature that seem to be observing the same kinds of political “effects” noted by securitization theory, albeit with a different vocabulary. The reduction of contestation over immigration issues – toward a consensus position across the political spectrum around immigration “restriction” – has been broadly noted, and sometimes characterised as a “contagion” emanating from the far right (Norris 2005). However, to the extent that the reasons for this phenomenon are mysterious, that might be alleviated by explicitly considering such choices not just as restricting immigration, but as making choices about a “security” issue. Toward this, in its third part, this chapter considers concepts from political-sociological views of problem definition (*e.g.* Gusfield 1981) to identify concepts that might aid in explaining these choices, and notes broader political-science concepts that seem to be important, following from the implications raised by that literature. The chapter concludes by considering, in light of these literatures, the meaning and potential of a concept “security politics.”

### **Security, politics, and choice**

To understand the choice of security from among many possible interpretations of the immigration issue, the diverse family of theory that Bourbeau terms “constructivist security studies” (2011, 7) seems to be an obvious first place to look. Constituted in opposition to classical state-centred notions of security that seek to explain the concept with reference to material threats, the great contribution of the post-Cold War constructivist turn in security studies has been to permit the exploration of how other, “new” issues, outside the classical national-security agenda, might also emerge as “security” issues. Accordingly, this literature has become a crucial reference point in the broader discussion about the securitization of migration (*e.g.* Huysmans 2000; Buonfino 2004; Boswell 2007; Curley and Wong 2008; Neal 2009; Bourbeau 2011).

After the Cold War, amid the perceived new intellectual threat that security could “broaden” to the point where the concept might lose any useful meaning (Walt 1991; Smith 1999), the Copenhagen School (Buzan, Wæver, and de Wilde 1998; Wæver 1995) devised a solution where an issue’s “security” quality is not inherent, but is instead endowed through a defined process of securitization. Their securitization theory has served as security studies’ theoretical cornerstone when it comes to the emergence of an issue as a security one. It basically presents two sorts of claims about the politics of security. The first is an apparently constructivist conceptualisation of securitization as comprising a speech act, which is successful if accepted by a given audience. With the audience’s acceptance of the speech act, the speaker, or “securitizing actor,” has not just uttered something: “by saying the words, something is done” (Buzan, Wæver, and de Wilde 1998, 26), and specifically, an issue is elevated to become an exceptional one of survival. The second type of Copenhagen School claim regards the kind of politics that results from securitization. Here, accepting a speech act that evokes the survival of some paramount “referent object,” like the state or society, means accepting a logic of necessity when it comes to that issue. This extinguishes the choice and competition substantively associated with “politics.” This also means putting aside normal rules – often regulating legal or legislative procedure, or ensuring individual freedoms – in favour of exceptional measures, because there is no choice. Thus security is lifted out of the “merely political” (Buzan, Wæver, and de Wilde 1998, 5) agenda, bringing into being a kind of anti-politics characterised by extreme measures. This transformation explains the classic symptoms associated with securitized politics. One is the disappearance of the “normal haggling of politics,” where the securitized issue is “dealt with decisively by top leaders prior to other issues” (Buzan, Wæver, and de Wilde 1998, 29), meaning that dissent and give-and-take on the issue evaporate. Another is the exceptional measures this transformation licenses: “the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure” (Buzan, Wæver, and de Wilde 1998, 23–24).

The previous two decades have yielded critiques of the Copenhagen School in dazzling array. Discussion here is best focused on securitization theory’s particular deficiencies when it comes to explaining the choice of security, as a way of pointing to more promising terrain upon which to explore this project’s research questions. While the

Copenhagen School framework is elegant, the legacy of its origins in the security-studies “widening debate” makes it problematic to understanding security’s social construction in several regards, particularly limiting the theory’s explanatory capacity when it comes to empirical instances where security is chosen. An obvious issue arises in the rigidity of what the securitization process must, according to the theory, comprise. While the word “security” itself does not have to be used, for issues

to count as security issues they have to meet strictly defined criteria that distinguish them from the normal run of the merely political. They have to be staged as existential threats to a referent object by a securitizing actor who thereby generates endorsement of emergency measures beyond rules that would otherwise bind. (Buzan, Wæver, and de Wilde 1998, 5)

This process involves (presumably elite) speakers, audiences, referent objects, securitizing moves, and exception from the normal political order. There is a seeming contradiction in what the authors call the theory’s “explicitly social constructivist approach” (Buzan, Wæver, and de Wilde 1998, 19), in that they replace the concept that only some things are security with the concept that anything can be security, but only in a particular way (see Floyd 2015). The theory binds the definition of security to a defined process that invokes a group of set meanings through a “grammar,” “a plot that includes existential threat, the point of no return, and a possible way out” (Buzan, Wæver, and de Wilde 1998, 33). The firmness of these meanings severely crimps the open ontological position of constructivism when it comes to speaker-audience dynamics and power relations, among other issues that the Copenhagen School treats rigidly or in ways that seemingly elude the necessary richness of the concepts it invokes (Balzacq 2005; Bourbeau 2011). “[D]ynamics such as the role of ‘facilitating conditions’ and the ‘audience’ are so under-theorized as to ultimately remain outside the framework itself” (McDonald 2008, 564).

From here emerge two significant observations when it comes to the matter of understanding security as a political choice within an empirical case. The first is that, in its attempt to solve the disciplinary widening debate (Buzan, Wæver, and de Wilde 1998, 1–4), the Copenhagen School reasoned in a relatively closed way about what security must necessarily be in order to elegantly achieve the theoretical goal of giving the security agenda limits that are moveable, yet strictly defined. Whether a case is defined

as one of security therefore emerges deductively from what security must be for those intellectual purposes. This raises the question of whether the process that securitization theory describes actually resembles empirical instances of issues' becoming security issues. Second, and especially important, is to note the doubly essential role that exceptionalism plays in the theory. Copenhagen School securitization theory works upon an indispensable separation of security from politics at an ontological level. Exceptionalism from the normal political order is a *sine qua non* for when securitization has truly occurred. It is an explanation of security that sets it ontologically apart from mere politics, and – by the same token – justifies “security” as its own area of study that, because it is not mere politics, needs its own theory. This makes some sense as a *prima facie* assumption within the context of solving an intellectual problem in security studies, which has developed as a subfield of an IR discipline that sees itself as distinct from political science. However, this exceptionalism – of security from politics, and therefore of security studies from “normal” political studies – is problematic from an empirical perspective.

The exceptionalism of security in such a formulation erects huge barriers to understanding securitization in relation to political choices. One major reason for this is that, to the Copenhagen School, the reasons for making a securitizing move are quite secondary to securitization's purported effects. Why such a move might be made is deduced through the lens of these effects, which are rooted in the exceptionalism that distinguishes the theory. Wæver's overarching concern about the possibility of unmaking a securitization process that is ripe to occur inappropriately (1995) sets the scene for why actors are presumed to want to try to securitize issues. For a “political actor,” the fact that securitization removes the slowness and second-guessing usually present in addressing a political issue makes security “an attractive tool that one might end up using” (Wæver 2000, 251). “[T]he possible advantages of focus, attention, and mobilization” are imagined as the basic reasons for securitizing any issue, complemented, seemingly, by the implication that securitization will concentrate power on “top leaders” (Buzan, Wæver, and de Wilde 1998, 29). This is usually interpreted as the executive, and is related to the assertion that security “is articulated only from a specific place, in an institutional voice, by elites” (Wæver 1995, 57). Beyond these presumed, basic political motivations for securitization, the only compelling motive that

appears to factor into the reasoning for initiating or accepting a securitizing move is seeming philosophical agreement with the notion that a given issue is, indeed, an exceptional one of survival, where all recognise that there is no choice but security. Obviously, to reduce a key aspect of the process of securitization to a kind of philosophical consensus emerging from the nature of the situation is difficult in empirical cases where politics seems to be involved more than genuine philosophical accord. To fill in the question of motives with the view that securitization is philosophical not only clashes with more sociological or political views of defining problems (as discussed below), but is “theoretically weak and methodologically restrictive” (Karyotis 2012, 391). The possibility that speech acts to invoke or sustain securitization would not proceed on grounds that were philosophically self-evident to all, but would instead have to be tuned to the audience – a practice inherent to what we mean by “politics” (Majone 1989; see below) – seems obvious, but would require a significant reformulation of how the theory conceives of security as a speech act (Balzacq 2005).

Overall, securitization thins politics (or, more broadly, social relations) in favour of a prominent role for philosophy, in both defining security and in providing the most obvious basis for assent to securitization. However, despite the clear intent in securitization theory to distinguish security from politics (Gad and Petersen 2011, 315) – and the centrality of this exceptional divide to the theory – the divorce remains incomplete in a way that suggests the division is untenable. Within securitization theory, security does possess a relationship with politics, though one that is at times unclear. Securitization theory has a concept that securitization is politics, expressed in the assertion that “it is always a political choice to securitize or to accept a securitization” (Buzan, Wæver, and de Wilde 1998, 29). Despite the subsequent transformation of security, through the exception, to something that is not ontologically the same as “normal” politics, security still is also “a particular type of intersubjective politics” (Buzan, Wæver, and de Wilde 1998, 19). It is about making an issue “a special kind of politics or... above politics” (Buzan, Wæver, and de Wilde 1998, 23). It can be thought of either as a type of extreme politicisation, or a type of de-politicisation since it is the removal of an issue from “the normal haggling of politics” (Buzan, Wæver, and de Wilde 1998, 29). In terms of understanding securitization as relating to political choices,

these discrepancies are more than trifling. Instead, these descriptions do the fundamental work of linking the ontology of politics (about which the theory is vague, but which presumably includes persuasion, possibility, and choice), and the ontology of exception (which is about necessity and survival, defined by the absence of choice). Of course, it is the latter that provides “security” with its distinct definition.

“Securitization” seems to effect some kind of transformation of politics to security, but can security then be reversed by the politics which security has apparently negated? The sharp ontological terms with which the Copenhagen School has sketched security has raised many questions, and seems empirically untenable. Much of this reflects the extent to which this transformation, while crucial to the theory, is more sketched than fully theorised (Balzacq 2005). If securitizing or accepting a securitizing move is a choice, then what about sustaining securitization? Since ontological transformation here seems to work like a light switch, deepening or advancing an existing securitization cannot by definition exist (Bourbeau 2011, 42), so neither can choices pertaining to those processes. On one hand, this seems self-evidently dubious in an empirical sense. On another, even in cases of securitization where “emergency” is clearly invoked, this exceptionalism can be difficult to operationalise; Neal (2012b) has demonstrated through the study of the legislative “normalisation” of emergency measures in British Parliament that the boundary between exceptional and normal is actually fuzzy. In a case like that of Arizona, these boundaries are complex in yet another respect. Doty notes this in her studies of Arizona border vigilantism. “On the one hand, the goal of anti-immigrant activists is not to suspend the law, but rather to force it to be upheld more vigorously and thereby return to what they define as a ‘normal’ situation. On the other hand, they perceive that the situation that has come to be considered ‘normal’... is unacceptable” (Doty 2007, 131). Even apart from these empirical difficulties, though, the apparent rigidity of securitization theory here again presents a problem in regard to the openness of its constructivist foundations, since securitization means a transformation that is instantaneous and total while securitization by all appearances seems to be a process (Guzzini 2011, 335–36). If one accepts, for instance, a “partial” securitization that leaves room for more securitization to occur, has the ontological stuff of that issue transformed or not? This impeaches the Copenhagen School’s move to confine political choice to a pre-transformational moment.

In general, there are two possible responses to these issues in understanding the politics of securitization. The first is to see these questions as identifying gaps in securitization theory that can be addressed by sympathetic revisions. Regarding the question of security as a political choice specifically, the major observation in this vein is that the Copenhagen School, with its focus on discourse, naturally favours discourse analysis as a method, which is just not particularly equipped to discern actors' reasons for doing one thing over another (Karyotis 2012, 393; Buzan, Wæver, and de Wilde 1998, 176). In this case, the question of choosing security can still be possibly addressed within Copenhagen School securitization theory by incorporating complementary concepts or methods, or changing emphasis. However, a second response, argued here, is that the position of exceptionalism within securitization theory makes addressing the political choice of security basically unworkable within its framework. Even if that assertion is not entirely convincing, though, the search for possible improvements to Copenhagen School securitization theory's treatment of politics reveals a path that leads to clearly more promising terrain outside the scope of that theory.

This latter observation seems borne out by several attempts to merge securitization theory with models from political science (*e.g.* Eriksson 2001; Dunn Cavelti 2008; Vultee 2010; 2011; Léonard and Kaunert 2011). As noted, these works undertake a fundamentally difficult philosophical reconciliation. The move to define security as exceptional to normal politics would seem to greatly complicate the possibility of understanding security through tools of political study. However, these efforts also reveal the extent to which these tools of political study are prepared to take a leading, and not complementary, role in answering these questions. These attempts appear to grow from a shared realisation that securitization theory is too rigid in its categories to explain empirical cases of “securitization” writ large – that is, issues' becoming security issues. (That such a move seems necessary itself underlines the open constructivist position needed to explain securitization in empirical cases.) For instance, some scholars have adapted Kingdon's “three streams” framework of agenda setting (1984) — where policy emerges from the convergence of a “problem” stream of problem conceptions, a “policy” stream of proposed solutions, and a “politics” stream of macro-occurrences offering windows for action — to the question of securitization. This has aided specifically in establishing the possibility of different “audiences” for securitizing moves,

corresponding to the different streams (Léonard and Kaunert 2011). Dunn Caverty, in her study of cyber security (2008), attempts a more total merger of Copenhagen School securitization theory and Kingdon's agenda-setting model. It seems that the Copenhagen School's notion of security exists uneasily within the concept of agenda setting, however, since "security" would be a state in which an issue is, by definition, lifted *out* of, and not just to the top of, the (merely) political agenda. The possibility of vanquishing all existing and future agenda competition through an ontological transformation is clearly not something Kingdon contemplates, but beyond this, it does not seem to fit with the basic (ontological) notion of ever-flowing streams of political agenda competition. An attempted reconciliation of securitization and agenda-setting frameworks thus provokes a rather severe clash of philosophical commitments. An ontological choice confronts the theorist. One set of possible commitments seems clearly better suited to answering questions having to do with political contingencies. After all, the commitments of securitization theory have already proven too rigid to explain cases, or else there would have been no perceived need to merge it with a more political perspective. To resolve this tension by privileging the ontology belonging to political science, however – accepting, within this merger, that the transformation securitization theory describes may not occur as such, and that there are other ways to conceptualise security's dominance – is actually, on deeper inspection, fatal to Copenhagen School securitization theory playing any leading role in the explanation. After all, this transformation is essential to the exceptionalism of security, and thus to how security itself is defined, and to how it is set apart from both the "merely political" and mere political science. Without the exception, is there still a distinct securitization theory?

At the point that securitization is basically a kind of agenda setting, then, given the ontological starting point of such an analysis (politics), it is not clear why an analysis should begin with securitization and turn to agenda setting for supplementary concepts (as Léonard and Kaunert's and Dunn Caverty's studies do). Rather, it seems intellectually possible – and, indeed, more productive and less problematic to understanding the choice of security – to begin with some political-study concepts, and subsequently import what is necessary from security studies regarding any special qualities of security within politics. Attempts to incorporate Copenhagen School

securitization theory into political-science understandings of policy, therefore, seem to raise deep questions about how separate a distinct theory of securitization must be from “normal” political science. Vultee’s concept of securitization appears to be most consistent with the implications of this observation. In Vultee’s studies, “in short, [securitization] is conceptualized as a news frame” (2011, 84), and securitization is examined employing the methodological tools used to study media framing. Vultee’s work rubs against the edges of a compelling question. If an instance of securitization can be conceptualized (and studied) as an instance of framing, is securitization, then, just a kind of framing? If this might be considered the case, is the process of an issue’s becoming a security issue then explicable without recourse to a separate, exceptionalist ontology?

In short, attempts to “fix” Copenhagen School securitization theory by filling political-science concepts into its gaps end up suggesting that politics might do quite a lot more of the explanatory work, with separate “securitization” notions playing a diminishing role. Securitization theory, by employing a concept of security’s exception from “normal” politics, elegantly explained notable phenomena like the evaporation of contestation around “security” issues, and the acceptance of measures previously considered extreme. This exceptionalist ontology – begotten of the transformative moment of the “securitization” process – is needed both in order to explain such phenomena that seem to surround security, and in order to distinguish security intellectually as something that is different and needs its own theory. However, in constructing its theory upon both these opposing ontologies, the Copenhagen School has built a theoretical edifice so divided it cannot long stand, at least for the purposes of answering a question about the choice of security in a complex empirical case. Attempts to fix the Copenhagen School for the purposes of answering such political questions only raise the issue: What is the concept of “security” if it is not a separate species from “normal” politics? When it comes to political actions, what does “security” really add? This is not to suggest it adds nothing. Rather, this is to suggest that, in order to examine security or securitizing as a matter of political choice, the questions of what an issue’s purported “security” nature really means, or does, should be discerned in the opposite direction: by turning first to ontologically “normal” political considerations and then seeing what “special” attributes security brings. This is a way of reading securitization

inductively, with an open constructivist ontology that makes room for politics throughout, rather than premising a definitional divide between security and politics, as the Copenhagen School does. For this project, “[w]hile intellectually stimulating, detaching security from politics is of little, if any, practical use” (Balzacq 2015c, 109).

### *Security without exception*

The intellectual space in which to read security in this manner has been opened by a number of developments in constructivist security studies, which broadly have worked to understand security apart from exceptionalism. Arriving at some alternative possible concept of security is, of course, necessary if security is to be understood with a constructivist ontology that provides room for the possibility of political choice throughout. Bourbeau describes the broader family of constructivist security studies as divided into two camps. One, which includes the Copenhagen School, operates upon such a notion of security as exception; the other, in Bourbeau’s view, rests upon a notion of security as unease (2011, 7). This latter group – in Bourbeau’s perspective, typified by the Paris School (*e.g.* Bigo 2002) – helps to decentre security from concepts of exceptionalism by portraying it not as rooted in emergency, but rather as something more endemic. The Paris School’s focus on “security professionals” separates its formulation somewhat from choices within political competition, but even within this view, some kind of strategic political logic in decisions to securitize is clearly under examination, especially when it comes to state legitimacy. Beyond the Paris School, though, it is possible to read the non-exceptionalist branch of constructivist security studies more broadly than the “unease” label implies. Perhaps, for instance, it is possible to understand security as a diffused condition that is not necessarily tied to any particular danger, but to a multiplicity of discursively linked points of “insecurity” that generate a particular type of social relations, drawing from Huysmans’s conceptualisation (2006; 2014). An even broader suggestion – the nomenclature of which is used here – is to refer to this family of non-exceptional perspectives on security as “sociological” (Balzacq 2015c).

Rather than pinpoint *prima facie* which of the various strands of sociological or non-exceptional security conceptualisations seems most correct, what is important to note

here is the presence of the conceptual space and materials necessary in order to consider security as it relates to political choice. The most general accomplishment of the broad group of more sociological security theorists has been, in the aftermath of the Copenhagen School, reading thick social relations back into securitization processes (Balzacq 2005; 2011; Huysmans 2006; Doty 2007; Salter 2008; Stritzel 2011). Among these relations, various forms of intersubjective “politics” are naturally included. This provides a path forward for a research question like the one considered here, which must begin from a perspective where the qualities of “security” are open, contextual, and available for investigation, rather than philosophically closed, as is the case in both traditional “realist” security studies and, paradoxically, in the Copenhagen School.

As Huysmans has noted, “security” seems definitely to represent something particular and significant in political and social happenings, but its distinct quality often has been difficult to identify (1998a; 2006, 1–13). Sociological views about security point to a particular need to study cases of security in order to discern the particular things that security means or ways that security works. “[I]he methodological procedure of *empirical reconstruction* on the basis of a non-essentialist philosophy of concept formation” (Stritzel 2011, 346–347; emphasis in the original) becomes central. This move starts by seeing security as existing in context — including, necessarily, a political context — rather than in a separate and exceptional realm. Doty identifies of the perils of moving in the other direction. Discussing field research on border vigilantism in Arizona, she writes of the importance of resisting “a discussion of theory or theories whose parameters I could try to squeeze this phenomenon into” (Doty 2001, 525). Proposing a sweepingly alternative basis on which to reinvestigate security inductively and interpretively, Ciută (2009) proposes the use of a working definition of security that instead begins with the question of whether the actors involved understand themselves as having been dealing with it. Overall, the “priority of phenomena over theory” (Neal 2008, 87) becomes a guiding assertion in reconceptualising security as it relates to politics and political choice.

These sociological perspectives open up the intellectual space necessary to examine security as a political choice. However, their sociological focuses have often led to explorations that are relatively distant from the question of what securitization actually entails when it comes to political processes. A normative critique of the politics of

security (*e.g.* Aradau 2004) has been more prominent than any account of the “normal” politics that securitization is supposed to interfere with. In one view, sociological perspectives are divided between linguistic or discursive models on one hand, and “practice”-focused models on another (Balzacq and Guzzini 2015, 98). The former usually focuses on discourse, which is not particularly suited to reveal actors’ motivations, while the latter usually focuses on governance and “security professionals,” who stand somewhat apart from competitive politics. Perhaps unsurprisingly, neither camp has very much taken on political decisions as a special matter of focus, which has often limited their precise application to questions about why policymakers choose security from among other possibilities. However, a developing strand within security studies has begun to speak more directly to this question. Neal has proposed explicitly considering what security means for political actors’ navigation of a wider political realm. Noting security studies’ descent from an IR discipline that holds at its centre a Hobbesian ontology that has informed the Copenhagen School’s problematic exceptionalism, Neal proposes that security be re-read within a Machiavellian ontology of a single, encompassing political realm where security is, in some fundamental ways, “just like other politically salient events” (2012a, 107). This position brings into clear view the dimension in which a politician’s security decisions do not only ramify upon a “referent object” like the state, but also upon the politician’s rule. Employing such an ontological lens, within this encompassing political realm, “security” may bring with it certain shared Hobbesian understandings about the subject matter. However, rather than focusing on securitization as transformatively bringing Hobbesian or Schmittian politics into being, these understandings can be viewed “as a symptom” (Neal 2008, 88) of particular social understandings, rather than as the firmer ontological stuff of the phenomenon.

Indeed, the reconsideration of security within a wider social context that significantly affects securitization processes has been a central move for sociological accounts of security, against security theorising that, similarly to “traditional” realist security studies, seeks a context-independent definition of the concept. “[M]eta-narratives often bear little resemblance to people’s experiences of how securitizing moves developed and are understood within a particular context” (Wilkinson 2011, 94). This development has led to the ability to reconsider security’s relation to a broader political context specifically,

with the meaning of security being contextually “fluid and permeable” (McDonald 2015, 155) – and, crucially from a constructivist perspective, depending on actors’ and not solely scholars’ meanings (Floyd 2015) – albeit within a fraught conceptual debate over the possibility of losing an essence or distinctive logic of security amid the importance of contextual factors (Balzacq 2015a; cf. Ciută 2009). Bourbeau’s study of the securitization of migration in France and Canada (2011) brings this contextual aspect to the fore through an empirical investigation, by giving a new prominence to one key feature (and indicator) of the broader social and political context, the news media, in understanding the “securitization” phenomenon. Bourbeau’s distinction between institutional and discursive indicators of securitization (2011, 19) recognises the clear link between political context and policy decisions to integrate migration policy into security governance. The discourse-analytic method of the project, however, is not equipped to explain how precisely these contextual factors affected institutional decisions; the focus of the study is on how securitization occurs and not why (Bourbeau 2011, 35).

Despite being limited in terms of facilitating answers to the research questions at hand here, a study like Bourbeau’s still opens up promising territory in which to consider securitization as a matter of degree, and as a matter of contextualised political strategy. The development of a literature that focuses on the contestation of security – initially through the lens of Wæver’s desecuritization concept (1995; cf. Huysmans 1998b; Aradau 2004), but more latterly through more diverse notions – has the clear effect of imagining security as a potential phenomenon within political competition. In this sense, securitization is pitted not just *post-hoc* against desecuritization efforts, but is also pitted against opposition pre-emptively, as well as against alternative notions such as resilience (Bourbeau and Vuori 2015; Corry 2014) and risk (Corry 2012). By envisioning security, through those latter concepts, as something that is possibly less extreme, and that can therefore exist within “normal” politics, these efforts also provide space for assessing how politicians weigh security concerns against other counterbalancing considerations (Neal, forthcoming) – or, put another way, how security might or might not be chosen. The reintroduction of a concept of “legitimacy” drawn from political sociology makes another connection to how factors heavily linked to, or embedded within, broader political context create necessary but not sufficient conditions for securitization to occur

amid the possibility of contestation, while at the same time security can legitimise practices in other areas of political life (Balzacq 2015a).

At the end of this discussion, securitization remains conceptualised as a “political technology” (McDonald 2015, 154) – indeed, as the Copenhagen School had initially suggested – though within a much more context-rich and fluid field that, unlike within Copenhagen School theory, can be read as the universe of competitive, or Machiavellian, politics (Neal 2012a). In this sense, notwithstanding critiques that securitization is exclusionary and threatens democratic values (*e.g.* Aradau 2004; Huysmans 2004; Aradau 2015), securitization might be understood as thoroughly democratic in a thin sense: that is, as occurring in a competitive democratic political context that the securitization process does not fundamentally transform, but where, given the beliefs and perceptions of actors that then hold sway, resistance might become practically difficult (while still ontologically possible). Nonetheless, there remains relatively little work that explores securitization as a political choice in this sense. Indeed, the closest efforts to the research questions posed in this project are Karyotis’s studies of the securitization of migration in Greece (2011; 2012). Bringing forth “elite rationality” as it relates to a broader political field as a central consideration, Karyotis suggests both the importance of understanding motivations for securitizing an issue like migration, as well as the existence of “rational, as well as subconscious, motivations” emerging from institutional and political context (2012, 405). While Karyotis’s examination remains admittedly far from “definitively identifying clear motives for securitization” (2012, 391), its approach is promising for understanding security as a political choice. The use of concepts of “bounded rationality” to understand elite decisions highlights the larger importance of understanding elites’ political rationalities as they relate to security through something other than a deductive rational-choice framework. As a whole, this turn within security studies toward a sociological view, accommodating of politics, provides a promising basis with which to build an alternate conceptualisation of security not dependent on a problematic exceptionalism, and to begin understanding security, in all phases of its lifespan, as thoroughly related to political choice.

## Securitization and the restrictive “contagion”

These sociological ways of reading security and securitization accommodate this chapter’s earlier observation: that attempts to supplement the Copenhagen School with political-science tools end up revealing the ability of those tools to take a leading role in explaining the choices composing empirical securitization processes. Before pivoting fully to the concepts from political study that seem to have the most to offer in terms of understanding the choice of security when it comes to migration, it is worth recalling the appeal of what the Copenhagen School seeks to explain: the ability of security to suddenly emerge to dominate political matters. The disappearance of dissent over security matters, and the acceptance of responses previously considered beyond the pale, are two stark manifestations of that dominance. Those who consider security outside exceptionalism still seek to address, through other concepts, this strong pull that security seems to exert upon political life – what Bigo, in discussing security and politicians, calls “the homogeneity of their reaction” (2002, 69). This trend toward a uniform choice of security as an approach to a given issue – or toward a blanket assent to the issue’s securitization – might be observed both across cases and within cases themselves.

The securitization literature, as mentioned, has often taken on migration as a major topic. At the same time, the migration studies literature has been shaped by the sense that migration policy is becoming more integrated into security governance (*e.g.* Payan 2006) or is increasingly subject to hostile or alarmed public opinion (*e.g.* Morales, Pilet, and Ruedin 2015; Ford, Jennings, and Somerville 2015). Sometimes these two literatures have been brought together explicitly (*e.g.* Boswell 2007). Often, however – as a result of the different languages spoken by an IR-descended security studies that has incorporated later sociological influences, and a migration politics subfield immersed in political science – they have noted and studied the same phenomena, but with different vocabularies and conceptual categories. Thus regarding instances where a political system might, in security-studies terms, be trending toward the “securitization” of migration, in migration-politics terms, this system might be trending toward “restrictiveness.” While not every politicisation of migration inherently securitizes it (Bourbeau 2011), as a practical matter, “[m]ore often than not, a discussion about

migration naturally spills over into questions about security, and vice versa” (Karyotis 2012, 390). The overlap between securitizing and restricting migration is substantial enough that in many empirical cases they are the same process, differently described.

This is an important observation in that it reveals the extent to which migration politics scholars have actually examined the systemic effects of what others would call the issue’s securitization. This is particularly so regarding the tendency in many cases for actors in all parts of the political spectrum to adopt restrictive stances on immigration, in what is sometimes seen as a restrictive “contagion” emanating from the far right (Norris 2005). This phenomenon is viewed in party-competition terms. “Many commentators suggest that radical right parties have probably had their greatest influence by raising public concern about their signature issues, especially those of race relations, immigration policy, welfare reform, and law and order, thereby tugging moderate parties toward the extreme right” (Norris 2005, 264). Especially considering the link between the securitization process as imagined and a subliminal vision of authoritarian far-right Schmittian politics (Williams 2003; Huysmans 2006), this “contagion” seems to be describing the narrowing of the field of contestation over a securitized issue. Studies of party manifestos and patterns of competition have found evidence for this “contagion,” whether in those terms or others (Harmel and Svåsand 1997; van Spanje 2010). However, this “contagion” remains mysterious, in that its mechanism of transmission remains a matter of speculation. While the phenomenon of parties trending toward more restrictive (or security-oriented) positions does seem to occur after far-right challenges, the reasoning behind why parties change these positions is not identified, especially since this literature has identified a number of different kinds of strategic response to this challenge (Bale et al. 2010). If parties across the political spectrum join a new securitized consensus on immigration, why do they do it? This, of course, seems central to a study about the choice of security.

The ways that parties position themselves on immigration has attracted a wide literature. A prominent observation is that mainstream parties tend to cluster around the same (though not always “extreme”) stances on immigration, with some scholars examining various reasons for why parties have chosen “ownership” arguments when it comes to immigration instead of presenting distinct, contrasting policy positions (*e.g.* Bale 2008;

Odmalm and Super 2014), sometimes drawing from a broader literature on “valence competition” (Green 2007; Green and Hobolt 2008). Another strain of this literature focuses upon the possible mainstream responses to a radical right-wing challenge on immigration (*e.g.* Meguid 2005; Green-Pedersen 2007; Bale et al. 2010). This literature provides some explanatory purchase when it comes to party positioning on this issue, but obviously presents some limitations when it comes to the Arizona case: most notably, it has focused on Europe and the rise of right-wing populist parties, where in American politics there is no separate far-right party challenging the mainstream from the outside. Additionally, in explaining the choice of security, doing so through the lens of political parties, rather than individual political actors, might be somewhat narrow and complicate a sense of “elite rationality.” Still, what this literature does introduce is a clear aspect of political “strategic reasoning” (*e.g.* Odmalm and Bale 2015) into the securitization of migration. Thus securitization is recognisably political. Having provided some useful tools, however, it is notable that, for the political mainstream, the decision to securitize migration is still a matter of less-than-obvious reasoning, as there are a number of possible responses to a far-right securitizing effort (Meguid 2005; Bale et al. 2010), any of which a political actor might have reason to expect to “work” strategically, based on a wider political context. This points to a need to investigate the ways that political elites understand their context, as well as the perceived “workings” of these issues in the eyes of elite decision-makers, in order to grasp the choice of security.

Here – in distinguishing why political actors may choose to securitize, or to agree to a securitization – it is worth considering what special meaning an issue’s “security” nature might bring to this choice. The Downsian number-line model (1957) – though significantly elaborated (*e.g.* Green 2007) – remains the foundation of this party-positioning literature. Importantly, in such an economised model, while a party’s position point on this one-dimensional plotting has implications for its appeal to voters whose preferences are farther left, farther right, or at the centre, the particular *meaning* of its positioning beyond this is stripped away. This seems to be especially pertinent since the mainstream’s deciding to join more hard-line responses on migration (rather than continuing to offer a diverging position) appears to happen seemingly more often than on many other issues, or than would be suggested by the existence of many possible strategies to deal with right-wing challenges (Bale et al. 2010). This is where investigating

this matter as one of choosing “security” can be valuable, in investigating how meanings attached to “security” in particular affect political strategy and result in such larger, systematic trends across political systems. That is, it is quite possible that something very important in these decisions is missed by discussing them as just “restriction” rather than also “security.” This observation completes the other side of an arc begun earlier in this chapter. This chapter earlier observed, based on deficiencies in securitization theory, that models of politics could take the lead role in explaining processes of securitization as political choices. At the same time, to investigate these choices specifically as ones of security – with policymakers seeing particular meanings and dynamics as attached to such issues – has the potential to help explain in powerful ways the particular role that security itself might play in shaping these choices.

### **Problem definition and political choices**

A political issue’s being, or becoming, one of “security” may then be quite significant in how political strategies and competitions surrounding it play out. The meanings that political actors see as associated with issues and issue positions are indispensable to understanding the decisions made regarding them, especially in a competitive context. This is one reason that the question of *why* security is chosen, and not just how securitization as a process works, is an indispensable, if infrequently explored, issue in securitization (Karyotis 2012). Because how an issue is defined has a powerful effect upon how political actors see it as “working” politically, problem definition is an essentially political, and not purely philosophical or rationalistic, activity; it is a central aspect of political strategy (D. Stone 1997).

It is worth taking a step back to consider “securitization” – in its most general sense, unburdened of the theoretical freight the term often carries – as describing simply the phenomenon of an issue’s becoming a “security” issue: the ascent of security in that area against other possible interpretations. Especially if it is not to be separated from politics, securitization, then, can be seen as a particular instance of problem definition. Gusfield (1981) explores with considerable depth the implications of the constructed nature of what he calls “public problems.” Central to this phenomenon is what he terms “[t]he

plurality of possible realities” (Gusfield 1981, 3) regarding problem definition. A given perceived social condition might not be defined as a problem for public interest, but when a “public problem” does arise, its eventual definition is not predestined. One definition may emerge, though, despite competition from other problem accounts. This struggle occurs for political reasons because of the implications that different types of problems have for responsibility. Causation refers to two things in Gusfield’s view. “The first usage looks to a causal explanation of events. The second looks to the person or office charged with controlling a situation or solving a problem”; the first is “a matter of belief or cognition,” the second “a matter of policy” (1981, 13). While separate, these are intimately related, indicating that problem conceptions have an inherently political dimension embedded in these conceptions’ structure, which is deeply related to the beliefs that are accepted about them. Ramifying upon concepts of responsibility, beliefs about a problem are often especially disposed to become objects of contestation. “The structure of public problems is then an area of conflict in which a set of groups and institutions, often including governmental agencies, compete and struggle over ownership and disownership, the acceptance of causal theories, and the fixation of responsibility” (Gusfield 1981, 15). This concept — of problem conceptions containing implicit imagined modes of resolution — has been a focal point for other scholars, since it indeed seems to be a major feature of politics. “Political reasoning is always conducted as part of a struggle to control which images of the world govern policy” (D. Stone 1997, 379). “Problem setting is... a diagnosis that also contains the prescription of directions for action” (Rein and Schön 1977, 238).

Because problem conceptions contain imagined modes of resolution that have ramifications for responsibility, these conceptions might also shape different modes of *politics* that affect the strategic choices political actors make in regard to them. Here, the importance of security meanings, specifically, is recovered through the notion that perhaps security is such a mode, emerging from certain problem-logics, with implications that shape a particular form of “security politics.” Various scholars have used various concepts and terms to notionally bind problem conceptions to such imagined meanings. Gusfield uses “myth” and “ritual” (1981, 18), and is concerned with an accordant “symbolic order.” Rein and Schön (1977) propose the concept of a “generative metaphor” that communicates, based on a reference to another (familiar)

situation, what kind of problem a condition essentially is. Best reads this process not as the extension of metaphor or myth, *per se*, but rather as a process of the “typification” of problems (1995). Again, the purpose here is not to judge now which of these is superior, but to note their implications for understanding security as a political choice. In any theoretical model concerned with such phenomena, discerning why one problem conception became dominant from among the “plurality of possible realities” depends on understanding the claims and conventions of its category, and what come to be the accepted beliefs about the problem. Understanding a problem conception and its inherent *politics* means tracing these elements of belief it contains about the problem, causation, imagined solutions, and responsibility – and, indeed, how the political ramifications of these will play out. Gusfield’s method of dramaturgical analysis – which Salter (2008) has employed in regard to security – is aimed at uncovering how actions regarding an issue will play to such understandings of what is expected regarding an issue. Regarding his case study, “If we assume that the legislation and appellate court decisions about drinking-driving are dramas for the consumption of an audience and not a technique for controlling abuse and automobile use... It helps reveal the otherwise unrecognized political and moral conflicts that public presentations disguise and camouflage” (Gusfield 1981, 21). In those unseen political conflicts lie the reasonings behind treating an issue in a particular way. These can be revealed by various methods, dramaturgical or otherwise.

Situating these decisions, and the beliefs that undergird them, within a context of political competition is a particularly important move toward understanding security as a political choice. Hilgartner and Bosk (1988) provide a theoretical model for explaining a competitive process of problem definition, building from the premise that society has only a limited amount of attention to pay to social problems. Amid this scarcity, there is a dual competition for defining public problems: on one hand, a competition among problems for attention, and on another, a competition among understandings of a problem. Wondering why “some problems are more ‘marketable’ than others” (Hilgartner and Bosk 1988, 54), “interactions *among* problems” (and, specifically, competition among them for attention) are “central to the process of collective definition” (Hilgartner and Bosk 1988, 55). “The collective definition of social problems occurs not in some vague location such as society or public opinion but in particular

public arenas in which social problems are framed and grow” (Hilgartner and Bosk 1988, 58), which include branches of government, the media, and other sites that are interlinked and can experience spillover from each other. Simpler appeals tend to survive issue competition (Hilgartner and Bosk 1988, 61), but, echoing theorists concerned with myth or metaphor, “widely shared cultural preoccupations and political biases” (Hilgartner and Bosk 1988, 64) are important to the selection principles within all arenas. Within the constructivist orientation of this project, this model – whether it can be directly applied or not – is of interest in the way that it gestures to possible concepts of the political terrain as it is perceived to be constructed, if not how it objectively “is.” Such visions of how issue competition works are likely to have effects upon strategic political choices to securitize or accept a securitization.

This view brings up the issue of how policymakers understand and monitor their context. Baumgartner and Jones’s punctuated equilibrium (1991) and disproportionate information processing (B. D. Jones and Baumgartner 2005) concepts use the distinction between the inside and outside of a policy system, and a concept of information-processing, to explain otherwise puzzling temporal patterns of change. Policymakers face a cognitive inability to perfectly monitor their environment, so how they process information is key to explaining policy change. Established ways of monitoring the environment are prone to interruption by new factors, leading to rapid changes. “Disproportionate information-processing leads to a pattern of extreme stability and occasional punctuations, rather than either smooth adjustment processes or endless gridlock” (B. D. Jones and Baumgartner 2005, 5) – patterns of change that, because they are based on intrusions of new information, do not move in close concert with material changes to the “problem.” The usefulness of this model in helping to explain rapid policy changes is apparent, but another dimension of the puzzle regarding securitization is the tendency for sudden change to happen in a particular direction. It is in these directional tendencies that the meanings associated with issues stand out as especially important in explaining such a change.

An opportunity-structure approach (Koopmans and Statham 2000) provides insight on another aspect of strategic decision-making as it relates to policymakers’ institutional context. As an explanation for different outcomes in different cases, it points to “a

country's particular structure of political institutions and its configuration of power relationships" (2000, 32). Inspired by neo-institutional political science, this approach focuses on "political opportunity structures [that] consist of 'consistent – but not necessarily formal or permanent – dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure'" (Koopmans and Statham 2000, 32; quoting Tarrow 1994, 85). Times of division among elites present an opportunity for outsider understandings to enter the political system (Koopmans and Statham 2000, 34–35), and for certain understandings to colonise new areas of policy, where "contentious discourses may develop powerful dynamics of amplification, extension, and bridging into broader political issue fields" (Koopmans and Statham 2000, 37), in ways that resonate with securitization. This approach has been applied to understand the rapid unsettling of migration policy consensuses in other cases (Koopmans and Muis 2009).

These political-science views offer systematic models that, regardless of their precise applicability to this case, may shed light on the choice of security as a policy approach, given questions raised by problem-definition approaches. This chapter has found potential value for answering this project's research questions in a diverse number of literatures, with different emphases, epistemologies, and favoured methods. The larger goal here has not been to select a framework with which to view this case study, but to identify concepts that could help toward answering the research question. Especially in light of the previously argued need to turn more fully to political-science understandings in order to do this, the concepts surveyed here seem to offer many promising avenues.

## **Conclusion**

Reviewing literatures that seem to pertain to the choice of security as a policy approach to a problem like immigration, this chapter has made several moves. The first was to identify the exceptionalism of security central to Copenhagen School securitization theory as a major obstacle to that theory's ability to help explain the choice of security in an empirical case. With this critique revealing the ability of political-science explanations, operating with different ontological premises, to take the lead in answering

a research question such as this one, this chapter identified the value of a broad sociological securitization literature that reads thick social relations – including politics – back into the securitization process. These contributions allow the researcher to see securitization as thoroughly situated in a political context. Part of the desire to explain the choice of security has to do with the systematic effects upon politics that, in the Copenhagen School’s eyes, security exacts through breaking from “normal” politics. This includes a withering of dissent around securitized issues and the licensing of policies that previously would have been considered extreme. Noting that literatures on migration politics, and particularly party competition, have tried to explain these phenomena, the relationship between political competition and a security concept becomes clearer. Political-science notions may do much of the explanatory work in explaining securitization as a subset of larger phenomena. The particular meanings of security, however, may affect how political actors understand the context of making decisions in relation to it.

This chapter concludes with two broad and interrelated observations. The first regards the particular meaning of this analysis’s movement toward a concept of “security politics.” Many theorists have done work toward theorising “security politics” in diverse respects. This term is used in a particular sense that bears expounding. What it means to use these words together in this project, in light of the Copenhagen School’s moves to separate security from “normal” politics ontologically, is to reimagine security as occurring completely within politics that are, ontologically, still “normal.” However, even within such an effort, there is evident value in speaking to a security concept, albeit one recovered inductively and through empirical examination. After all, within politics, security seems, if not exceptional, then at least peculiar in some of its apparent tendencies. These are attributes that have, from the beginning, driven interest in the securitization concept: the rapid unsettling of previously established policy regimes, the apparent evaporation of major contestation over securitized policies, and the new acceptance of measures that would have previously been considered beyond the pale. To ask about the reasons for securitizing migration is to ask about that matter as one of political choice, but a political choice within a realm where there is some importance to, and there are implications concerning, “security” meanings. So, in the absence of a viable concept of exceptionalism that might otherwise unlock an explanation for these

seemingly unusual attributes of “security,” what about security seems to move politics in a particular direction? In other words, do the particular meanings of security ramify upon ontologically “normal” political decisions, often to the effect of producing systemic patterns that seem intuitively recognisable? Here, for the purposes of answering this research question, this project strikes upon the particular need not just study security politically, but also, through more inductive examination of cases, to work toward the development in this sense of a concept of “security politics.”

Second, and toward this, it seems evident already that this project has begun to take an interpretive turn. In admitting the importance of particular meanings to the act of making choices in this regard, certain questions naturally arise: how political actors understand security, how they think security “plays” politically, and how their decisions regarding the securitization of migration make sense to them. Having recognised that to securitize an issue is not simply a matter of identifying it, but also of making moves within a wider political field (Neal 2012a), the dilemmas politicians face come to the surface. As Stone (D. Stone 1997, 2) puts it, “Politicians always have at least two goals. First is a policy goal – whatever program or proposal they would like to see accomplished or defeated, whatever problem they would like to see solved. Perhaps even more important, though, is a political goal. Politicians always want to preserve their power, or gain enough power, to be able to accomplish their policy goals.” In this sense, the project already seems to be deeply interested in the “political rationalities” surrounding choices to securitize migration. Karyotis (2012), observing short-term political benefits in politicians securitizing immigration in Greece, sees this as a type of “bounded rationality.” However, his critique of securitizing migration as an ultimately unwise political strategy (Karyotis 2011) naturally raises the question of how that decision made sense to those undertaking it. This thereby points to the need for inquiries about how political actors understand their environment and what beliefs they have about security in politics, apart from any abstracted or deduced rationality. Bearing in mind that political decision-makers in principle have at least some kind of influence over the way that problems are seen (D. Stone 1997, 8), their decisions in a competitive environment are laden with judgement and interpretations of opportunities and dangers. To explain why security is chosen, then, the researcher must “account for where people get their images of the world and how those images shape their preferences” (D. Stone

1997, x). The philosophical approach and research methods that permit such an account are, in turn, the subject of the next chapter.

## *Chapter Three*

### *Explaining the selection of security: Theory, design, and methods*

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As the last chapter concluded, explaining the choice of security as a policy approach to immigration is a matter of understanding the political reasonings that underlie elite decisions to adopt and act upon a security interpretation of the issue above others. Together, these rationalities might help explain systemic developments in “security politics” that have, in the past, been chalked up to the exceptionalism of security from “normal” politics – a distinction that is difficult theoretically and empirically to sustain. This approach to understanding choice is shaped by a social-constructivist outlook and interest in interpretation, moving the project away from “rational choice” frameworks and toward a concept of “situated agency.” In understanding actors’ choices regarding securitization amid their navigation of a wider political field, it is essential to grasp how these policymakers see this political terrain, and to understand what they believe about the workings of this issue within that context. Following from these notions, this study moves to examine what it terms the “political rationalities” of actors making policy decisions that compose the securitization of immigration and border issues in Arizona. This chapter specifies what is meant by “political rationalities,” which in turn helps to elaborate the broader philosophy of social science underlying this project’s approach to its research questions. This chapter then turns to the research design and methods that this project uses in order to examine the beliefs and understandings of actors that lie at the heart of this inquiry.

While views emerging from more positivist perspectives can provide useful insights and hypotheses as to the “security politics” of this case, answering this project’s research questions appears to present a deeper interpretive job. Growing from this study’s constructivist ontology and its inductive approach, explaining the decisions in question here requires understanding political actors’ own interpretations, working from a perspective that views the terrain of politics as ambiguous, contextual, and constructed by beliefs, rather than from abstracted conceptions of rational choice. Interpretivist

views on politics and policymaking are central to how these phenomena can be conceptualised and investigated, and provide the most basic tools for understanding the case empirically (Bevir and Rhodes 2002; 2003; 2006; 2010). This chapter describes the study's interpretive and narrative mode of explanation, and elaborates upon the resulting move to focus investigation on the actors at the centre of policymaking. A final section discusses the design and methods of this study, specifically its employment of a process-tracing approach, as well as the use of document analysis and semi-structured elite interviewing as principal methods. With the epistemological and methodological approach underlying the following empirical chapters thus defined, those chapters then follow.

### **“Political rationalities” and the interpretive task**

Chapter One established how the apparently puzzling aspects of why security was “chosen” in Arizona open the case to an analysis premised upon a constructivist ontology. The seeming “radical incommensurability” of ontological perspectives in IR, politics, and the social sciences generally (Wendt 1999, 37) presents a challenge when it comes to justifying research design since, due to the nebulous nature of objects in the social world, “[a]ny such ontological standpoint is open to question” (Cox 1992, 132). Still, for any study, the question remains of what concepts best accord with the objects that are being investigated. For this study, those objects are instances of the choice of an approach, emerging from a particular interpretation of a problem, by a number of actors over time. What emerges is a resulting need to emphasise as central concepts policymakers’ interpretations and understandings of the issue and its politics, particularly as they relate to security. This project’s research question contains a “denaturalizing” (Bevir and Rhodes 2006, 3) premise about how social reality is constituted, working from a concept that human action in politics does not follow “rationalistically” from events in such a way that such “objective” outside realities are what play the principal explanatory role. From the initial puzzles about why security was chosen politically when it was in Arizona, it becomes self-apparent that “[o]bjective conditions are seldom so compelling or so unambiguous that they set the policy agenda or dictate the appropriate conceptualization” of an issue (Majone 1989, 24). This position is familiar,

of course, from Copenhagen School securitization theory, as well as from more sociological theories of security. If, however, this study is to turn to political science for an outlook that accords with the observation that “security” is not justifiably separated ontologically from “normal” politics – as Chapter Two argued would be the most productive move toward answering this research question – then the fact that such a disposition might be somewhat controversial within political science must be recognised and addressed.

As discussed in Chapter Two, a number of more positivist political-science models and concepts offer possible insight and useful tools when it comes to this case, but they do not seem to be able to provide responses to some essential aspects of this project’s research question. This is for two principal reasons. First, given the relative novelty of thinking about security and politics in this particular relation to each other, there has not been enough initial inductive theory-building to construct an abstracted model of “security politics” in this sense. On the contrary, as will also be discussed later, this research is designed to address a need for that kind of inductive theory-building. The outlook of this project is that it is possible that “securitization” might legitimately be seen as a specific phenomenon within the lens of “normal” political processes like agenda-setting, framing, *etc.*, but given that few have situated securitization within these processes in a way that is ontologically consistent, there are natural questions about fit. Second, and more importantly, such models do not possess many ready-built ways to take into consideration a major focal point of this study, which is how “security” – which could be assumed, working from issue-definition literatures, to possess particular meanings and enact particular effects, though ones that must be empirically investigated rather than philosophically deduced – might affect how political actors understand and navigate their political terrain.

To begin, there are a number of problems, particularly when it comes to this research, with taking an approach premised on “rational choice” as a model for policymaker action. Karyotis reveals this in his studies of the securitization of migration in Greece. In these studies, political actors seem to act in their self-interest by securitizing this policy area, but the analyst finds their moves suspect as successful political strategy, in that the foreseeable failures of these policies end up being a challenge to the legitimacy

of the securitizing elite (Karyotis 2011; 2012). Karyotis discusses this self-interest in terms of a “bounded rationality” (see Simon 1955). However, there seem to be deeper interpretive questions essential to understanding these decisions than can be investigated through the premise that the actors’ rationality is “bounded.” For instance, in regards to making decisions for short-term benefit versus long-term benefit, the assumption is that the latter was not, for whatever reason, within the “bounds” of making the decision. Could it be that the possibility of costly failure might have been perceived, but the decisions made anyway? What might this say about how political elites understand their roles, priorities, and the political game they are playing? What about the tension among the multiplicity of goals that political actors seem to possess, which include both enacting favoured policy, and maintaining enough political power to enact other favoured policies in the future (D. Stone 1997, 2)? How might they understand their pursuit of these complex goals in an uncertain political terrain that, following from a constructivist ontology, they can both help to shape, and that can shift surprisingly underfoot?

Departing from what Karyotis calls “elite rationality” (2011) and ties to a kind of bounded rational choice, this study seeks to understand choices through what it terms “political rationality.” When this term has on occasion been used in the past, it has suffered from multiple definitions, some of which use it basically to talk about rational choice by political elites (*e.g.* Grauhan and Strubelt 1971; Conn, Meltz, and Press 1973; Elkin 1985), and others of which employ it in discussions of rationality in a Foucauldian sense (*e.g.* Beeson and Firth 1998; Larner and Walters 2002). At the risk of compounding the confusion, this project uses it in a third, distinct sense. Rational-choice concepts, when they use the word “rational,” are invoking a concept of universal reason to explain actions. Such reason exists externally from the actor: an actor is seen to inhabit a certain context and possess certain preferences, and actions that seek to maximise those preferences in that context are recognisable as “rational.” This is because it accords with a universalised concept of self-interested rational action, so discerning actions as rational does not depend on understanding that actor’s own reasons for acting in a certain way. In contrast to this concept of rationality as discernible and applied universalised reason, this project takes up a view of “rationality” found in Weber’s work, as “the way actions make sense to the agents who carry them

out” (Rasmussen 2006, 5). Here, “one type of action is distinguished from another by the meanings which the actors themselves attach to their actions, rather than the objective characteristics of an action as they would be seen by an outside observer” (Swidler 1973, 38). This is not to say that actors do not act in ways that are self-interested. Indeed, in such a concept of rationality, actors very much can behave so as to orient means to self-interested ends. The crucial aspect of behaviour being “rational,” though, is that it is “oriented to meanings” (Swidler 1973, 38) in ways that point to the central importance of actors’ conscious beliefs and understandings for grasping the ways they behave. Rational action in this sense encompasses action that is based on “the intrinsic value of acting in a certain way” (*Wertrationalität*) and action that is “a consciously calculating attempt to achieve desired ends” (*Zweckerationalität*) (Brubaker 1984, 50). Both “are defined *subjectively* – i.e. from the point of view of the actor” (Brubaker 1984, 53, emphasis in the original), establishing this notion as one of “subjective rationality.”

With such an understanding of “rationality,” what does it mean for that rationality to be “political”? Here, this rationality is contextualised within conceptions of politics that, consistent with the study’s constructivist orientation, view the political world as contingent and constituted by (flexible) meaning, and where the use of power has an ambiguous relationship to universalised reason (Flyvbjerg 1998). Policy decisions are more complex than can be contained by (even bounded) rational-choice perspectives that see decisions as flowing deterministically from the logical rules applied to the pursuit of preference (Laver 1997, 6). Dwelling upon this fleshes out some of the implications of the Machiavellian political environment that this study envisions as the realm in which elite decisions relating to security are made (Neal 2012a). Policy decisions are made not just on the basis of what actors think about the problem and what will solve it, but also upon their beliefs about the politics of the purported problem. Multiple priorities coexist without an objectively correct way of ordering them, phenomena are often ambiguous in relation to values, and values themselves are often unclear. How actors behave depends in great part on how actors understand this context, the contours of which, in line with the complex social construction of the political world, are not self-apparent. “More often than not, our choices are conditional”

(D. Stone 1997, 23), and conditional upon particular ways that policymakers understand information from their environment (see Baumgartner and Jones 1991).

In any political decision, decision-makers are concerned about the effect the decision will have upon their power, their general perceived instrumental ability to fulfil any number of values or objectives. In this sense, beliefs about public problems are linked not just to beliefs about the appropriate fitting of a resolution, but also to beliefs about what other people will believe about the policymaker's actions, and whether this will be to the policymaker's more general advantage (D. Stone 1997, 2). Attempts to guess what will come in the future – whether this future concerns the expected impact of a policy upon a problem, or upon a political fate – is always an exercise in a person's beliefs. The past and present might be in some way observed, albeit selectively, and can yield data that empirically root analysis. But what lies in the future is unobservable, while at the same time it is also what policymakers often base their actions upon. Such beliefs can only be grasped by emphasising the importance of interpretation and meaning, because that type of theory conceptualises policy decisions as multidimensional, contingent, dependent on abstract weighing, and requiring anticipation – not truly a type of objectively “rational” analysis but rather a type of judgement (Majone 1989, 17).

Actions in politics are all the more subject to judgement because of a certain inherent uncertainty about the beliefs and interpretations of other people. These other people are essential to the very concept of what “politics” is, but they are human actors and thus not completely predictable. The process of interpreting the political world, at least in democracy, is also occurring in a competitive environment full of other actors.

Politicians constantly attempt to discern the interpretations of others and to understand the implications of these for action, because they act with the basic fact in mind that they must justify to others the decisions they make. While people in politics may act in self-interest, “decisions must always be justified” (Majone 1989, 19) in regard to broader interests. Actors may present reasons for a decision that in some sense were not the “real” ones behind it, because this reference toward a “public interest” is a central concept that separates making political decisions from making other, private types of decisions (D. Stone 1997, 21). The methodological implications of this process of

political justification will be addressed later, but the important implication of this reference to others is twofold.

First is that this central activity of political decision-makers – the process of trying to understand the implications of other people’s interpretations, which are difficult for an actor to be sure about – is an inherently interpretive process, based on beliefs rather than upon “facts” that have existence outside social construction. In a sense, politics resembles Keynes’s beauty contest (Keynes 2008 [1936], 122–37), in which newspaper readers are asked to name the most beautiful face among a set of portraits, with those selecting the most popular face being entered in a prize draw. In this situation, instrumentally rational actors engage in the interpretive process of guessing which face will be chosen by the most others. This process is inherently one of belief, since the contest has not happened and it is impossible to directly access the beliefs of everyone involved. To ask a participant why he or she chose a certain face is really to ask about what standards of beauty he or she believed to be predominating among the population of contest participants, and the strategy he or she adopted toward the contest.

Explaining which face a participant chooses is impossible without understanding these beliefs. To ask why a politician chose to support a certain policy approach is a similar type of question, but one that contains additional contingent elements, such as variable policy goals. The second implication of this inherent need in politics to reference others is that these other people occupy an arena where they, and their ideas, compete (Majone 1989, 29–34). Bearing in mind that political decision-makers in principle have at least some kind of influence over the way that problems are seen (Gusfield 1981; D. Stone 1997, 8), their decisions in a competitive environment are laden with judgement and interpretations of opportunities and dangers. Attendant to the various problem definitions, and related to the interconnectedness of beliefs, is the fact that different understandings of a problem often carry with them implicit modes of how that problem is to be resolved (Rein and Schön 1977, 238). How this might rebound upon expectations, blame, and other elements of future politics is yet another dimension of judgement.

With such a concept of “political rationality” in hand, it is clear that the interpretive job here is deeper than most political-science models of policymaking can accommodate as

“off-the-shelf” frameworks for examining this case. All actions in the social world have at their roots complex beliefs which must be understood so that the actions based on them can be explained. This is no less true for social phenomena that seem to be straightforward. These too are based on beliefs and interpretations in the same way, though the familiarity and consistency of such cases may make them amenable to useful generalisation through models. While a number of political-science models introduce useful concepts or provide insights that could relate to the process of how securitization might happen, they do not themselves tend to allow for the interpretive depth needed for explanation in this case. For instance, Kingdon’s “three streams” model (1984) discussed in Chapter Two – and various models that owe a debt to Kingdon’s image of a “policy entrepreneur” that sets out in a pluralistic setting to sell a particular favoured policy to different interests (*e.g.* Mintrom and Vergari 1996; Mintrom and Norman 2009; Baumgartner and Jones 1991; Zahariadis 2003) – are frequently used to explain the adoption of particular policies at particular times. This kind of perspective indeed can be very useful in understanding cases: it is entirely possible, for instance, to write about the Arizona case as a spread of the border-hawk concept of “attrition through enforcement” (see Kobach 2007; Khimm 2012) through something like an advocacy coalition approach (Sabatier 1988). As with any relatively specific frameworks, there are particular case-specific questions about whether they fit for this study. However, beyond these, there are fundamental questions about why a particular orientation or vision regarding a political issue was accepted as the one to act upon, and seemed to exert such a strong pull over policy choice. In such accounts, the reasons for choosing policy A or policy B is considered amid conditions of timing, interest, or coalition-building, without taking into principal consideration how the particular content or perceived meaning of either policy might affect the political contest between them.

In sum, explaining the choice of security as a matter of “political rationality” means grasping how these choices made sense to the political actors that made them, amid a socially constructed world of politics that, at the outset, can be presumed to be characterised by ambiguity, where the contours of the political terrain have to be interpreted, and where decisions are based on a type of judgement that is founded on expectation and belief. Various existing political-science models are educational in proposing possibilities regarding these actions, but in order to deal with the basic

premises of this research question – to explain the choice of security from among other possibilities, following from a constructivist perspective on politics – tools that allow for further interpretive depth are needed.

### **Explaining actions through belief and situated agency**

This study aims to explain policymakers' actions as they relate to the choice of security in a case. Doing so requires embracing the importance of meaning and interpretation. Such commitments move this project toward a mode of explanation that identifies actors' beliefs and interpretations as the causes of their actions, and toward an epistemology focused on the actors themselves. Of course, adopting a relatively complex and contextual image of politics always invites the criticism that such understanding is unwieldy, and cannot offer a path to explanation. This reflects the larger purported distinction between understanding and explanation as exclusive aims in the study of society, which is related to the disputes over the ability of historical understanding to lead to the proclamation of law-like social regularities that exist outside of actors (see Hollis and Smith 1990). In light of this literature, it is important to specify this project's mode of explanation, which has implications for its epistemology and methods.

The classically proposed division between understanding and explanation is underlain by a separation between thought and action that appears false in light of the ontological premises that this project puts forward (Bevir and Rhodes 2006, 17). If meaning is fundamental to explaining this case, and action is only meaningful because of the beliefs that are invested in it, then understanding the reasons for action is integral to explaining action. This observation rebuts a related misconception, which is that interpretation is capable of understanding behaviour but not explaining it. This perception has been strengthened by the development of various takes on historical understanding (or *Verstehen*) as “an intuitive, quasi-mystical act that resembles the work of an artist more than that of a scientist” (Bevir and Rhodes 2010, 12). Often pitted in a clash with positivism, *Verstehen*, and all “understanding,” has been pinned tightly to hermeneutics. This has helped to obscure the extent to which grasping the sorts of meanings that

historical understanding grapples with can be empirical in a way that is more broadly recognisable as scientific. The empirical focus of this study, for instance, is of a piece with investigating the reasons why certain actions were taken, as the methods exist to make those underlying beliefs and justifications to a significant extent discoverable.

Ultimately, to identify the explanation for any action as existing in the beliefs underlying it follows from the adoption of a particular ontological premise regarding the nature of human actions. Because humans can and do choose how they act, even amid what we might see as strong constraints, it is choosing that determines the action, rather than any social structures or separate logics which may influence or weigh upon the choice. Understanding that choice is to explain why that choosing was done in the way it was, and the web of beliefs that led to it. For example, to say that at a certain point in Arizona border security was politically popular, and that in democracies elites tend to legislate politically popular things, is not to say that the state was destined to make policy in a way that treated the border as a security problem. Indeed, much of the migration politics literature in fact emphasises that despite these conditions this is often not the case (*e.g.* Freeman 1994; Joppke 1998). One might respond that if that happens, then it means certain other conditions are therefore prevailing. But that prevailing is in fact contained fully in the phenomenon of human policy decision-makers judging how they should act and then acting. Human agency, and the ability of people to choose against expectations, does not complicate matters in the study of society, but rather makes those matters what they are.

There is no person who acts utterly autonomous of any social constraint, just as there is no person who necessarily acts in a way determined by a given social reality. The way to explain actions then lies in a concept of human judgement where social phenomena and conditions are recognised as having some kind of influence on the actor, and where actors at the same time choose how to act in this context. A number of approaches have looked to explain social phenomena by placing human agency in the broader context of perceived constraints upon choice, in order to parse the tension between political actors' simultaneous autonomy and dependence upon ideas from their context (Hay 2010; Schmidt 2010; 2011). Actors can resist social regularities, attempt to create new ones, and generally innovate in response to dilemmas. This creative aspect of human decision-

making is an ontological reality that constructivism is especially equipped to deal with. These adaptive and transformative aspects of how people choose to act in politics, which cannot be anticipated in a framework based on a deductive objective rationalism, point toward a mode of explaining policy decisions that centres on agents. Here, the concept of “situated agency” (Bevir and Rhodes 2006) becomes central to how interpretation explains action, and animates this research project’s “political rationality” concept in particular.

The central assertion in a concept of situated agency is that “[w]e can accept that people always set out against the background of a social discourse or tradition and still think of them as agents who can act and reason in novel ways to modify this background” (Bevir and Rhodes 2006, 4). This concept of agency strikes at the need, in trying to understand a case, to know not only the pressures that decision-makers interpret as weighing on them, but also the reasons for the ways they choose to respond, or to navigate this terrain. “If we are to understand political reality, we have to come to grips not only with its determinate aspects but, most particularly, with its creative, adaptive, problem-solving aspects. For it is this last characteristic which is the essentially human property, and which is the unique mechanism and explanatory challenge of the social sciences” (G. A. Almond and Genco 1977, 497). To the extent to which human action is ever regular and law-like, it is in the sense of “plastic controls,” which Popper (1979, 206–55) describes as the types of soft regularities that occur in a society defined by individuals who retain individual judgement and free will. This particular vision of the nature of social regularities provides social science with an ability to present truth claims, albeit ones that recognise contingency (Finnemore and Sikkink 2001, 394). This perspective forges a middle ground between description and law-giving that preserves the potential for modestly grander truth claims than views that see recurring, meaning-dependent causal patterns as “mechanisms” that are more fundamentally indeterminate in their effects (Guzzini 2011). These dual characteristics of political reality are both contained within the situated agency concept. It accords with the “denaturalizing” premises contained in this project’s research questions, which posit the many different ways policy in Arizona could have unfolded. Situated agency, then, provides a grounded way of understanding the judgement of political actors when “[u]ltimately, political reasoning is a process of creating, changing, and defending boundaries” (D. Stone 1997, 379).

Defining the actors in the Arizona case as possessing situated agency, this research takes a fundamentally actor-centred approach toward investigation. This posture is a matter of both ontology and epistemology. As this chapter has articulated, this study moves forward on the premise that not only are beliefs essential to understanding actors, but more broadly, that all social and political life is ultimately constituted by human beings acting by themselves or with others (Hudson 2005). Such an actor-focused perspective, because it regards individual decision-makers and their deeds as the most basic substance of social reality, also leads toward “agent-oriented theory” (Hudson 2005, 2) that suggests certain epistemological views. Here, proof of the significance of any social regularity exists in the extent to which regularity seems to be reflected in the choices of agents themselves. For instance, a social-science study using a separate approach from this research may surmise, from analysing a certain policy outcome, that the position of a particular interest group’s support was significant in leading to that outcome. The actor-focused perspective being adopted here would seek to understand whether the relevant actors, in making the decisions leading to that outcome, believed that group’s support was significant in a way that affected their judgement of how to act. (Naturally, the researcher would look for empirical data to this effect.) Such a perspective takes “the subjective understandings of leaders as funnels for other... factors” (Kaarbo 2015, 3), offering a relatively parsimonious way to assess whether those factors represent compelling forces or regularities.

Adopting this view along with a constructivist ontology that retains the sense that these constructs are socially real (Adler 1997, 323), this agent-oriented perspective can discern the nature or significance of these constructs. To understand the beliefs underlying an agent’s actions, and to understand these agents and beliefs in relation to each other, is the means by which the researcher may answer, in the context of social reality, the basic scientific question of “how are things in the world put together so that they have the properties that they do?” (Wendt 1998, 103). Consistent with this is the broadly interpretive approach to understanding “security” outlined by Ciută (2009), which defines the substance of the term by the actors’ understandings of it, rather than by a deductivist approach to what it must be. Working with the concept of “situated agency” as described by Bevir and Rhodes, employing this type of hermeneutical approach as an epistemology for understanding “security” does necessarily present the problem of

reducing “security” to an entirely contextual definition without core meaning. Indeed, Bevir and Rhodes (2006; 2010) helpfully detach the use of historical understanding as an approach from such broader claims about hermeneutics. Working from the constructivist premise that meanings can be sufficiently shared to constitute social facts (Bevir and Rhodes 2006, 26), historical understanding emerges as the best means by which to access these social facts in a scientifically valid way. This allows a historical-understanding approach, taking an actor-centred view, to serve the purposes of an explanatory study, with the goal of inductive theory generation and an eye toward the possibility of eventual generalisation.

With this focus on actors comes a concern with how they make sense of the complexity of the social world, since grasping those processes is integral to discerning if there is any systematic quality in the way the given actors interpret their context. Information processing is, either explicitly or implicitly, at the centre of most any political science framework that deals with interpretation. Actors adopt beliefs about problems or context, and develop ways to read and understand them, in response to “the ongoing problem of making sense” when it comes to policymaking (Laws and Rein 2003, 172). The need for any social actor to simplify the vast complexity of society is inherent to the very metaphor of political framing, which “give us a way of seeing some things and of not seeing other things” (Rein and Schön 1977, 239). Policymakers inhabit a particular position where there are continual needs to understand an “outside” environment that contains both supposed problems as well as their political context. Making an at least notional distinction between the inside and the outside of the political system is one way that a number of approaches within the policymaking literature conceptualise how policy is made and why changes are adopted. A concept of monitoring, which is an inherently simplifying and selective enterprise, is broadly taken as one of the study’s starting points. Here it serves as a concept by which the researcher may understand the ways actors form beliefs about a given reality. Some information-processing models aim particularly at explaining sudden change by references to attention (Baumgartner and Jones 1991; B. D. Jones and Baumgartner 2005), while the migration politics literature drawing from systems theory adopts a more holistic philosophical approach (Bommes 2012; Cvajner and Sciortino 2010; Sciortino 2000). As a route toward understanding policymakers’ beliefs, this study draws from such literatures the concept that for every

political actor, there is an “outside” from which they discern signals to be interpreted and understood.

The philosophical premises adopted in this study are, as a whole, constructivist, interpretivist, agent-oriented, and actor-focused. This project explains policy actions through the beliefs of policymakers as a way of answering why security was “chosen” as a policy approach to immigration in Arizona, conceptualising the eventual security orientation of policy as comprising the choices made by situated agents operating based on individual political rationalities. These premises suggest a design and a set of methods that are particularly suited to this kind of research.

## **Design and methods**

Such philosophy-of-social-science premises are adopted as ones that reflect what seem to be key realities of politics as it is considered in this research, provide the flexibility to consider actors’ understandings of politics and security as matters of central interest, and suit the inductive, theory-building design of this project. Because methods have been chosen both to suit these philosophical notions as well as the design of this research, some discussion about that design is appropriate.

A case study, like that of Arizona regarding security politics, is particularly well suited for this project’s theory-building role (Gerring 2004, 346) in regard to an intersection of security, choice, and politics that has not been extensively explored before in this exact way. The richness of the data within the case gives the researcher the opportunity to grapple with complexity and ambiguities (Flyvbjerg 2006). “Research designs invariably face a choice between knowing more about less and knowing less about more” (Gerring 2004, 348), and for the purposes of generating theory, knowing more about a single pertinent case is a choice that is practically and philosophically valid, perhaps even necessary. The classic knock of the small-N problem (Lijphart 1971, 691; Rueschemeyer 2003, 305) – that case studies cannot provide ample enough grounds for offering or disproving generalisations – has been partially addressed by explaining the contingent quality of the generalisations that this project can make under its operative philosophy

of social science, which disposes social scientists to speak of “plastic controls” (Popper 1979, 206–55), or regularities that are not necessarily law-like in the sense normally associated with the natural sciences (G. A. Almond and Genco 1977). However, it is important that the need to generalise largely comes at a later stage of theory consolidation than this theory-generating project occupies in relation to a theory of political rationalities in security politics. Generally, the small-N objection is one to take seriously in regards to explanatory research, despite the fact that “[m]uch of the skepticism about the theoretical value of single historical case studies derives from the mistaken equation of a single case with a single observation” (Rueschemeyer 2003, 332). The richness and robustness of “within-case approaches” (Moses and Knutsen 2007, 309–12) that deal with a range of actors, moments in time, and observations should not be understated. One might generalise from such a case study productively. However, the best safeguard for a case study against the small-N accusation is to be modest, as appropriate, with its generalisation claims (George and Bennett 2005, 25).

Chapter One, in sketching the basic contours and puzzles of the securitization of migration in Arizona, established a broad justification for the selection and use of this case as one with which to examine the choice of security. The securitization of migration in Arizona occurred largely out of step with the most usual measures of the illegal immigration “problem,” and despite apparent complexity in public opinion over the issue, which seemed to support alternative approaches not based on security understandings, in addition to approaches based on security; still, policy at the state and local level focused almost entirely on the latter. Examining the evolution of the securitization of migration in this case from 2003 to 2011 offers the opportunity for a rich exploration of security’s dominance. During this time there were scores of proposed and enacted policies that dealt with the further securitization of migration, which provide ample empirical material with which to examine this question. The accessibility of Arizona political elites for the purpose of this research also enables a deep and potentially productive examination of policy decisions surrounding this case.

Specifically because the richness of this case emerges through the evolution over time of immigration and the border as political (and security) issues, this case study is predisposed to the narrative mode of explanation at the heart of Bevir and Rhodes’s

interpretive approach (2006; 2008). Narrative methods are particularly equipped to preserve within a research project the sense in which critical beliefs and understandings are contingent and contextual, tied to each other and to particular ways of understanding events in the political environment. “Narratives distinguish an interpretive approach from those approaches that introduce meanings or beliefs as ‘ideational variables’ alongside other variables... . We would argue that other variables only do explanatory work if they are unpacked as beliefs” (Bevir and Rhodes 2006, 20). Narrative is also important to this “unpacking” because it promotes understanding beliefs in their interlinked context, which helps to ensure the accuracy of interpretation amid a “holistic analysis of meaning” in a case (Bevir and Rhodes 2006, 26; see also Bevir 1999). This rebuts concerns that interpretation is relativistic, in favour of a thick constructivist conceptualisation regarding the real status of broadly agreed “social facts.” “Narratives explain shared facts by postulating significant relationships, connections or similarities between them” (Bevir and Rhodes 2006, 28).

Naturally, the most amenable way to present data for the purposes of narrative explanation is through a chronological narrative that links beliefs to each other in relation to evolving events. Narrative represents a particular historiographical choice for revealing the meanings the researcher perceives in the history being discussed, where “events must not only be registered within the chronological framework of their original occurrence but narrated as well, that is to say, revealed as possessing a structure, and order of meaning, that they do not possess as a mere sequence” (White 1987, 5). This reveals the extent to which events do not simply tell their own story. Comparisons between narrative and fiction are thus inevitable. Despite this, narrative can serve a clear social-scientific purpose in an actor-focused study looking to unearth actors’ rationalities, in that narrative’s “arrangement is descriptive rather than analytical and... its central focus is on man not circumstances” (L. Stone 1979, 3). Narratives that work from the categories and understandings of the actors at the centre of the research help to reveal the broadly shared understandings that formed the basis for action (Bevir and Rhodes 2006, 28). Narrative can be explanatory in the way that this study seeks, since “it seems to achieve an understanding in the sense that the reader can see an action as an appropriate response by an agent” (Lemon 1995, 53). This research proceeds in that narrative mode, which has been employed to great effect in the study of immigration

politics (*e.g.* R. Hansen 2000). This approach encourages understanding of the webs of belief critical to examining the case, especially since it emphasises and preserves the respect in which political decisions are contextual and contingent. Importantly, considering the data in a narrative and broadly chronological fashion also serves the purposes of inductive theory-building. The importance of induction was underlined in Chapter Two: non-exceptional theories of security highlight the importance of using inductive reasoning, based on empirical cases, in arriving at new definitions for “security” itself, not dependent on philosophical deduction. Furthermore, the goal of “producing new theory from data,” which is the aim of this project, is most suited to an inductive approach (Eisenhardt and Graebner 2007, 25).

For such a case study, process tracing is recognised as a particularly useful method (Tansey 2007; Gerring 2004, 342). It is well suited here because of this study’s aims to investigate the deliberative process of decision-making. Process tracing offers an obvious tool for grasping participants’ intersubjective understandings in decision-making processes characterised by ambiguity and competing values (Pollitt et al. 1990). While process tracing can sometimes take on a somewhat positivist character in testing the validity of hypotheses about given decision processes (Checkel 2006; 2008), as a method it is just as well suited to more inductive pursuits, depending upon the research questions (George and Bennett 2005, 211–12). The ability of process-tracing methods to introduce the interviewer to explanations that might not have been evident (George and Bennett 2005, 207) is particularly significant to a study aimed at induction.

Understanding the processes of decision-making is quite evidently consistent with the narrative concept that is at the heart of explanation in interpretive approaches (Bevir and Rhodes 2006, 20). The general goal of process tracing, to understand the deliberative process by which a decision (or multiple decisions) unfolded, is of obvious relevance to this research.

Many process-tracing studies, including this one, are multiple-method. However, “the usage that is arguably most relevant to process tracing entails conducting elite interviews to establish the decisions and actions that lay behind an event or series of events” (Tansey 2007, 766–67). Elite interviews with policymakers, including politicians and their aides, are a core aspect of this project’s methods. Semi-structured interviews were a

rather clear choice in terms of an interviewing approach. This format allows the researcher to focus on some areas while also allowing the interviewee to teach the interviewer about aspects of the research problem (Dexter 1970, 19). This is critical to inductively grasping the actors' own categories and gathering data relevant to this goal (Leech 2002). Elite interviewing itself has the ability to present some methodological difficulties, particularly related to sampling. Snowball sampling is often a necessary technique for finding the most relevant data (Seldon and Pappworth 1983, 59). However, in studies of political elites, any bias that could result from snowball sampling is likely to be mitigated, since the researcher will probably already know a good deal about the group of policymakers who are not sampled, as well as those who are (K. Goldstein 2002).

Indeed, in a process-tracing study that focuses on particular decisions, non-probability methods are essentially the only relevant way of sampling interviewees (Tansey 2007). This project identified interviewees both from documents and through snowball sampling. Generally this approach followed Knoke's (1993) "decisional" or decision-based model of non-probability sampling. In this case, the universe of individuals involved in relevant policy decisions in Arizona is mostly a matter of public record and is well recorded in the media. Snowball sampling was mostly used to gain a sense of which of the (provisionally identified) participants were most relevant to the particular decisions, in the minds of other decision-makers. More rarely snowball sampling turned up completely new possible interviewees. While there is a general concern that snowball sampling may lead to a distorted sample of interviewees who are like-minded (Seldon and Pappworth 1983, 59), in "decisional" non-probability sampling where many of the decision-makers are already well known, it is much easier to identify different starting points for the various rolling "snowballs," and to ensure that these starting points differ in perspective and ideology. This study carefully pursued a number of different "starting points" for its non-probability sampling in order to interview relevant people of varying perspectives. While a lack of access can be a barrier to successful elite interviewing (K. Goldstein 2002), in this project it was not, for two main reasons. First, the previous professional connections of the researcher smoothed access to a number of decision-makers, and the past shared milieu of the interviewer and interviewee likely helped to gather valid data about the thoughts and beliefs that were beyond the "official line"

(Duke 2002). Second, in the United States, the environments of state governments are often much more open than those of national governments or international organisations (Beamer 2002, 86). This is the case in Arizona. A handful of potential interviewees declined to be interviewed, but based on what is known about them from the document portion of the study, these refusals likely had little effect on the overall sample.

The interview portion of this project comprised 27 elite interviews. Twenty-six of them were conducted in person across Arizona during a period in the field between November 2014 and February 2015, at locations ranging from Starbucks coffee shops to offices, country clubs to kitchen tables. One interview was conducted over the phone in June 2015. Each of the interviewees was either an elected official or an aide to the governor during the time period under study. All of these discussions were audio recorded with the interviewee's permission and later fully transcribed. Interviews tended to last around an hour, but ranged from 20 minutes to one hour and 45 minutes.

While semi-structured elite interviews were central to this research, this project also employed document analysis as a second major method. It is a common position that the "severe limitations" of interviews as a method mean "they cannot be relied upon as the sole methodology" (Lilleker 2003, 208). Documents occupy a secure methodological place alongside elite interviews in conducting case studies of the type here (George and Bennett 2005, 6). There are a number of reasons why documentary research may generally enrich the interpretive and process-tracing approach of a study like this one. Interview data, created through an intersubjective interview process that is usually occurring a good deal of time after the events of interest, is likely to present modest interpretive difficulties at least (Block 2000; Jacobsson and Åkerström 2013). Looking to other types of data can help the researcher address these issues. Documents play three important roles in this study: they offer valuable primary data in their own right, they provide important context that contributes to the conduct of interviews, and they perform an important role when it comes to the triangulation of interview data.

As will be discussed later, documents often serve a corroborative purpose in reference to elite interviews. Before exploring the dimensions of this comparatively assisting role,

however, it is important to note that documents can provide important and valid primary data in their own right, even about interpretive matters like the beliefs of political elites (Jenkins-Smith and Sabatier 1993). Especially regarding political controversies, pieces of journalism and government documents that are produced in real time contain reflections of policymakers' beliefs about problems and politics, as well as their rationales for action. Using documents in this way presents a few methodological issues that are both relatively obvious and important to note. First and perhaps most importantly, contemporaneous primary-source documents of this type are not produced in reference to the research question (Bowen 2009, 32). Both media stories and government documents contain their own goals, imagined audiences, and sets of beliefs (see R. Freeman and Maybin 2011; Earl et al. 2004). Therefore it is not clear just from reading a document that the researcher is accessing the beliefs and understandings that actors regarded as truly necessary to motivating their action. Interpretively, they must be read for empirical evidence in a way that is cognizant of the likely audiences intended at the time. Nonetheless, transcripts, meeting minutes, and media interviews provide not just empirical evidence related to what events transpired when and who voted how, but in their qualitative discussions of issues, they also offer significant evidence of how political elites presented their stances and beliefs at the time of these events. It might seem that the interpretivist researcher should be suspicious of political obfuscation in these sources and favour interviews toward the goal of detecting the "real" understandings underlying a position or action. However, as discussed later, this stance imports an inappropriately positivist reading of rationalisation or justification, an activity which is, in truth, quite central to the decision-making process in politics, and of interest to the researcher.

In searching for evidence of political elites' positions and interpretations of problems during the time period under study, this project consulted hundreds of contemporaneous press and government documents, more than 600 of which were coded. Press accounts drew especially from the *Arizona Capitol Times*, an "insider" political publication, the mass-market newspaper *The Arizona Republic*, and the Associated Press news wire's reporting from the Phoenix political desk, among many other sources. The archives of the Arizona Legislature were a significant source of information, which provided qualitative data especially in the form of hearing minutes

and summaries of draft bills prepared by legislative staff, in addition to voting records. Archives held by the Arizona Secretary of State's Office provided access to important documents, including veto letters and signing statements issued by governors, and the text of executive orders (whose usually lengthy preambles offer justifications for policy).

A second purpose for consulting documents, one that is somewhat blended with the first, is to use them in preparation for interviews, either to aid in interview sampling or to develop appropriate lines of questioning for particular interviewees. The bulk of document gathering, reading, and analysis in this study occurred before the main interview period specifically so the documents could be used for these purposes. The "decisional" method of sampling for elite interviews (Knoke 1993) relies on knowing, at least at first, some of the individual policy elites involved in making a decision. Using documents from contemporaneous media and other sources to get the "snowball" rolling is a self-apparent choice (see K. Goldstein 2002, 670). Further than this, referring to documents is a crucial part of an interviewer's preparation of appropriate questions (Richards 1996). Documents can also be used during the interview itself to prompt the interviewee (Morrissey 1970, 98). As a practical matter, in this study, the role of documents in providing useful primary data relevant to the case was often intertwined with the latter role of informing interviews. The political elites interviewed would often refer to political positions or problem conceptions that had been documented in relation to their beliefs about border and immigration issues. Documents provided critical historical context for interviews that could only go on for a limited duration, and the process of reaching an interpretive understanding of the decisions relied on both forms of data. In general, policymakers were aware of how their decisions had been documented and interpreted at the time, which often formed the background of how they discussed their choices in interviews. Documents therefore provided the context for interpretive depth while also providing necessary data for preparing for the interviews.

Perhaps the most discussed use of documents in relation to interview data involves the process of "triangulation." Drawing upon "different forms of evidence around the same event" (Cochrane 1998, 2130) serves the interest of accuracy in empirical studies examining qualitative data, even to studies that take an interpretivist approach to events

and causation. To understand what beliefs underlie actions, it is important to make sure the data is analysed in a way that deals with the beliefs actually relevant to the action. Still, the idealised purpose of “triangulation” is somewhat ambiguous. Depending on the researcher’s ontological and epistemological premises, it can mean either using different methods to bring new data into the interpretive mix, or it can mean something more traditional, making sure that each data source aligns on factual matters with the others (Blaikie 1991). It is important to note that even in a study focusing on interpretation, both types of “triangulation” are necessary approaches at different points in the research. For instance, in asking interviewees about events that occurred as many as 10 years beforehand, it was often essential to compare their memories about sequences of events with what is presented in the contemporaneous documentary record, because understanding events as a contingent “narrative” is essential to an interpretivist approach to studying policymaking (Bevir and Rhodes 2006, 20). In this sense, while the beliefs and understandings of policymakers are the *sine qua non* of explanation and constitute the most essential empirical quarry of the project, other empirical social objects – such as legislative votes, debates, elections, or other objects – are also critical to understand accurately if one is to grasp the use of agency in those circumstances. These things are familiar to a positivist conception of politics but remain real social objects in a realist constructivist ontology. The relationship between these objects and beliefs was typified by the interviewee in this study who, discussing various decade-old legislative manoeuvres in a preliminary phone conversation, related, “I may not remember exactly what I did, but I remember why I did it.” This conversation becomes much simpler, and likely more accurate, when details of what this policymaker “did” (the content, date, and parliamentary context of the proposal) can be grasped through documents. The multiple-method approach of using both documents and interviews was essential here to ensure actions were accurately understood interpretively in relation to events.

The most significant issues surrounding interviews as a research method are ones of interpretation. Interviews are co-constructed exchanges between an interviewer and interviewee, which inevitably puts some space between interview data and a “truth” ideal (Jacobsson and Åkerström 2013). This strikes at the looming concern behind all interview-based research: “How do you know if the informant is telling the truth?”

(Dean and Whyte 1970). In the context of this research project, it is important to note what those underlying “truths” are. As noted, there are “truths” about what year something occurred, what conversations took place when, and other kinds of “fact”-like truth. Much of the literature on triangulation comes with rules of thumb for verifying these kinds of truths. To Davies (2001), to triangulate optimally, documents, published first-hand accounts, and elite interviews should be used to validate each other. The normal warnings against single-source reporting about events and against the reliability of hearsay apply. Another key rule necessitates only privileging an interviewee’s version of events about which he or she had first-hand knowledge (Seldon and Pappworth 1983, 124–33). Further, following from this project’s interpretivist epistemology, one cannot accept others’ interpretations for the reasons people acted in certain way as anything aside from that person’s understanding. Ultimately, however, one of the most important rules is also one of the most vague: employing what Dexter (1970, 24) refers to as “common sense” or “common knowledge” to ask, essentially, whether what the interviewee is saying seems plausible in light of all the other data. For instance, an interviewee’s claim that he or she cast a certain vote out of principle should probably be held in some suspicion if friends and colleagues who were also interviewed said it was the opposite, based on discussions with that person at the time. Applying this kind of judgement, based on context and a type of “common sense,” can be difficult in cases where the interviewee has limited experience. However, the depth of a case study such as this one allows the interviewer to assess the validity of interviewees’ claims more accurately (Berry 2002). The depth of knowledge attained in this case study, also helped by the interviewer’s general acquaintance with the environment of the study, having worked professionally in this area, aided this kind of assessment. Still, this kind of judgement is supplementary to, and not a substitute for, the other safeguards the triangulation literature encourages.

“Rationalisation” is sometimes presented as a major potential pitfall in interview-based political research. If actions are to be understood through beliefs, the concern is that interviewees will be offered false beliefs that were not truly motivating the actors, who will instead make politicised claims. It is important to gain some insight into which rationales for acting the actor regarded as most important or essential. However, the presence of what some have called political “rationalisations” is much less problematic

in understanding decision-making than might be thought, due to this project's ontological disposition about politics. If political decision-making is to be understood as a type of judgement with constant reference to a public interest, and if all decisions must consequently be justified (Majone 1989, 19), then politicised justifications are in reality an essential part of making political decisions. Policy decision-makers will most often not make a decision unless there is such a plausible justification for their action, regardless of whether the policymaker privately regards it as the main motivation. In that sense, justifications or rationalisations are integral parts of the political decisions that are made, along with other motivations which may be revealed through interview methods. Indeed, in this study, it was usually quite straightforward to engage policy decision-makers in discussions about the distinction between the policy and political reasons for their past actions, and which explanations of their decisions were offered for political consumption and which were more closely held. While more positivist perspectives might dismiss "rationalisations" as subverting the truth of a policy or political matter, they are of great interest to such a study as this one, so long as their relation to other types of belief and interpretation can be generally understood.

The real methodological threat presented by the menace of "rationalisation" is not the one between the "real" reasons for policy action and the political styling of these actions at the time they were done. Instead, the more significant distinction is between justifications for policies that were offered at the time of the decision and ones that were offered at the time of the interview. There is no methodological silver bullet against this concern. Instead, this is a possible data weakness that must be grappled with in any interpretivist study that aims, broadly, to understand interview data as representational of past mental processes (which is in turn a necessity for true explanation, given the ontological starting points of this inquiry). Here, especially, it is essential for the researcher to adopt some amount of reflexivity about the co-construction of the interview setting and the types of reflection it may produce. Possibly remembering their interviewer had worked on a particular side of the political aisle, interviewees in this study might have guessed at their interlocutor's personal politics. Beyond this, were the interviewees massaging their legacies, attributing to themselves doubts about increasingly disreputable policies which they had not held at the time? It was important in the construction of the interview settings in this study to be

accommodating to diverging points of view and the rationales for them, and to communicate the sense that rationalities adopted in the heat of politics would be merely studied and not judged. Notwithstanding, reflexivity during the interview is not an ironclad precaution against worrying temporal rationalisations.

While the threat of *post-hoc* rationalisations is always one of concern, this is another area in which interviewing public figures who have been on the record has its methodological benefits. Lilleker (2003, 211) relates a story about a study of the Suez crisis, conducted decades after the fact, in which all the civil servants interviewed confided that they had expressed doubts about the British government's approach and blamed the long-dead prime minister for the debacle. This suspicious type of response can be guarded against by conducting research closer to the time in which events occurred (where there are fewer incapacitated people to blame things on). It can also be reduced by speaking to public figures who have past public stances on these issues, and whose ability to finesse the data in a way more favourable to them is therefore limited by a more or less clear record of what they did, if not why they did it. Still, asking interviewees about previously unarticulated decision-making processes always risks rationalisation. Ultimately, one of the only tests of reliability is to ask Dexter's question: Do these policymakers' accounts about unseen deliberations largely accord with one another based on context, and do they line up with the investigator's common sense and knowledge? In this study, interviewees' accounts largely did pass this triangulation test. Various legislators' accounts of attempts to resist the passage of certain bills were largely consistent with each other, with fuzzy memories explaining some not terribly significant variations. What they presented as their own reasons for decision-making reflected upon similar facts and events, were often similar between individuals, and are extremely unlikely to have been coordinated. Whether respondents, their political antennae tuned, merely offered similar rationalisations could raise a looming doubt, to which the only possible response is the extent to which the interview setting seemed to elicit frank reflections on the questions at hand. In the process of revisiting the data from each of the interviews multiple times for the sake of inductive coding and interpretation, this matter of assessing the overall believability of each interviewee's version of events became even more possible and it seemed that generally they satisfied Dexter's test well.

Despite the overall strengths these methods possess for the purposes of this study, there is another particular limitation to note when it comes to what kinds of motivations they can reveal. The Weberian concept of subjective rationality used here notably depends upon the conscious relation of action to meaning (Swidler 1973). Likewise, what interview and document-analysis methods are not as disposed to uncover are subconscious reasons for acting. Tacit reasons, based on uncritical assumptions, are less problematic, but still relatively difficult to access. These tacit or taken-for-granted understandings can still be explained in response to certain types of questioning, and indeed the interviews for this project often probed the more basic assumptions that guided action. However, during the interviews for this project, it naturally was often relatively difficult for policymakers to articulate these. Inasmuch as many of the most important decisions in this case were matters of controversy that politically required extensive justification at the time, behaviour based on tacit understandings was less of an issue, since the intense politics of the issues often prompted political actors to reflect upon these in a very conscious manner. The methods employed here are obviously better at eliciting reflection on conscious motivations for action than on other motivations, which must be accepted as a limitation.

While this research is overall quite typical in its methods for a politics study of its kind, on one significant point it diverged from most others. All of those interviewed for this project spoke for attribution. The normal practice of anonymising interview data did not make sense in this context due to the public prominence of the individuals involved. The interviewees for this project were either all elected officials or high-ranking political aides, and the extent to which their political positions were already on the record suggested that having individuals speak for attribution would advance both the transparency of the project and the ability of observers to discern the validity of its findings. In studying a policy controversy in the manner this study adopts, it is important to its robustness that truly central players are interviewed and that it is clear who is claiming what about the case. From an ethical standpoint, attribution presented no concerns, since this research dealt with people who are all relatively prominent socially and who all had experience speaking for attribution in situations where the interviewer said their remarks might be published. The bigger concern related to data reliability: whether for-attribution interviews would yield “honest” results. Previous

discussion has reflected on the extent to which this question is complicated by this project's ontology of politics, but nonetheless, at the outset it was considered that anonymity might have to become the norm if obfuscation or reticence were popping up as problems. The interviews as they unfolded never seemed to get anywhere close to that point. To the extent that any interviewees, judging by Dexter's contextual "common sense" test, seemed to be offering interpretively problematic rationalisations, this was done by people who were still holding public office at the time of interviews. However, even current office holders seemed to do this only rarely. Most interviewees were years out of office. Among the interviewees who had long since left office, their reflections rarely seemed to contain possible rationalisations of this kind. Overall, having interviewees speak for attribution seems to have provided data for this project that is as reliable as can be expected, given the limits of the method. On the positive side, having interviewees speak for attribution will advance the verifiability of this study (often a difficult goal to pursue in qualitative work) and serve as a confirmation of its robustness. Hopefully, constructing the narrative with a recognised cast of characters and attributed reflections will also advance a democratic interest, helping to tell a fuller and clearer story about policies of great public controversy and importance.

## **Conclusion**

This chapter, outlining the methodological and broader philosophical orientations of this project, argues for the necessity of an interpretivist investigation to answer this project's research questions about the choice of security as a policy approach to migration in Arizona. The study focuses on political actors themselves and explains their actions through their beliefs, using qualitative process-tracing methods to understand particular policy decisions regarding this issue area. The interpretivist insistence that understanding an action means understanding the reasons an actor made it is often met with somewhat of a blank stare. As Dowding wrote in response to Bevir and Rhodes (2003), "Few statements could be less controversial. ... But how much can we make from this insight?" (Dowding 2004, 136). The implication is that what cannot be made from this insight is social science, because interpretation always chooses the richness of data and trades off parsimony and generalisation. This chapter has addressed some of

these concerns about this study's mode of discovery and explanation. The project begins with a constructivist ontology and an empiricist commitment to understanding causes, while locating those causes in the beliefs and interpretations held by situated human agents making policy decisions in an ambiguous and constructed political environment. The study proceeds with interpretation as a method of investigation that is fitting with its goals of inductively adding to a conceptualisation of "security politics" through perspectives on "political rationalities." This chapter has outlined the methodological approach toward this goal, in particular the importance of documents and interviews, while acknowledging the possible limits of these kinds of data. Still, through such an approach, some possible regularities about "security politics" may begin to emerge from the story of what occurred in Arizona.

Indeed, this mode of explanation – interpretive and inductive – works from a story, or from the basis of a narrative. Only through a narrative of events can the contingency of political decisions be fully established, and can the political as well as policy context of the actors' decision-making be most fully appreciated. Presenting what happened in Arizona as narrative is not only true to the perspectives of the policymakers whose actions constituted the decisions in question, but also serves this study's inductive purpose. Many of the authors mentioned in this chapter, including Bevir and Rhodes (2003; 2006; 2010), present in their work relatively complete toolkits, with concepts like "traditions" and "dilemmas," for understanding instances of policymaking. Ultimately, for a study going about the work of inductive theory-building, it is less significant to endorse or import a particular framework for how interpretation must be done than it is to grasp the essential notions needed to conceptualise and understand the particular phenomenon at hand. This study proceeds from the above premises. It presents its data in narrative form in the following four chapters, each of which concludes with a brief analytical or conceptual section, before a penultimate chapter synthesises these observations into a reflection on the larger theoretical implications of this case. From here, the narrative of how and why immigration was securitized in Arizona unfolds.

## Chapter Four

### *A border emergency is born: 2003-2005*

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In 2003, the State of Arizona had little history of border- or immigration-related policymaking, a growth-oriented political culture that privileged a relaxed attitude toward unauthorised labour immigration, and a relatively small group of legislative border hawks whose proposals were broadly considered extreme. By 2005, with little change in circumstances on the border, an apparent political consensus had emerged that Arizona was in the midst of a border-security emergency. This chapter explores the rapid collapse of that *status quo ante* and the rise of security understandings to a new place of prominence as a political and policy choice for how to address immigration – the first phase in the issue’s securitization.

The success at the polls in 2004 of Proposition 200 – a public ballot initiative targeting unauthorised immigrants allegedly voting and receiving public benefits – prompted a broad rethinking of the politics of immigration among Arizona’s policy elites, which led to major changes in how they perceived, strategized about, and made policy regarding immigration issues. With border hawks emboldened, other legislators outside of this group became increasingly active on border and immigration issues. Those opposed to the border hawks’ hard line, including Janet Napolitano, the Democratic governor, soon began to perceive that a strategy of simple opposition to border-hawk proposals was politically failing. This chapter explores the judgements and beliefs behind this new understanding of the political environment, where “security” emerged as an increasingly apparent choice to policymakers of all stripes. Rather than producing a tranquil consensus, however, these changes set the pattern for years of heated immigration politics that would come. Working from a shared perception of a restive and anxious public and with the paramount need to take “control” of a suddenly emergent issue in mind, the placid *status quo ante* became a faint memory, and new patterns of “security politics” came into being.

## **Growing pains: Antecedents in Arizona's political culture**

To understand Arizona border politics as they stood in 2003, it is necessary to step briefly into Arizona's deeper past. Before the migration of people mainly from Mexico, Arizona was transformed by an even larger migration of Anglo Americans in the decades following World War II. One of the last parts of the United States extensively settled by whites, Arizona had long been considered sparsely populated and very remote. In the second half of the 20<sup>th</sup> century, new transportation and communications technologies sharply reduced that sense of remoteness, while advances in air-conditioning and massive waterworks made "Sun Belt" metropolises of the Sonoran Desert cities of Phoenix and Tucson. Growth continued unabated until the Great Recession. A state with fewer than 500,000 residents in 1940 by 2010 had 6.4 million.

This explosive population growth can make it difficult to detect any bedrock in Arizona's political culture (D. R. Berman 1997, 1–2). The image of the Old West lingers, and a rural mining, agricultural, and Indian heritage is present, but most Arizonans live in suburbs, and comparatively few have deep roots there. In 2012, 38 percent of people living in Arizona were born there, the third-lowest such figure of any U.S. state (Aisch and Gebeloff 2014). Arizona's relatively transient population and thin sense of historicity can give the state's politics an unsettled character. Still, its political culture contains a few long veins that constitute important context for the state's recent immigration politics.

The first is a persistent history of conflict with the federal government, relevant here because the border and immigration have long been cast in the American system as exclusive federal domains. Arizona was a non-self-governing federal territory from 1863 until 1912. Arizonans' allegiance at that time to the Democratic Party, during the long post-Civil War period when the Republican Party dominated federal politics, deepened political tensions. Political disagreements often cooled Congress's willingness to grant Arizona statehood, and the statehood effort continually encountered a sense that rough-around-the-edges Arizona was not mature or "civilised" enough for equal admission to the Union. Arizona's leaders both chafed at this suggestion and worked vigorously to portray the territory to Eastern political and economic elites as civilised and progressive

(see Carrigan and Webb 2013). Arizona became the last of the 48 contiguous states to be admitted to the Union in 1912. The general historical pattern of state-federal relations has been the state's continual appeals to the federal government for resources, often for major water and transportation projects, while also resenting what it sees as the federal government's intrusion into, and ignorance of, local affairs (D. R. Berman 1997, 166). The tension of this institutional federal-state relationship has occasionally been amplified politically by the invocation of Arizona's lingering reputation as a backwater, which has reinforced a sense of suspicion in Arizona about national elites "back east."

Second, throughout its history, Arizona's politics has been marked by racial tension. Consciously present in the early days was a distinct Old West mythology, resonant in the Southwestern states and drawing from the iconography of the Alamo, of "vigilant Anglo Americans fighting inferior Mexican bandits for the right to self-rule" (Laidlaw 2012, 14). Many thousands of Mexicans, as well as American Indians, were already living in what became Arizona in 1848 and 1853, when the United States acquired Arizona's modern-day territory through war and purchase. Amid a generally permissive atmosphere toward vigilante justice, for much of the territorial period, the lynching of Mexicans was tolerated by local Anglo elites (Carrigan and Webb 2013). Arizonans rejected a proposal to admit the territories of Arizona and New Mexico to the Union as a single state partially on explicitly racist grounds, as Arizona Anglos regarded living in a state potentially dominated by New Mexico's large and powerful Hispanic population as unacceptable (González de Bustamante 2012; Benton-Cohen 2010, 7). In the period of early statehood, Mexican workers, with or without legal status or U.S. citizenship, were employed in Arizona's mines under a "dual-wage" system where they were kept in inferior jobs or paid less than whites for the same work. Even during the brief period in which the labour movement dominated the state's politics, one of its major initiatives was an "80 percent law" that aimed to restrict the mines' hiring of foreign workers (Benton-Cohen 2010, 8). An early peak in concern about border violence occurred in the 1910s during the Mexican Revolution, when some fighting occurred close to Arizona and the Anglo public became concerned about radicalised Mexicans within the state. Legal segregation continued in schools until the 1950s, and while the federal Bracero Program welcomed Mexican farm labour between World War II and 1964,

major deportation efforts in the 1930s and 1950s underlined the hostility people of Mexican ancestry continued to face in the Southwest. The Hispanic activism of Cesar Chavez and the United Farm Workers partially drew from, and was contemporary with, the larger national civil rights movement. Overall, Mexicans' and Mexican-Americans' "treatment by the dominant society as second-class citizens... extended well into the twentieth century" (Garcia, Sierra, and Murdock 1991, 198). Regarding conflict over racial issues, freshest in the state's memory during the 2000s was the six-year controversy beginning in 1986 over whether Arizona would join the large majority of other states in adopting a holiday in memory of the civil rights leader Martin Luther King, Jr. (M. Berman 2014). Voter refusal to approve the holiday at the ballot box in 1990, despite a boycott that had already damaged the state's tourism industry, prompted the National Football League to cancel plans to hold the Super Bowl in Arizona in 1993 (Ye Hee Lee 2012). Fearing greater damage to the state's image and economy, a coalition that included civil rights and business groups eventually won voter passage of a King holiday in 1992.

Third, the profound effects of post-World War II population growth upon Arizona's political culture set the scene for later competitive patterns in Arizona's contentious immigration politics. Despite the early influence of left-wing populism on the state's constitution, Arizona in early statehood had what was in some respects a paternalist, Deep South-style political system with one-party Democratic rule and decision-making that belonged largely to a closed economic elite. That regime generally saw little need for more people, or for diversifying the state's agriculture- and mining-based economy. The arrival of new residents from other parts of the country, many of whom brought their partisan allegiances with them, increased party competition and began strengthening the Arizona Republican Party in the 1950s, to the point where it clearly held the upper hand in Arizona politics by the 1990s. The rise in Arizona of an individualist, business-friendly conservatism paired with a successful decades-long push by Arizona's Congressional delegation, often led by Democrats, to secure federal funding for massive transportation and water infrastructure projects. Together, notwithstanding major differences between the parties, this amounted to a broad bipartisan growth consensus, and produced a regime in which business interests were influential in nearly all areas of state policy. One study conducted in the 1980s found that six of the eight most effective

lobbies in Arizona were business groups (Hrebenar and Thomas 1987). More diverse in their interests than an earlier economic elite that drew from a few dominant industries, the new business coalition always favoured “clean” and efficient government, lower taxation, minimal regulation, and population growth. It sometimes intervened on social issues it considered important to the economy, and maintained a sensitivity to how outsiders viewed Arizona, especially inasmuch as this affected trade. It also supported a relaxed, “don’t ask, don’t tell” approach to unauthorised migrant labour, critical above all to the booming construction sector, which every day transformed acres of desert into habitat for new Arizonans.

Amid a larger realignment in American politics where the parties became more and more ideologically homogeneous – the Republican Party shifting to the right and the Democratic Party to the left – the Arizona Republican Party, in particular, was increasingly affected by intraparty divisions starting in the 1950s. By the 1990s, elite control over the party’s factions, which had previously served to settle factional disputes relatively quickly, had deteriorated, while the right wing was becoming more assertive as a force within Republican politics nationally (D. R. Berman 1997, 62–63). Replacing intraparty conflict between conservatives and the Republican Party’s vanishing liberal wing were new battle lines between right-wing activists and business-oriented Republicans who within the new alignment sometimes occupied the relatively moderate position within their party. Writing in 1997, Berman (1997, 62) noted that right-wing activists tended to be especially active at the grassroots level in Arizona Republican Party organisations. Simultaneously, toward the end of the 20<sup>th</sup> century, Hispanics were growing noticeably as a portion of the population of Arizona, due to immigration across the southwest border. The political ramifications of the growth of this largely Democrat-supporting bloc (Garcia, Sierra, and Murdock 1991, 217) were being considered by both parties.

## **The border before**

In contrast to what was to come, Arizona’s border and immigration politics were remarkably settled and calm in the second half of the 20<sup>th</sup> century. Immigration issues in

the United States were long seen as areas of exclusive federal jurisdiction. The issue of unauthorised migration received some attention in the 1990s, amid unauthorised immigration flows that increased steadily after the end of the Bracero guest-worker programme in 1964. In 1990, Arizona had 3.7 million residents, 18.8 percent of whom were Hispanic; by 2000, Arizona had 5.1 million residents, 25.3 percent of whom were Hispanic.<sup>2</sup> Federal border policy had been in a period of continual change since at least the 1980s amid a growing focus on drug enforcement and when, with the promise of more border enforcement, Congress enacted the 1986 Immigration and Reform and Control Act in an effort to resolve the issue of unauthorised Mexican immigration. The IRCA introduced penalties for hiring unauthorised workers and created legalisation programmes that would eventually naturalise 3 million unauthorised residents of the United States (see *e.g.* Baker 1997). However, the employment provisions were rarely enforced, and more amorphous promises of a controlled border went unrealised.

In Arizona, the border was not an issue of state policy focus at all, and to the extent it was considered, it was dominated by economic and trade considerations. Still, some early backlash about Arizona's growing Hispanic population focused on language issues. Proposition 106, brought to the ballot by citizens' initiative<sup>3</sup> and passed narrowly by Arizona voters in 1988, would have required all state government business to be conducted in English, but was overturned in federal courts (Crawford 1992, 218–23). Arizona voters in 2000 passed Proposition 203, a ballot initiative that required English-only instruction for English language learners in Arizona schools (Wright 2005). Arizona was also one of the first states, in 1996, to prohibit unauthorised immigrants from obtaining state driver's licenses (HB 2154). Despite these sporadic efforts, during the 1990s, the politics of immigration in Arizona remained muted relative to California and to future periods in Arizona. In 1994, Arizona's Republican governor, Fife Symington, made an argument against immigration's fiscal costs to the state, blaming the federal government for a lack of border enforcement (D. R. Berman 1997, 173).

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<sup>2</sup> Like the U.S. Census, this thesis uses the terms "Hispanic" and "Latino" interchangeably. "Mexican" is a more specific term, but people of Mexican heritage are by far the largest group among Arizona Hispanics. According to the 2010 Census, 87.5 percent of Hispanics in Arizona reported Mexican origin.

<sup>3</sup> Citizens' initiative is one of the institutions of direct democracy in Arizona's political system. Enshrined in Arizona's constitution during its drafting in the Progressive Era, this provision allows citizens to place proposed legislation directly on the ballot after meeting a substantial signature threshold. A citizens' initiative becomes law with a majority of the popular vote, bypassing elites and constituting essentially a parallel track for legislating.

This illustrated a general shift in U.S. immigration politics in the 1990s toward emphasising alleged fiscal costs of unauthorised migration (Payan 2006, 67). At the same time, state-level politics in California was roiled by Proposition 187, an anti-immigration measure that was eventually endorsed by the state's Republican establishment and aimed to restrict unauthorised immigrants' access to public services (Laidlaw 2012, 73–75). Symington and other Arizona Republicans downplayed the need for a similar effort in Arizona, in great part out of concerns about damage to Arizona's trade relationships with Mexico (D. R. Berman 1997, 173). Despite Proposition 187's victory at the polls, by the end of the 1990s it was cited in national media as an albatross hanging from the California GOP's neck in a state where Latinos were a growing part of the electorate (*e.g.* York 1999; Broder 1999; see also Schwieren 1999).

Before the 1990s – and especially before the 1970s, when the ascendant “war on drugs” began to change the U.S. government's stance toward the border – the U.S.-Mexico border had been to a considerable extent open (Payan 2006, 11). In the wake of a mid-1990s increase in national public concern about unauthorised immigration, the federal government attempted to increase border security, focusing on the urban areas that were then the most common sites of unauthorised cross-border movement. In Arizona the relevant programme was called “Operation Safeguard” (Payan 2006, 68). While successful at reducing unauthorised cross-border traffic in their local areas, Operation Safeguard and parallel efforts elsewhere failed to decrease overall unauthorised traffic across the border. Instead, unauthorised migration and cross-border smuggling became more clandestine, and main routes moved away from urban border areas, mostly in Texas and California, to the most remote portions of the border, largely in Arizona (Hesson 2013). This had the effect, in some sense intentional, of making border-crossing much more dangerous (Doty 2011; Squire 2015). At the same time, hardening enforcement since the 1970s had effectively discouraged the kind of seasonal return migration that had previously characterised much unauthorised traffic, leading more unauthorised Mexican migrants to settle in the United States permanently.

During this time of shifting tactics and rising enforcement, federal agencies sought to partner with local law enforcement. One result of this, the “Chandler Roundup,” was a joint operation in July 1997 between the Border Patrol and police in the Phoenix suburb

of Chandler. It resulted in the arrest of more than 400 people as suspected unauthorised immigrants, who had been profiled because of their Hispanic appearance. The incident was quickly condemned, and in its wake, future such operations appeared unlikely (Boehnke 2010). By 2000 the Arizona section of the U.S.-Mexico border had become the busiest clandestine corridor into the United States for both smuggled people and drugs, which both were largely headed for places farther into the U.S. interior. Apprehensions of unauthorised crossers in the Tucson sector, which contains most of the Arizona portion of the border, numbered more than 600,000 that year (Isacson, Meyer, and Davis 2013), constituting more than a third of all apprehensions along the entire border, which were also at all-time highs. After 2000, totals for both the Tucson sector and the U.S.-Mexico border overall dropped for several years (Isacson, Meyer, and Davis 2013).

The terrorist attacks of September 11, 2001 prompted major changes in federal policy and raised public concern about border security. The Homeland Security Act of 2002 effected a major federal reorganisation, creating a U.S. Department of Homeland Security that absorbed the main federal agencies dealing with the border and immigration. Such moves began to amalgamate unauthorised immigration, drug smuggling, and the “war on terror” into a single perceived security problem along an uncontrolled border (Payan 2006, 16–17). Still, neither Arizona’s position as the country’s main unauthorised migration corridor, nor the post-9/11 fear of terrorism, triggered noticeable changes in state-level politics in Arizona, where immigration and border issues continued not to occupy a particularly prominent place. Consistent with documentary data, none of the policymakers interviewed for this research recalled much attention being paid to the issue at the state or local levels of government before 2004. Terry Goddard, a former Phoenix mayor who in 2002 was elected state attorney general, recalled:

So, you had this literal highway of human beings coming from south to north. ... I think it’s safe to say that in 2002, at least it was my impression, almost nobody was paying attention. It had come to my attention in law enforcement circles. The sheriffs on the border were significantly overwhelmed, mostly by the drug aspects of this issue. But the general public wasn’t paying attention. Congress definitely wasn’t paying attention.

Armed patrols of the border by activist citizens' groups were gaining increasing media attention in the early 2000s, but this type of activism was at that time either condemned or held at arm's length by nearly all political elites (see Doty 2009). One interviewee offered the typical response in saying that at the state level of Arizona politics during the early years of the 2000s, "Immigration was *not* part of the conversation."

The 2002 election in Arizona produced divided government, but one where Democrats had their best opportunity to advance their policy agenda in more than a decade. In the Legislature, Republicans won control of both chambers; Democrats, facing continuing struggles in the state, had not controlled either chamber outright since 1992.<sup>4</sup> However, Janet Napolitano became the first Democrat to be elected governor since 1982, winning the office narrowly. Napolitano had campaigned from the centre in a state Democrats by then broadly considered, in the words of one interviewee, "usually red but sometimes purple."<sup>5</sup> In a situation where "Democrats [are] always kind of struggling to gain traction on anything here in Arizona," as one Democratic state legislator described, many party elites worked from the premise that Democrats would have to appeal to moderates in both parties, as well as independent voters, to win and retain power. Napolitano sought to govern as a moderate with a "common-sense" approach emphasising education, the economy, and public safety issues, which the governor would seek to handle with a take-charge attitude. Jeanine L'Ecuyer, Napolitano's communications director for most of her governorship, recalled, "Her brand, I always believed, was, 'Janet has it under control so that you don't need to worry about it.' That would be what we would call in marketing terms [her] 'brand promise.'"

Confrontation between Napolitano and the Republican Legislature began right away. Napolitano came to set various records for vetoes by an Arizona governor,<sup>6</sup> which she often wore publicly as a badge of honour for tempering a legislative majority she argued

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<sup>4</sup> All seats in both chambers of the Arizona Legislature are up for election every two years. Both chambers use the same districts, with one senator and two members of the House of Representatives elected per district. Elected members of the executive – the governor, attorney general, secretary of state, and others – serve four-year terms.

<sup>5</sup> This comment employs the U.S. "red/blue" symbolism where red represents the Republican Party, blue represents the Democratic Party, and purple is something in between.

<sup>6</sup> Mirroring the executive-legislative relationship established in the U.S. Constitution, in Arizona, the governor, as the chief executive of the state, may either sign or veto acts of the Legislature. A veto can be overridden by a two-thirds vote in both legislative chambers.

was out of touch with voters (Goodman 2010b). Mike Haener, Napolitano's chief liaison to the Legislature, characterised the tension:

I don't know what the right word is, but Governor Napolitano wanted to take the state in a direction that I thought was kind of more progressive and more where we needed to be, and they [the Republican legislative majority] were trying to do everything they could to not do that. And so the relationship just generally wasn't – we just weren't on the same page.

Still, compromise sufficient to pass some legislation (particularly budget bills) occurred, either with or without the participation of Republican legislative leadership. Already in 2003, the Republican caucus contained numerous divisions, which both facilitated Napolitano in finding legislative majorities for her budgets throughout the years of her term, and threatened Republican unity generally. The further right wing of the Republican Party, whose members tended to take the hardest-line stances on immigration, was a significant force within its legislative caucus, but was not a dominating faction. Most Republicans, including the leadership of both legislative chambers, would be characterised to varying extents as more traditional conservatives. There was also a handful of true “moderate” Republicans with centrist ideologies. The relationship in the Republican caucus among these three groups already possessed a number of fault lines.

Little legislative action occurred in 2003 on immigration-related issues. Russell Pearce, who was then serving his second term in the House from a conservative district in the city of Mesa, sponsored with legislative allies two bills that presaged later proposals (HB 2243, HB 2246). Neither emerged from committee, amid overall Republican lack of enthusiasm toward them, at a time when supporting state-level enforcement against unauthorised immigration was widely considered an extreme position (Sinema 2012, 64). One bill that did pass the Legislature, however, was HB 2345, which would have required voters to present identification at the polls. Pearce was one of 50 Republicans to sponsor or cosponsor the legislation. Latino groups opposed the bill as an attempt at voter suppression. Napolitano vetoed the bill in flamboyant fashion, “before more than 900 cheering Hispanic elected officials attending a national convention in Phoenix” (Templar 2003). In her veto letter, Napolitano did not allege the law had discriminatory intentions, arguing instead that voters would be inconvenienced to combat a non-

existent voting fraud problem (Napolitano 2003). Still, the veto was cheered by Latino groups that formed part of the state Democratic Party's support base. While some of the bill's sponsors immediately vowed that the issue was not over, the public and declarative way in which Napolitano dismissed the proposal signified the times, when political elites considered such issues only marginally relevant to the big picture of Arizona politics.

### **“It started a battle:” Proposition 200**

The veto of HB 2345 at the close of the 2003 legislative session marked more of a turning point than it initially seemed. The bill's strongest legislative proponents, occupying the right wing of the Republican caucus,<sup>7</sup> began to contemplate a strategy for advancing what they saw as their broadly supported and common-sense proposals when Napolitano and others were major obstacles. In an interview, Pearce, the principal border-hawk<sup>8</sup> legislator, recounted:

We had a governor... that refused to sign the simple bill. We had a bill to go up to her, just to require ID at the polls. She vetoed it. Really? ... Because of her veto we [knew] her mindset is she's not gonna support anything worthwhile. So let's go to the ballot. ... The public wants something done. ... “Enough's enough.” And so we said, “Okay, we'll do two things: proof of citizenship to register to vote” – kind of a good idea.... I think that's fair, it takes two forms of ID to get a Blockbuster movie, maybe we ought to require ID if you're gonna vote – and “no free public stuff.” No free public benefits. You can't be in this country and get free stuff from the taxpayer. ... And so I wrote the initiative, and we moved forward.

Pearce's description of the decision to respond to the veto with a citizens' initiative – placed directly on the state-wide ballot for voter approval, after meeting a substantial petition signature threshold – reflects several persistent beliefs that guided the border hawks in later years. First was that while political elites, including Democrats and many

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<sup>7</sup> A press release announcing a September pro-Proposition 200 rally lists 21 of the then-56 Republicans in the Legislature as planned participants. This included a number of members more often identified as traditionally conservative, as well as many members considered to be in the right-wing faction of the caucus.

<sup>8</sup> For consistency, the label “border hawks” is used throughout to describe Pearce's group of legislators and other public officials who shared his ideological and policy positions.

Republicans, generally opposed action on these issues, the general public was very supportive of a tougher approach, and was being let down. Following from this was a tactical willingness to use Arizona's institutional mechanisms of direct democracy, including the citizen's initiative, to bypass elite policymaking, despite what Pearce described as "tremendous hurdles" in terms of cost and organisation, and a general preference, all else being equal, to advance bills through normal legislation.

The initial paperwork for what would become Proposition 200 was filed in the summer of 2003, after the end of the main legislative session.<sup>9</sup> Reflecting the way this issue was tied to broader border-security concern, the main group promoting it came together under the name "Protect Arizona Now." The proposal combined provisions of the vetoed voter identification bill with further measures that were similar to California's Proposition 187, requiring proof of citizenship to obtain a number of state benefits. Proponents argued at the time that these measures would remove incentives for unauthorised migration, and the campaign was supported by national anti-immigration groups (Anderson 2004). While most elites considered such proposals fringe efforts, the potential that the proposition could succeed at the polls was taken seriously. Among Latino policymakers, especially, the prospect set off alarm, and was a clear departure from a longstanding situation where immigration-coloured debates were largely limited to language and education issues. "I really believe it caught us all off guard," Steve Gallardo, a Democratic member of the state House and a Latino Caucus leader, recounted in an interview about the aftermath of the initiative's filing.

I mean, we knew about 187 in California. We knew about that. ... [W]e decided to bring everyone [Latino leaders] together, and we had [a meeting] at a union hall. ... Everyone came in, probably 40 people or so, to kind of, like, "What do we do?" And that was kind of the first of many meetings to try to figure out – I mean, we were unprepared!

While Latino political leaders in Arizona considered themselves to have learned what messages were effective for their side in debates over language and bilingual education, the newer, broadened battleground of immigration politics had them on less familiar terrain. At the same time, the pro-Proposition 200 side proceeded without much

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<sup>9</sup> The Arizona State Legislature is part-time, meeting every year in a regular session that begins in January and adjourns at a varying date (always by July), and in occasional special sessions.

establishment support, relying on a group of dedicated grassroots activists and infusions of funds from individual donors and outside groups (see also Blumenthal 2004; Kahn 2005).

Apart from within the Latino community, opposition to Proposition 200 was slow to mobilise during a tense national election cycle in which immigration did not play a major role. This reflected a general feeling on the part of Latino leaders in the earlier years of Arizona's immigration battles that opponents of the border hawks looked in great part to the Latino community to lead opposition to measures like Proposition 200. "[T]he Democrat establishment, Democrat voters, they looked to us as Latinos, saying, 'This is your community, you guys are the Latino leaders – what are you gonna do?' And we had to assume that first-chair position," recalled Martín Quezada, at that time a Democratic legislative staffer and later a legislator. Opponents of Proposition 200 initially tried to argue in part against what they believed was its discriminatory intent. Reflecting on the campaign and the early periods of the immigration debate generally, Gallardo said, "Our response, our messaging, was so bad. The only response we had was, 'They're nothing but racists.' [Laughs.] That didn't fly."

The debate surrounding Proposition 200 also seemed to signal changes to many elected Republicans. Jennifer J. Burns, a centrist House Republican representing a vast and diverse border district, recounted one incident from the 2004 election as illustrative:

In that election we were at this Republican thing... We went to this event where I knew it wasn't gonna be a friendly crowd. ... A lot of the questions were about the border. But the one question that stuck with me since then is that I made a statement – I don't remember the question – but I made a statement that people were not dying in our desert to vote in our elections. They were coming here for jobs, to feed their families. They were not coming here to vote. The crowd booed me. I mean, they booed when I made the statement that people are not dying in our deserts to vote in our elections, and they booed because they disagreed with me. And, you know, they *weren't*, though!

Jonathan Paton, a more traditional conservative Republican, was elected to the House in 2004 from a southern Arizona district close to the border. To him, the 2004 election cycle clearly began to signal voter interest in immigration; his district not only voted on Proposition 200 but also, that summer, in a fierce Congressional Republican primary

election pitting Jim Kolbe, a centrist incumbent who focused mostly on border trade issues, against Randy Graf, a right-wing challenger campaigning on immigration. “So you had a congressman who faced a tough challenge from someone purely over – well, for the most part over – border issues,” Paton said. “Prop 200 was kind of a litmus test in that election, and while Kolbe won, I think it sort of signaled the beginning of that era, because he declined to run the next go-around.”

As the November election drew nearer, the defeat of Proposition 200, which polls then suggested would pass comfortably, became a more visible priority for a diverse group of political elites. These included both Democrats such as Napolitano as well as Republicans, including the leadership of the state Republican Party organisation and Arizona’s Republican members of Congress, which included the most prominent member of the state GOP, U.S. Senator John McCain (DeFalco 2004). The main opposition group was launched in September with the support of the business community and was chaired by Grant Woods, a centrist Republican and former state attorney general. This group focused its campaign on what it said were the proposal’s potential unintended consequences in slowing the delivery of vital services based on ID requirements (Shorey 2004). Leading up to the election, the proposition captured some national media attention as a new immigration flashpoint. Proposition 187’s long-term damage to California Republicans was frequently noted (Gonzalez 2004).

Proposition 200 won 56 percent of the vote. Its success at the ballot box was an important initial impetus in a longer process in which various groups of policymakers reconsidered how immigration politics should be navigated. Notwithstanding its nebulous policy impact (upon fraud problems that opponents argued scarcely existed), the political ramifications of Proposition 200 were deep. To all at the time, it represented a clear escalation in the salience of immigration and border issues on the political agenda. To the border hawks that had championed it, it was not only vindication of their citizens’ initiative strategy, but was also clear evidence that the public supported tougher policy toward unauthorised immigration. They grasped immediately that this pressure might be used to persuade a much more hesitant policy elite to pass normal legislation addressing the issue (see also Billeaud 2005d).

To other groupings of political elites, the success of Proposition 200, as well as some other events in the 2004 elections, began a longer process of reconsidering the political terrain of immigration issues and their implications for state politics. The settlement that immigration and border issues had little to do with state and local politics seemed to everyone to be shifting. While state and local action on the border still seemed nonsensical to many elite politicians, many still understood election results in 2004 as demonstrating that this idea made more sense to voters in general. At the same time that Proposition 200 passed, Andrew Thomas, a Republican from the party's right wing who had lost the state attorney general's election two years before, won election as Maricopa County attorney, the chief public prosecutor for the Phoenix area, which contains three-fifths of the state's population. Thomas had run on a platform of combatting unauthorised immigration. Jim Walsh, a lawyer long involved in the Democratic Party who later became Pinal County attorney, recounted:

[Thomas's] signs included something about "stop illegal immigration," and we laughed! We said, "What's he gonna do, subpoena 'em? What the hell does a county attorney have to do with illegal immigration? It's not your problem." ... Of course, the guy walks in 'cause it's a crowded primary field. He locks up the very conservative right-wing vote, and this is part of his deal. So this was, in a way, one of the first canaries in the cave.

Broadly speaking, in the aftermath of the 2004 election, Democrats were reconsidering how they should understand and deal with the apparent politics of the issue, with the wind seemingly in the sails of border hawks. However, shifts in strategy were not immediate, and change proceeded unevenly across Democratic elites. It was becoming more apparent to this group that what they viewed as the intuitive and simple messages of the border hawks were primed for political success. As Haener recounted, border hawks "don't really have to run a campaign on [their position], 'cause the messaging is, 'Illegal means illegal.'" What constituted the best response, though, remained unclear, and there was no organised rush to abandon the strategies used in the Proposition 200 battle, where final support levels for the measure were lower than in earlier polling numbers. Regarding the strategy of arguing the proposition was based on racial intolerance, Gallardo recounted that rather than immediately resorting to a different approach, "it took us a while before we understood that we were losing more support with that messaging than earning it."

After Proposition 200's success, the immediate concern for elected Democrats appeared to be limiting its implementation to the narrowest possible interpretations of both the voting ID and public benefits components. Separately, both parts of the proposition faced legal challenges. Efforts by Napolitano and Goddard, the Democratic attorney general, to limit the implementation of the proposition demonstrate the extent to which, even in the aftermath of Proposition 200, apparent popular concern about immigration had yet not superseded interest-group politics when it came to making political calculations about the issue. Concern expressed about the proposition, in policymakers' recounting, came from interest groups and not the general public. Joe Kanefield, a lawyer who was the state's chief elections officer under Republican Secretary of State Jan Brewer, said about the implementation process of the voter ID provisions:<sup>10</sup>

I think a lot of this was insider stuff, because the public was very supportive of this, obviously, from the vote itself. But even after that, I don't think the public ever understood what the issues were when they heard that there were lawsuits and problems. In our society, people are used to producing their ID everywhere. You can't even get into the federal courthouse where these laws were being challenged without producing photo ID! ... So the people that were making the most noise were the [Hispanic and Native American] interest groups. ... Secretary Brewer set forth from the very beginning to do this in a way that would address all the concerns. But it was like whack-a-mole. Every time we would address a concern..., then they'd [the attorney general and governor] just come up with some other problem. So it was pretty clear the intent was just do anything possible to inhibit the implementation of that law.

In the months following Proposition 200, the political sparring over it was very public, with the voting provisions settled in July 2005 (see Davenport 2005; Garay 2005). The provisions on benefits were eventually construed narrowly, to apply to a small range of state-provided benefits where the federal government played little or no funding role. A Napolitano aide only somewhat exaggerated in saying that regarding Proposition 200, "We didn't implement it."

For those Republicans who had never felt disposed to focus on immigration issues, the debate surrounding Proposition 200 and its eventual success signalled the issue's rising

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<sup>10</sup> Proposition 200 left unresolved exactly which forms of identification were acceptable to vote. In Arizona, elections rules are drafted by the secretary of state, the highest official in charge of elections and also first in the line of succession to the governorship, and have the force of law upon the approval of the attorney general and governor.

importance at the grassroots level in their party, where the most energetic activists tended to be the most right-wing. Of course, elected Republicans took different views on what the problems at the border were, exactly, with some more ideologically predisposed to agree to a tougher policy stance than others. In this way, immigration and border issues highlighted existing ideological divisions. As Burns recounted about her experience being booed during the 2004 election, “That, to me, showed where [the right-wing activists] were.... For me, I probably said, ‘You know what? Again, these folks are extreme in their position and they’re not in touch with reality.’” Paton, taking a different view, identified immigration and the border as issues he would be active on. With Tim Bee, a fellow Republican re-elected to the state Senate from the same district, “he and I talked about, what could we do about border issues for our district that would actually accomplish something?”

In these senses, the success of Proposition 200 began a process where various groups of policymakers began to reinterpret their political context and re-understand the politics and policy of immigration as a newly contentious field, requiring adaptation. Or, as Pearce said in an interview, in his own style, about Proposition 200: “It started a battle.”

### **Changing calculations: The 2005 legislative session**

The border hawks who had actively supported Proposition 200 began to push an expanded programme of legislation as soon as the 2005 legislative session opened. “Anyone who entered 2005 legislative session with the notion that, after claiming victory with Proposition 200 in the November elections, anti-illegal-immigration lawmakers would rest on their laurels was, in a word, wrong” (Small 2005).

Many other policymakers’ attitudes toward, and understanding of, immigration and its politics remained significantly in flux at the time the 2005 legislative session opened. While many sensed Arizona politics moving away from the consensus that the state had no substantive role to play regarding the border, these elites’ views of the proposals put forward by Pearce and other border hawks had not changed much. Other factions in the Legislature, including Democrats and many Republicans, continued to see many such

proposals as so extreme they would not be taken seriously. “As Democrats,” Quezada explained, “we were always aware of those, kind of keeping an eye on them, but we always kind of assumed also that they weren’t gonna move very far.” Or, as Kyrsten Sinema, at the time a Democratic legislator, put it, “they were so outlandish that no one took them seriously.” Moderate Republicans, though aiming to keep an air of comity in their caucus, took a similar view. As Burns recounted, among this group, for a while the attitude continued to prevail: “Nobody’s gonna believe ‘em, they’re so far out there. Nobody’s gonna go with it. We’re not gonna stand up and counter [Pearce]. We’ll just keep it quiet, we’ll vote when it matters, but we’re not gonna confront him on the floor, speech versus speech.” Bills introduced in 2005 by the border hawks – at this time including Pearce as well as legislators Chuck Gray, Ron Gould, Jack Harper, Karen Johnson, and Rick Murphy – included proposals on many issues that would become mainstays of their efforts. These included creating state-level legal sanctions for employers that hired unauthorised labour (HB 2384); barring unauthorised migrants from accessing state financial aid for higher education or discounted in-state university tuition rates (HB 2030); denying the validity of a Mexican-issued form of ID, the *matrícula consular*, for state business (SB 1511); and denying bail to unauthorised immigrants (HB 2389) while admitting immigration status as a factor in criminal sentencing (HB 2259). HCR 2030 attempted to refer to the ballot a measure that would make English the state’s official language. Finally, SB 1306 aimed at the goal of “local enforcement” of immigration laws, requiring local law enforcement to enter into agreements with federal agencies that would enable them to conduct enforcement of federal immigration laws, which local police traditionally have left to immigration authorities.

Aside from these border hawks, there were four other, broad groupings of actors within the legislative process who were responding differently to immigration politics at this time, and continued to a great extent to do so throughout much of this project’s period of study: “traditional,” largely conservative Republicans; Republican moderates; Democrats in the Legislature; and the governor, Napolitano.

## *Traditional Republicans*

“Traditional” Republicans were by and large ideologically conservative and neither on the farther-right nor moderate wing of their party. Some of them had business-oriented sympathies toward a moderate position on immigration. As Paton’s comments suggest, in 2005, a number of Republicans outside of the farther-right portion of the caucus began taking a dedicated interest in legislating about the border. While they believed that their actions would be viewed favourably as taking action on border problems, these legislators were generally moved by quite distinct conceptions of these problems than the border hawks, whose problem conceptions were especially characterised by a sense of urgency and crisis.

Russ Jones was a Republican member of the House from Yuma, a community near the border with a major agriculture industry, a large Latino population, and large-scale cross-border work. Jones, who calls himself a “conservative pragmatist” and was often at odds with the Republican caucus’s right wing, felt that while a district like his would not be supportive of hard-line legislation, amidst the issue’s increasing salience, he had a duty to be active on it. Demonstrating this type of approach, for instance, in the 2005 session, Jones and some other more business-oriented Republicans sponsored a bill that would have had the state create a private prison in Mexico to house convicts who were unauthorised immigrants (HB 2709).

Their health care, everything, would be delivered in the idiom that they’re competent in, in Mexico, and the total cost of operating would come from the State of Arizona. 100 percent. ... [On] the first offense, [a criminal] would have been prosecuted, deported, and put in there and served his term in Mexico in the Mexican prison. And he wouldn’t have been here, out on bail.

In the same session, Paton, representing a district where he described popular unease about the border as intense, also aimed to take an entrepreneurial approach to border issues. Intending a contrast with the campaigning of Pearce and others, the freshman Paton oriented himself toward doing something he viewed as substantive about border crime problems, “rather than be[ing] purely symbolic.” The first bill resulting from this effort, SB 1372, created crimes for human trafficking and smuggling under Arizona state law, with the intent of allowing state and local law enforcement and courts to take a

more active approach against human smuggling networks, long been considered a problem of federal concern (Billeaud 2005g).

Maybe I was naïve at the time, but the challenge was, “Okay, let’s try to do something that goes at what they care about on the one hand, but also actually accomplishes something [Laughs] on the other.” ... And, quite frankly, something that the governor would sign. ... [W]e looked at it a lot like people view prostitution. You can see that prostitution doesn’t exist if it’s not for demand and if it isn’t for the pimps. And the same thing with smuggling. It was the employers looking for cheap labor on the one hand, and the traffickers who were becoming increasingly brutal in their own way. And we thought, well, who can really disagree with going after the traffickers?

Both this approach and that of the border hawks grew from genuinely held problem conceptions related to the border and immigration, and both took as a starting point the salience of the issue and what they perceived as significant public angst about the border. However, an approach toward enforcement like Paton’s differed in important respects, especially in its rationality that privileged finding consensus on which to base policy over the victory of a particular worldview in policymaking; border-hawk efforts tended to be characterised more by the latter. In this sense, human smuggling represented a “real” problem that could be substantively addressed and that would draw broad political support.

Other immigration-related bills to emerge from the Republican caucus, but from outside its farther-right faction, included a bill to ban municipal spending on day labour centres (HB 2592), which Arizona cities including Phoenix had set up in order to provide an alternative to the public places where largely undocumented labourers gathered to look for work. Much of the increased attention to the issue by traditional Republicans, however, occurred in committees and in floor votes. The increase in the number of immigration-related bills the Legislature approved in 2005 was in large part a function of bills emerging from committee<sup>11</sup> where before they would have died due to insufficient Republican interest. In 2005, immigration-related bills increasingly were being advanced out of committees, and more of them were being allowed to the floor by Republican leadership. Among the bills that they encountered on the legislative floor, most

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<sup>11</sup> Like in U.S. Congress, committees in the Arizona Legislature play essential roles in advancing legislation.

Republicans were now voting for them.

### *Moderate Republicans*

A smaller group of ideologically centrist “moderate” Republicans often occupied pivotal middle ground in the Legislature. On immigration, they took a distinct approach. Major fractures already existed by this point between this group and the rest of the Republican caucus, having been created by other issues. Pete Hershberger, a centrist House Republican from Tucson who focused on children’s issues, described an episode from his first term, where he had been working with legislators of both parties to pass a bill in response to incidents where unwanted newborns had been abandoned and died. When a bill came to the House, it was held up by a right-wing committee chair. “I knew the rules, and I, as a freshman, took out a discharge petition,”<sup>12</sup> Hershberger recalled. “I got 31 signatures. We pulled the bill out of Rules [Committee] to the floor of the House. We passed it. It went to the Senate. It passed. ... [Then-Speaker Jim] Weiers never forgave me.”

Other Republicans had similar stories of fallings out with their chamber’s leadership or their party’s right wing. Hershberger and Tom O’Halloran, another centrist Republican then in the House, recalled an episode in 2003 when, following a disagreement the previous year over a child welfare bill, then-Speaker Jake Flake stripped them of their committee chairmanships, which were major sources of influence. Such episodes both emerged from, as well as further encouraged, an independent and somewhat defiant attitude toward the rest of their party. “For me, I have to put [immigration] into context, the political context of being a moderate Republican in a conservative legislature. And my approach to that was that I was not gonna let leadership tell me how to vote and how to represent the citizens of my district,” Hershberger explained. “Overall, whether it was immigration, education, child welfare, I studied those issues and to the best of my ability voted my conscience, what I thought was right. And I tried to take a practical approach rather than an ideological approach.”

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<sup>12</sup> A discharge petition is a legislative manoeuvre that, with the signatures of a majority of the chamber’s members, requires a bill to be brought to the floor of the chamber for a vote. These are uncommon, and they bypass the usual authority of the leadership to control the flow of business to the floor.

These Republican intraparty conflicts had grown major by 2005, but there were still some attempts to maintain comity in the Republican caucus. Burns explained:

If it was a procedural motion, we voted with the Republicans... Versus the substantive bill. Then we were gonna vote our conscience and our district. And we had a distinction – if the Democrats were making a motion or the Republicans were making a motion, we were gonna vote with Republicans. With the exception of the budgets, when we actually went against leadership.  
[Laughs.]

The provisional nature of this kind of arrangement – where Republicans voted in unity on the leadership’s procedural measures, except when the issue was too important – highlighted ongoing difficulties in maintaining Republican harmony.

The moderate Republican response to immigration after the 2004 election cycle was more explicitly aimed at understanding border and immigration issues, and at determining what kinds of efforts they would be prepared to support, than it was at developing an entrepreneurial approach to the issue. O’Halleran recounted:

When we first got involved in it, myself and Pete [Hershberger] and Jennifer [J. Burns], and basically myself and Bill Konopnicki,<sup>13</sup> especially, said, “You know, we need to know more about this.” So we went to the federal government and sat down with the people at ICE<sup>14</sup> and the Border Patrol and people like that, and we didn’t talk to them about how many people are coming across the border. We talked to them about, first, the law as it stood, what the state’s involvement could or should be, and then why they were doing what they were doing. And what they would do if the state put certain types of statute in place.

Moderate Republicans sought to explore the issue more, including by attending industry-sponsored trips to better understand the legal cross-border work arrangements used in the Yuma agriculture industry. The overall effort was to better discern how these issues fit within an orientation that they described as pragmatic and centrist. O’Halleran’s description of the nuances he saw in these issue areas is typical of the moderate Republican group:

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<sup>13</sup> A Republican member of the House from an Eastern Arizona district, who died in 2012, before this research.

<sup>14</sup> Immigration and Customs Enforcement, the federal agency in charge of interior enforcement of immigration law.

As we saw it, immigration was having an impact on our crime rate. It was having an impact on our state's employment, not that a lot of these jobs were jobs that necessarily an Anglo or a citizen of the United States would want to have in the first place. ... Our feeling, I think, was you weren't entitled to using taxpayer money to be able to live in the United States. But on the other hand, if somebody were to say that the federal government says these children can go to our schools in Arizona, you can't even ask them their citizenship, that's federal law. I have no problem with that. ... We don't want families broken up. But on the other hand... We have consequences to people using our government services and not paying taxes and not being citizens when we as a state, we're needing money for health care. We're needing money for education. We're needing money for infrastructure. And we didn't have that money.

While some Republicans looked to sponsor immigration legislation amid the issue's increased salience – including Konopnicki, who sat between the party's moderate and conservative factions and sponsored or co-sponsored numerous bills, including with Jones – the legislative history reflects moderate Republicans' activity in this area most often related to taking stances on others' legislation. The result was a mix of yes and no votes on immigration and border-related measures that varied greatly from issue to issue and sometimes varied among the moderates themselves. While this sometimes led to the moderates opposing bills supported by most of their own caucus, there were substantial areas of common ground as well. Among these measures was HCR 2028: after the House-passed HB 2389, to deny bail to unauthorised immigrants held on serious felonies, stalled in the Senate, HCR 2028 moved to refer the issue to voters on the 2006 general election ballot,<sup>15</sup> signalling how the use of referenda and initiatives would following Proposition 200 continue to characterise the immigration debate.

The Legislature's Republican moderates were at this time developing another important function as the nucleus of a broader group of Republican legislators who frequently conferred on immigration, among other issues. This group began to operate as an important forum for collective deliberation and decision-making for both Republican centrists and conservatives who were inclined toward a relatively more moderate path on immigration and privately identified themselves against the party's right wing. The membership of this informal group varied across the years depending on who was in office, but a number of interviewees described it in very similar terms. As Jones said:

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<sup>15</sup> In Arizona, a referendum, as distinct from a citizen's initiative, is a law that both houses of the Legislature can vote to refer to voters for approval, bypassing the governor.

[I]t was a really good discussion from that group. ... If you said something, you'd better be prepared in that group to back it up, not with just ideological, you know, sayings, but actual facts and stuff. The whole group was that way. ... So, at any rate, that was the group on the issue of immigration. ... Pete [Hershberger], I would say, was a definite moderate... [b]ut the most part of the group ... were just right-of-center, conservative Republicans. But, since we didn't follow the Ten Commandments of the far right, we weren't in there.

### *Legislative Democrats*

While representing an ethnically diverse array of constituencies and not completely homogeneous ideologically, legislative Democrats mostly had common ground on immigration issues. Though in the minority, they had some influence because their partisan ally controlled the governor's veto pen, and Democrats held enough votes to sustain its use.<sup>16</sup> Among legislative Democrats, a shift in stances on immigration issues was beginning to occur, but was not uniformly embraced. While arguments against Proposition 200 had variously emphasised scepticism about the alleged problems it sought to address, the law's possible unintended consequences, and the supposed racial animus behind the proposal, some legislative Democrats began to move toward a position that more expressly acknowledged the existence of immigration-related problems that needed to be addressed. "I think people are frustrated," Gallardo was quoted as saying at the start of the session, identifying state penalties for human trafficking as a possible area of action. "They want something done" (Billeaud 2005a).

While voicing an opinion that acknowledged problems stemming from the border, initially Democrats largely focused on calling for the federal government to fix the problem, citing the state's limited jurisdiction. While this became a consensus approach among Democrats, what met with less agreement at the time is whether in addition to making this point, there was any true latitude for state action. Gallardo, for one, went further than some other Democrats at the time in finding state activity on border crime issues to be supportable while arguing for the overarching need for federal action, and against the concept that Pearce and his allies could make any practical headway on the issue with their proposals.

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<sup>16</sup> Overriding a veto requires a two-thirds vote in both chambers, which Democrats at the time held more than enough votes to block.

We were hitting the drum on the need for a federal approach. We needed comprehensive immigration reform, and that was our message. We needed Congress to step up to the plate and do their jobs. ... You cannot fix a federal problem in a state legislature. But what we *could* do from a state level is go after the criminals. Let's go after the gangbangers that are undocumented. ... Hey, if you're a gangbanger and you're doing bad things in our community, and you're undocumented, by all means. Let's go after them.

To Democrats who saw a need for a shift to a different, more active stance on immigration, human smuggling was a real problem that state action could appropriately address. Taking a more proactive stance on that issue served as an important way to demonstrate action and show a concern about immigration, when during the Proposition 200 debate, opponents had found it difficult to communicate their message in a way they saw as resonating. "Nobody wants voter fraud, and that was their message. 'We're trying to prevent voter fraud,'" Gallardo said, explaining what many Democrats described as a difficult messaging predicament. "And, you know what? As much as we stood and said, '*What* voter fraud?' ... 'We don't *have* cases of massive voter fraud,' we needed to be able to say, to an extent, 'We don't want voter fraud, neither!'"

Democrats found most of the border-related bills presented in the Legislature in 2005 to be unacceptable. For example, HB 2030, the bill to limit access to higher education funding, was called "the worst bill I've ever seen... just nasty" by Kyrsten Sinema, then a Democratic member of the House (Small 2005). Other bills met an only somewhat less hostile reception from legislative Democrats, who voted against them with near uniformity. At the same time as they did this, though, many legislative Democrats also began to believe that blanket opposition to these measures presented the same kind of problem that the anti-Proposition 200 efforts raised. However, no strategy to solve this perceived problem quickly emerged as a consensus. Democrats lent some support to anti-smuggling bills, including Bee and Paton's SB 1372. This support was not uniform, however: ten House Democrats ultimately voted against that bill, reluctant to embrace immigration as a legitimate state issue and concerned that ostensibly acceptable measures like anti-human smuggling laws were a smokescreen for unacceptable anti-immigrant politics. However, the political difficulties of "saying no" – inasmuch as political elites started to believe that doing so appeared to equate to a kind of denialism – were demonstrated in a committee field visit which Paton had requested for SB 1372,

in a community in his district experiencing a high amount of smuggling traffic.

[Cynthia] Kolb, who lives in the Hereford area, has been an outspoken critic of what she sees as failed federal border policies. She held up a large poster board full of photos depicting what illegal immigrants have done to the environment, the trash they leave behind.<sup>17</sup> She took the poster to the raised table where seven representatives and two senators were sitting to give them a closer look. On the poster it stated, “Welcome to Cochise County, where we are invaded 24/7/365.” ... State Rep. Ben Miranda,<sup>18</sup> the only Democrat on the committee at the hearing, said all the photos in the world and emotions do not mean the proposed bill is a good one. He said it is far from it and intends to vote against it. That brought an angry outcry from Kolb. [Committee Chair Eddie] Farnsworth cut her off, saying Miranda has the right to his views. (Hess 2005)

This kind of opposition, according to proponents, operated as a foil that was useful in promoting the bill and the credibility of those supporting it. Paton recounted:

Ben Miranda was sort of like the loyal opposition, and it was really entertaining to watch. Because you had people who were like, they had people going across their land, and you had Ben Miranda telling them, “Well, this really is not even a problem and it’s none of your business. This should be the federal government.” ... And they were *very* upset.

In such accounts, the opposition of Democrats like Miranda operated as a heuristic that in the minds of proponents increased the measure’s support and popularity. “If you’re defined by your opponents, it was a good thing to have them complaining about the bill at the time, politically,” Paton explained. Democrats around this time started to agree in many cases that such an apparent political paradox did indeed exist related to immigration and the border. Opposing any action related to the border seemed to be ineffectual at diminishing the sense of a problem, and instead seemed to provide greater credibility to those who seemed to be taking some – or any – action on it. While some Democratic legislators started to move toward an orientation where some actions related to the border and immigration could be contemplated, there was not yet consensus on the political problem or how to counteract it. As a press article from the end of the 2005 legislative session put it:

Republicans and Democrats alike agree the clashes over how to deal with illegal

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<sup>17</sup> See also Squire 2014.

<sup>18</sup> A House Democrat from a heavily Latino district, who died in 2013, before this research.

immigration stem from the frustration of citizens and lawmakers – the two sides just don't agree on how to solve the problem. "None of us are soft on [illegal] immigration," [Rep. Steve] Gallardo said. "We all oppose that – it's how we approach it." For many Democrats, this year [2005] felt like a constant uphill climb. Each time one immigration bill was heard, another was on the docket and awaiting a vote, when, in the past, there would only be a few immigrant-related bills. ... Democrats don't want a solution to the immigration problem, Mr. Pearce said, because it hurts them politically. They have never supported any immigrant bill, he says. "They're such hypocrites," he said. "They say we have a problem but they're never willing to do anything about it." (Small 2005)

### *The governor*

Napolitano occupied a separate place than her co-partisans in the Legislature. Not only was she, as governor, the most visible figure in state politics, but in a direct sense her political audience was the entire state, and her role was that of an executive. Haener explained the distinct sense in which the governor's office understood her role in contrast to legislative politics:

The saying down there is, "Sixteen, 31, and one."<sup>19</sup> All eyes are on you at that point. ... [A] lot of those [legislators] would get elected with two, three, four thousand votes in a Republican primary where 15 percent of the Republicans voted ... where our constituency is, what's good for the entire state? There was always a clash on those two. ... [T]he thing about being governor is that all that crap that they pass and that you sign, you now have to implement in some way, shape, or form. So you actually have to *govern*, and you actually have to make it work. And so that becomes a different calculation.

Napolitano had campaigned on other matters and had little initial interest in making immigration or border security signature issues. However, by 2005, the Legislature was clearly beginning to advance immigration measures to a governor who sought to present herself as a moderate who took on public safety issues with a former prosecutor's mien. Importantly, Napolitano, like most other Democrats, did consider the border to be presenting significant problems to Arizona in terms of public safety (regarding smuggling and border crime), state finances, and general losses due to the lack of larger legal channels for work migration. Tim Nelson, Napolitano's general counsel until 2008, described this perspective as, "to the extent that there were public safety issues, both to

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<sup>19</sup> This refers to the 16 votes needed for a bill to pass the Senate, the 31 votes needed to pass the House, and the governor's signature (one).

the public at large and to individual immigrants, you certainly wanted to address that. You wanted to address the financial consequences to the state of what really was a failed federal policy.”

Legislators in 2005 passed the bill restricting unauthorised immigrants’ access to higher education funding and discounted tuition rates (HB 2030), the bill allowing unauthorised status to be considered an aggravating factor in criminal sentencing (HB 2259), the ban on state officials accepting the Mexican-issued *matrícula consular* (SB 1511), the prohibition of municipal funding for day labour centres (HB 2592), the bill that created the private prison in Mexico (HB 2709), the bill that required local law enforcement to enter into agreements with federal immigration authorities (SB 1306), and the bill that created human trafficking and smuggling crimes in Arizona’s criminal code (SB 1372). These bills met a mixed fate on Napolitano’s desk as they arrived in April and May, as the governor both demonstrated a willingness in some areas to be more hawkish on immigration than legislative Democrats had decided to be, while also drawing battle lines with Republicans that would endure over the years to come. Napolitano signed two bills that legislative Democrats had voted against in large numbers: the day labour centre bill (HB 2592) and the bill to allow unauthorised immigration status as an aggravating factor in criminal sentencing (HB 2259). She also signed the human smuggling bill (SB 1372), about which legislative Democrats had been divided. She vetoed the others.

Amid the general unpredictability of a legislative session, where aides described it as difficult to foresee which bills would emerge in which form from the Legislature, Napolitano took an approach to border- and immigration-related bills that was driven by some larger concerns, but was in key respects *ad hoc*. Nelson described the process of deciding to sign or veto immigration-related legislation:

I really do remember those decisions being very case-by-case oriented. You know, I think that she didn’t want to default them, veto them just out of hand. But on the other hand, there were some that just seemed so clearly unconstitutional or damaging to the state’s ability to grow that they had to be [vetoed]. But, you know, I think she tried to strike a balance between recognizing that the impetus behind these bills was a clear public sentiment that something needed to be done, and an effort to try to make sure that what did

get done didn't do more damage than good.

Napolitano laid forth what would become routine reasons for vetoing such legislation, faulting vetoed bills for being impractical or unfunded, or for not addressing what she cited as the true problems on the border. These were the reasons cited in veto letters for the bill creating a private prison on Mexico (HB 2709) and requiring local police to enter into agreements to enforce immigration law (SB 1306). "Our immigration system is broken and needs real solutions," she wrote in regard to the latter. "Senate Bill 1306, however, offers no new ideas or resources to fix the system and is little more than an unfunded mandate on state and local law enforcement officers" (Napolitano 2005c). "I have sent the federal government invoices totaling \$195,668,017.46, representing Arizona's costs for incarcerating people who came here illegally and committed other crimes once they got here," she wrote in vetoing HB 2709, which she said "will not reduce the number of criminal aliens Arizona must incarcerate, nor will it automatically reduce the per capita cost of incarcerating them," while asserting "[t]he ultimate construction and operation of such a prison would require... a new treaty to be executed between the United States and Mexico" (Napolitano 2005a). The latter reflected an often-cited concern among opponents of the border hawks, and Democrats especially, about the constitutionality of immigration-related legislation, amid concerns both over civil rights and Arizona's powers within a federal system that had largely always treated immigration as an area of federal jurisdiction. Concerns about constitutionality would become a frequently cited reason for opposition to many proposed state-level actions on immigration.

While focusing on practical and legal barriers, Napolitano also sometimes evinced some humanitarian concern about border-related bills, as she did in vetoing HB 2030, regarding higher education access and in-state tuition rates. "While I agree that public programs should not be available to those who consciously decide to come here illegally, this bill goes too far by punishing even long time residents of this state who were brought here as small children by their parents" (Napolitano 2005b). This was a narrower objection than that expressed by Phil Lopes, the House Democratic leader, who was quoted as opposing it based on its application to adult unauthorised immigrants more broadly: "We're saying to people you can't speak Spanish, but then

we're turning around and saying you can't take English classes unless you're a U.S. citizen. That's disingenuous, it's stupid, it's ill-advised" (Small 2005).

While state action against human smuggling emerged from the 2005 legislative session as the only border-related issue on which there existed any measure of bipartisan consensus, cross-party support for SB 1372 as drafted did not last long after the governor's signature. By September, Andrew Thomas, the Maricopa County attorney, announced his intention to employ the law to indict unauthorised migrants as co-conspirators in their own smuggling. This astonished the bill's sponsors (Myers 2006) and indicated the extent to which many politicians at the state and local levels were stretching the bounds of entrepreneurship on immigration issues. Ultimately, the Legislature left session in 2005 with immigration and the border having occupied a newly salient place on the agenda, and with traditional conservative Republicans, moderate Republicans, and Democrats all beginning to modulate their expressed policy stances on border issues in response to what they newly perceived to be the issue's politics.

### **A state of emergency**

In the summer of 2005, with the Legislature out of regular session until January, Napolitano made a number of moves employing her executive authority to take action on immigration and border issues. She had already done this to an extent before, including in her invoicing of the federal government for the costs of incarcerating unauthorised immigrants. (As expected, these were never paid, despite Arizona's notional entitlement to reimbursement under the unfunded federal State Criminal Alien Assistance Program.) The general perception among Napolitano's aides was that immigration issues placed the governor in a bind that threatened to become a major political liability. Public concern about the issue was pressed up against the fact that states had never been main actors on border and immigration policy. At the same time, the consensus among politicians of all stripes was that most voters did not truly know the difference between federal and state government, and generally saw citing jurisdictional reasons for not acting on the problem as dodging accountability. Dennis

Burke, Napolitano's chief of staff for policy, explained:

The difficulty was you had a problem that was created by the federal government because you had a system that wasn't working, and it was impacting the state. And so, here's this hard-charging, active governor who wants to solve problems and she doesn't have the authority to solve the problem within the federal government, and you've got this Legislature coming up with these bills that she adamantly opposes 'cause they're bad policy. And so she's kind of stuck in the middle there, saying, "I really want to do something, but I'm not the person who's supposed to solve the problem, and I hate these horrible solutions being proposed by the Legislature."

To Napolitano, her executive authority as governor offered some tools to try to solve this political and policy predicament. In her veto of SB 1306, the local-enforcement bill, Napolitano said she would call for a state-wide law enforcement summit to discuss dealing with immigration and border enforcement, which occurred in July (Billeaud 2005f). The executive order calling for this summit heavily criticised the federal government for a lack of immigration enforcement and funding, which had allegedly made problems trickle down to state and local police (Napolitano 2005d). Later in the year, Napolitano directed state contractors to ensure the people they were hiring were authorised to work (Napolitano 2005f), described as a "step aimed at chipping away a small piece of the economic magnet for illicit border crossings" (Billeaud 2005h). In the autumn, ICE and the Arizona Department of Corrections began training that allowed some state prison personnel to complete tasks traditionally done by federal officers, including identifying possible unauthorised immigrants among state prisoners ("Memorandum of Agreement" 2005). Thus the state entered into an early "287(g) agreement,"<sup>20</sup> though Napolitano had vetoed the bill requiring local police to do the same.

With this increasingly front-footed stance, Napolitano scored a political coup in August with her most salient executive action on the issue, issuing a declaration of emergency for Arizona's four border counties (Napolitano 2005e). This action drew significant attention from both national and local media (*e.g.* Massey 2005; Riske 2005). The policy effect of the declaration was modest; normally proclaimed after natural disasters, state

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<sup>20</sup> This is the normal term for such agreements, after the section of the federal Immigration and Nationality Act that authorises them.

declarations of emergency allow “emergency funds” set aside by the state to be used by local authorities in urgent circumstances, and this declaration provided \$1.5 million in such funding, divided among four counties.

Napolitano’s declaration was more forceful in its political symbolism, however. In the view of her aides, the declaration traded on the strident language of emergency in order to re-centre the border-security debate on Napolitano’s more moderate policy views, win credibility on the issue by communicating the view that the border was indeed an urgent problem, and allow her to occupy a more prominent and less reactive role in policy debates. Essentially borrowing the idea from Bill Richardson, the governor of New Mexico who issued a similar declaration a week earlier, Napolitano’s staff “jumped on it immediately,” Burke said. The move had both a reasoning related to political tactics, and a reasoning related to political strategy. Tactically, the political resonance of declaring an emergency would garner the governor a level of attention on the issue that it would make it easier to control and less politically dangerous to her. In general, the notion that Napolitano and other Democrats were constantly playing defence on the issue, with continual accusations they were ignoring border problems, had become a major political concern. As Burke said:

Part of what we wanted to do was allow her to be the voice of the issue, because it would be not only more stable, but she could control it, right? You don’t want to be always responding to someone. ... We want us to be saying, “Here’s the direction we should be going – pay attention to what we’re doing.” And that [the declaration of emergency] allowed us to do that, because now everyone was like, “Well, look at Napolitano.” And once again, it fits right into her profile, which is – talk about taking action. She declared an emergency!

This sense of political tactics, where the greater power lies in taking initiative rather than responding to developments, melded with a larger strategic belief that held that border-hawk positions would gain a political upper hand without a response that credibly treated immigration and the border as urgent problems. The concern in this regard was that public anxiety on the issue had led to an environment where a moderate unwillingness to act on the issue would empower those who seemed to be taking, or proposing, at least some action. Such a view contrasted directly with earlier stances that the border hawks’ positions were so extreme as to not warrant rebuttal, and that

drawing attention to the issue was a misstep that assumed accountability for “a black hole that few elected officials wished to enter” (Billeaud 2005e). Instead, the new strategic reasoning depended on an alternative being presented with sufficient political force, using tools like the emergency declaration to gain attention and an argumentative upper hand. Burke elaborated:

It’s not just like, “Oh, great, we don’t want the governor on [CNN].” No. You want the governor on the news so she says, “Look, this is not what we’re about – *this* is what we do.” ... The last thing you need is people out there saying, “Jeez, Russell [Pearce] is the only guy doing stuff. This must be the only thing you can do, because he’s proposing it and no one’s challenging it, or they are just saying, ‘No, no, no.’”

With Napolitano taking to the national airwaves with her declaration of emergency, the political status of immigration in Arizona was now a far cry from the placid political settlement just two years earlier. New political strategies were beginning to draw entirely new battle lines in immigration politics. However, above all else, such battles were premised on the emphatic agreement that there was, indeed, an urgent problem on the border – a problem of security.

### **Analysis: The origins of adversarial agreement**

In 2003, a class of state officials took office in Arizona having scarcely campaigned on immigration issues, with no persistent history of state legislation on the issue to draw on, and with many other policy areas occupying the fore of the political debate in their minds. By 2005, a state-declared emergency existed on the Arizona border. Every political faction in the state policymaking process was reconsidering, or had reconsidered, the politics of these issues to the effect of adopting a stance significantly more willing to take security action on the purported problems of an insecure border. Institutionally at the state level, immigration had begun to become distinctly “securitized.”

Of course, such a development sounds familiar. It is consistent with one of the classically proposed major symptoms of the “securitization” of a political issue –

specifically, the development of a politically overwhelming consensus that a problem indeed is one of security, with the seeming evaporation of any politically significant counterargument that in fact there is no such problem, or at least not one that should be viewed that way. In Arizona, this consensus was related to a new pattern of politics where competition was centred on a broad securitized premise that was widely chosen, for varying political reasons, by otherwise diverse policy elites.

To begin, how did a *status quo ante* so apparently stable so quickly collapse? Some political-science models offer pertinent answers. From the perspective of information-processing, an environment where policymakers perceived few demands on them to act related to immigration experienced a sudden intrusion of information to the contrary, with the success of Proposition 200 and other developments in 2004. Jones and Baumgartner (2005) propose that this naturally leads to rapid changes in policy orientation, as the *ad hoc* monitoring practices and shortcuts that policymakers use to understand their complex environment are rapidly rerouted. “[T]hrough ‘alarmed discovery’ of previously ignored (or underweighted) elements of the environment, new issues will intrude suddenly to the attention of the decision maker. ... Attribute intrusion is basically issue redefinition” (B. D. Jones and Baumgartner 2005, 56). Indeed, after Proposition 200 succeeded against broad elite opposition, to all elites except those who had ardently supported it (and to some extent, even to them as well), the whole politics of immigration – and even the broader political field – began to look entirely different. At the same time, other indicators, including the election victories of anti-immigration figures like Andrew Thomas, and the changing frequency and tone of doorstep conversations about immigration, seemed to point in the same direction.

Similarly, this sudden change in patterns of elite behaviour might also be explained through an opportunity structures approach (Koopmans and Statham 2000), where the success of a challenge to an elite-supported *status quo* from the outside – in this instance, through a citizens’ initiative – has the effect of amplifying contention and reconfiguring alliances. However, while it is relatively clear how immigration and the border might have suddenly become much bigger political issues, the particular configuration in which the issue began to unfold in 2005 is altogether more mysterious. This new configuration meant not only heightened attention and competition, but – crucially to this project’s

research question – it also quickly came to centre upon a dominant security conception, despite a lack of previous inclination by most actors in the political system to treat the issue this way. Conceivably, these spikes in policymaker attention could have triggered sharper “normal” contestation between accounts of the issue (Bale et al. 2010), rather than between takes on the issue that all privileged security. Why did security in particular start to be chosen at this point so broadly as an approach?

At this time, certain new, interlinked, and frequently shared understandings of the politics of immigration in Arizona emerged among political elites. What they started to surmise in this period became persistent beliefs and expectations guiding political strategy on the issue. Those who seemingly were most naturally positioned to oppose the border-hawk security push came to believe that “normal,” frontal opposition to efforts they opposed would not “work” politically. This was for a few interlinked reasons related to what they saw as underlying security meanings at play within the issue.

First, a prevalent sense emerged among all policymakers that the public was demanding, or at least restless for, action. The success of Proposition 200 played a major indicating role: for the border hawks it was vindication, while for others it was a signal that the issue was not only growing increasingly politically important, but was becoming so based on a developing rejection of the previous elite consensus about the issue. In post-mortems, the scale of this rejection was revealed as surprisingly comprehensive. As Gallardo recounted, “if you look at the election results on Prop 200, even Latinos voted for it,” referring to exit polls that showed significant support even among traditionally Democratic-voting groups (see Billeaud 2004). Other than election results, few of the indicators cited by policymakers emerge from systematic data collection. For legislators and their campaigns especially, custom public polling is prohibitively expensive, though politicians were generally aware of salience surveys conducted by the media. Instead, relevant indicators about what the public wanted were usually much more impressionistic. To Republicans, the sudden salience of immigration in the Graf-Kolbe primary election was one. Experience speaking to voters was another. As Paton recalls:

I mean, the district wanted something to be done. Let’s put it that way. And I don’t know how else to put it. People say, “How could you say that your district wanted that?” I walked to 10,000 doors in my district. [Chuckles.] I mean, we

talked to a lot of people, and a lot of Democrats, for that matter. ... [T]hat was the issue that they cared about the most.

In addition, experiences like Burns's – where her moderate response to an immigration-related question at a grassroots Republican event met with vocal hostility – also communicated a pressing demand for action on the issue by the grassroots to Republican officials. Other Republicans interviewed had also related similar experiences at grassroots party meetings. In addition, much of the public angst about immigration was read through the state's major media institutions. L'Ecuyer explained in relation to the Governor's Office:

You can't do polling very often. It's too expensive. The *Arizona Republic* was remarkably influential. *Arizona Daily Star* equally so. ... [B]ack in that day – I don't think it exists anymore – what their editorial boards thought and said at those times, and the *Tucson Citizen* as well, was actually truly influential. So the newspapers mattered. ... [Also] we used our apparatus around the state, both the party apparatus and staff, to feed back to us what they saw.

While reading the media in order to understand the attributes of the political environment, many policymakers were critical of the media for the environment it seemed to be creating, often regarding media outlets as wrongly influencing the immigration debate. Border hawks generally saw the mainstream media as biased in favour of immigration and against their efforts. However, their opponents saw the mainstream media as stoking unnecessary attention for immigration issues, simultaneously reflecting and exacerbating public concern. As Haener said:

This was the issue that Russell Pearce and those guys were pushing, and the media, which needs to sell controversy to sell papers or sell ads or sell whatever they sell, that's what was driving all of this. ... I mean, when you did polling at that time, immigration was at the top of the list almost every time, from 2005, probably, on.

Eventually, in the eyes of those opposing the border hawks, the reasons for the sudden surge of public attention, and their apparent craving for action on the issue, became secondary to the apparent existence of that attitude as a political reality.

This public demand to act was quite often related to a certain sense about the voting

public's indelible anxiety about the issue, which forced political actors to step more fully into the fray in ways that would assuage this concern, rather than trying to downplay it. This perception invalidated two possible alternative political strategies: both offering a fully oppositional approach, and also offering a downplaying or even a half-hearted one.

Steve Gallardo: We couldn't fix a national problem before the state Senate.

Interviewer: I mean, did that message work in your opinion?

SG: No!

I: Why?

SG: Why? I think at that time, when you're talking about – that '04, '06 time, I think you're still dealing with fear that the Spanish and the Mexicans are taking over. That fear.

Admitting a problem but holding it out as one for others to solve had seemed to be failing as a political argument. In this account, the border hawks' early success lay partially in the fact that they had staked out an initial position as the only ones speaking to voters' worries. Accusations of racism only served to make opponents look insensitive to public concern, and pointing the finger to others as the responsible party for solving the problem, while resisting the idea of state action, also furthered a perception of unresponsiveness while ceding key ground to the border hawks. "What we learned over the years in Arizona was that... when given no response versus a marginal response, people will usually choose a marginal response. And what Democrats were offering was no response. And that's how Mr. Pearce's ideas gained traction," Kyrsten Sinema, a Democratic state legislator at the time, said in an interview. She continued:

[T]he early response was to say "This is not your job, this is the federal government's job." [Chuckles.] Yeah, well. You know, voters don't care. Most people don't know the difference between state, local, and federal government. What they do know is that someone's not doing their job somewhere, 'cause things are messed up.

Sinema had been one of the 10 more left-wing Democrats who in early 2005 voted against the human smuggling bill that eventually became law. Her explanation of her

own evolving approach reflects the larger shift among the border hawks' opponents that began at this time in terms of their conceptualisation of the issue. Sinema's formulation shows the important ways that, in this conceptualisation, perceived public fearfulness or anxiety was linked to the perceived demand for action.

Kyrsten Sinema: What I started to do was a strategy that I felt was more effective, which was to, number one, recognize and acknowledge the brokenness of the system, because it is totally broken. And then try to speak truth to the frustration that ordinary Arizonans felt about the fallout from that broken system. Right? Changing neighborhoods, you know, job loss, difficulty figuring out how to navigate a neighborhood that looks different than it used to look. .... [I]t's normal for them to worry about those things.

Interviewer: And you didn't think you could just say, "Don't worry about it."

KS: No. Because they're *worrying* about it. What you have to say is, "I see that you're worried, it makes sense that you're worried, of course you're worried, that's normal and valid to be worried, and here are some ideas that could work better than the proposal that you've been offered." And so to try to offer better solutions, which is challenging since the state does have, in actuality, [chuckles] a very limited ability to influence immigration policy.

The anxiety gripping the general public was therefore accepted as real, indelible, and alterable only with difficulty too great to lead to a workable political strategy. Fear therefore needed to be addressed for any position on the border and immigration to be accepted by the public as valid. As L'Ecuyer, Napolitano's communications director, related regarding these issues' security quality, "I don't think she [Napolitano] wanted to challenge it. ... Without that sense of security, it was abundantly clear that not only politically was it not going anywhere, but that the public was not going to buy into it." Whether speaking about the political need to address topics of great public concern, or about a duty to ensure that policymaking serves what one sees as the interest of one's constituency, Paton expressed both the pressing question for him, and one which came to bedevil policymakers who opposed a stronger push on the border: "How can you say, as a politician, 'I'm not gonna do anything. I don't really care about your problems?'"

Opponents found that, given public fearfulness and demands to act, the security quality of the issue could not be contested or downplayed, though it might be modified with layered arguments about other aspects of immigration. L'Ecuyer addressed this point:

Interviewer: Was there ever much of an appetite to try to calm people down by saying, “This isn’t really a problem”?

Jeanine L’Ecuyer: We tried.

I: Did you?

JL: In the very early stages, we tried. We tried saying, “Look, gang, nothing has really changed. These are longstanding issues that are getting more attention, but nothing has fundamentally changed.” And that didn’t get any traction with anybody. It didn’t get traction with the media, it didn’t get traction with the public.

Or, as Gallardo more colourfully put it, “I honestly think we were trying to find a message that resonated, ‘cause we were getting our asses kicked.” All that seemed to resonate were the arguments and exhortations of Pearce and other border hawks, whose appeals were energised by their premise of a border security crisis that no one but them wanted to address. While staying silent was no long seen as a viable option, by mid-2005, neither was saying “no” to all of their proposals. Nelson explained:

People realized that that wasn’t going to be effective, and it wasn’t gonna make the sentiment go away. ... When there’s a real sentiment, you’ve gotta be responsive to the sentiment in some fashion. I think [Napolitano] calculated correctly that, you know, just a “veto, veto, veto, no, no, no” approach would be perceived as not responsive to the sentiment. So she did what she did.

In this formulation, not challenging the proposals on the one hand, and solely challenging them by consistently rejecting their validity outright on the other, are *equally ineffective* as forms of opposition. Both only empower one’s opponents. If the resonance of one’s opponents is rooted in what seems to be a durable public sentiment, and no similarly strong countervailing sentiment seems available, then, in this formulation, success in opposition depends upon co-opting that same source of resonance. This understanding eventually became dominant among Democrats and other border-hawk opponents starting in 2005, and would begin to produce distinct patterns of party competition, which will be explored in depth in the following chapter. Notwithstanding who could better leverage security to their political advantage, however, the fact that diverse policymakers, for their own political reasons, so broadly chose security as their approach to the issue pointed to one certainty: the securitization of immigration in Arizona was primed to further advance.

## Conclusion

From a state-level elite consensus in 2003 – relatively unshaken even by 9/11 – that Arizona had no role to play in border security and immigration, by 2005, a state of emergency existed in Arizona’s border counties, and nearly all sides of the political debate supported greater security action toward immigration and the border. The “alarmed discovery” of apparent popular demands about the issue in 2004 had led to its sudden rise to prominence on the state policy agenda. Napolitano’s August 2005 declaration of emergency was a clear indication that elite conceptions of issue’s politics had shifted, with the full embrace, across the political spectrum, of new strategies oriented around the treatment of immigration as a security issue. Policies toward immigration that were once widely regarded as outlandish and extreme now had at least a hearing. The securitization of immigration in Arizona had clearly begun.

Rather than a new state of anti-politics, this change marked the emergence of new patterns of political competition. A complex web of beliefs and expectations about what types of political strategies would work regarding the issue grew from a relatively fast period of “learning,” where opponents’ preferred stances seemed politically to fail. To them, the issue’s apparent connection to security appeared to imbue it with characteristics that altered the necessary strategies toward it, and thus the shape of the political contest over it. The public was seen as anxious and demanding action, the issue was impossible to downplay, and the initiative must be taken. This web of beliefs would, in the coming years, become an engrossing way in which policymakers understood the political possibilities of the issue. Debate centred upon security understandings, even amid significant policy disagreements. These new patterns of competition in border security politics, which changing elite understandings of the politics of immigration brought about, are explored in the next chapter.

## Chapter Five

### *Securing victory: 2006-2008*

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The realisation by opponents of the border hawks that they needed a more active orientation, accepting that the border presented security problems and the state needed to act, yielded a distinct period of competitive interparty border-security politics in Arizona. Amid the apparently prevailing consensus that the state needed to take action on immigration and the border, both border hawks and their opponents sought to use what were seen as the attributes of the issue's politics to their own political advantage, and against their opponents.

This competitive period saw public argumentation over which policy path was the superior response to the alleged border-security and immigration problem, as border hawks attempted to box in their opponents, while opponents manoeuvred to capture the issue from them and to expose rifts between border hardliners and their partisan allies. The issues of deploying the National Guard to an assisting role at the border, and of employer sanctions – that is, punishing employers who hire illegal labour – came to the fore. While Governor Janet Napolitano's centrist positioning seemed to meet with considerable political success, the securitization of immigration continued to engulf more and more facets of public policy. Local enforcement of immigration laws eventually arose as the dominant aspect of the immigration controversy in Arizona, as Joe Arpaio, the Maricopa County sheriff, undertook high-profile sweeps that were barely disguised immigration-enforcement actions.

This chapter examines the political character of this intense interparty “security politics,” and focuses on the use of securitization as a competitive political tool, especially between political groups. It illustrates and explains how the securitization of the border in Arizona continued to deepen, despite relatively moderate officials occupying veto points in the policymaking process. Actors' interlocking political logics were all premised on the concept that immigration was a security issue, with the attendant implications that Chapter Four describes, and these played off each other so as to produce systemic effects. However, as it looked in 2008 that competitive

contestation may have been evolving again, with contention over local enforcement newly sharpening, this period of openly competitive border-security politics came to an abrupt end.

### **The moderate's dilemma**

As established in Chapter Four, by 2006, it had basically been accepted across the political spectrum that anxiety and concern gripped the Arizona public regarding immigration – a fact that was, at least in the short run, essentially unalterable. In this conception, fear therefore needed to be addressed for any position on the border and immigration to be accepted by the public as valid. For elite politicians, however, this did not necessarily mean a conscious, headlong plunge into the politics of fear. Working in this seemingly fearful environment, opponents of the border hawks were hoping to ease it, avoid fearmongering, and use this new sympathy with voter worries toward alternative policy ends that they viewed as more reasonable. As Dennis Burke, Napolitano's chief of staff for policy, explained in relation to the governor:

I think she agreed there was a problem. I don't think she would disagree with that at all. I think she was right. I think she would say this was not a good system, this was not a good program. But the solution isn't, "Let's go figure out a way to scare the crap out of everybody who's here." Let's figure out a more rational way to deal with it. I think she accepted their premise 'cause she said [border hawks] don't own that premise. I think her point was that's an objective premise – "I'm just gonna not come up with fearmongering solutions to it, and I'm not gonna frame it in a fearmongering way."

As Napolitano put it herself in a media interview at the time, "My challenge is to devise a policy that makes Arizonans confident that some things are being done without going overboard and just throwing money at the problem to make it look like I'm 'tough,' whatever that means" (Pomfret 2006). The particular emphasis on "something being done" underlined how the perceived element of anxiety seemed to make it politically unworkable to resist a broad generalisation of responsibility, where "doing something" is more important than who does it, ratcheting up pressure for action at all levels of government.

In her moves to differentiate her own approach within this seeming securitized consensus, Napolitano very much sought to assert ownership over the issue, re-centring debate around her preferred policy path, which she judged as more prudent. This strategy, of course, grew from a sense that political manoeuvrability on the issue was constrained. Emerging from the Proposition 200 battle and the 2005 legislative session was a sense of continual messaging difficulty about alternate approaches toward the border and immigration. A very broadly shared conception was that border-hawk messages were primed to win a message war where voters had limited attention and self-evident soundbites worked better in the media. Mike Haener, Napolitano's chief legislative liaison, said:

The advantage that the other side had is they can say, "Illegal means illegal. Do you agree that illegal means illegal?" "Well, yeah, of course I agree with that." You know, their arguments and their rhetoric were designed and better than the, "Well, what are you going to do with the people who are already here?" "Well, deport 'em!" "Well, how do you deport 12 million people, or whatever the number is? You can't do it." "Well, you should, 'cause what part of illegal don't you understand?"

L'Ecuyer reflected on how these apparent message dynamics, and the seeming intuitive appeal of border-hawk arguments, limited the apparent possible scope of advocacy.

If there is a problem and you send a cop, you can put it in the category in your mind of "problem solved." ... It sounds like what I'm saying is that people are stupid, and that's not it. I think people aren't willing to invest the time to understand these issues, because they've got too many other things that they're trying to understand in their own life. ... You toss in a complicated policy issue, and there just isn't mental space there. ... I don't recall that we had a conversation along the lines of, "What will people really understand?" I do think that was implicit, though, in all the other conversations that we had.

Given this limited conception of what messages might "work" politically, in trying to add nuance to border-security policy, Napolitano and other border-hawk opponents were in their minds walking a tightrope. This effort to shape a preferable policy direction while feeling tightly limited in potential political range heavily shaped the form of this moderate response.

## A new competition

After Napolitano's declaration of emergency, with the border hawks' opponents having largely reached a consensus that speaking to voter worries was the only way to present a successful alternative on immigration, the election year of 2006 in Arizona became characterised by a new kind of political competition over immigration. Importantly, this did not equate to a simple argument about who could secure the border better. It rather constituted a much more complex contest, in which both sides represented their own set of solutions as the better ones to address what all accepted as a serious problem – and where both sides sought to subvert, strong-arm, and outmanoeuvre their opponents, based on newly accepted understandings of the political terrain.

In the context of an election year when all of the state's elected executive and legislative seats were being contested, the extent to which immigration and border politics were inherently interlinked with all other items on the political agenda came to the fore.

Burke offered a typical view when it came to this:

It's not an issue that we wanted to drive the debate. It was not, from our perspective, the most important issue. It wasn't a policy priority of ours. But it was what was most interesting to voters. So the idea of just sitting there and saying, "Yeah, thanks a lot, voters – you're interested in border security and the impact of immigration on the economy. I'm not. I'm interested in all-day kindergarten,"<sup>21</sup> so I really don't want to talk about that." I mean, you've got to be able to respond to them.

Looking toward the 2006 elections, a credible stance on immigration was viewed as a necessity for a successful candidate in many races in Arizona, since the issue had risen to such prominence on the agenda and in the minds of voters. In a telling recollection, Burke describes observing focus groups held by researchers working for Napolitano's 2006 re-election campaign:

There came a time where immigrants became a scapegoat for everything. I mean, you literally would go into a focus group and, "What are your top issues?" "Well, illegal immigration's out of control." "Okay, give me another one." "Transportation." "Okay, what's your problem with transportation?" "There's

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<sup>21</sup> Napolitano's policy of making voluntary all-day kindergarten available to all Arizona children was seen as one of her signature accomplishments.

too many illegal immigrants on the road and they're dangerous." "Okay, what's another top issue?" "Education." "What do you think's the problem with education?" "Too many illegals in our schools." I mean, it was just *bizarre*.

To policymakers, immigration's position as the most salient issue in Arizona politics meant that achieving any sort of agenda required an acute consciousness of positioning on immigration and the border, lest it become a generalised political liability. Doing so presented particular dilemmas to those who did not necessarily favour strong enforcement ideologically, who needed to figure out how to adjust their positions to what seemed to be a prevailing public belief about the issue.

Immigration also seemed to be a possible stumbling block within elite politics as well, threatening to derail the rest of an actor's political agenda by complicating broader compromises and agreements. As Haener explained in relation to the Legislature's border-related bills, "It's easy to say, 'Well, you've gotta veto all of this stuff,' or, 'You have to sign all of this stuff.' But you can't do that ... How do you get other things done if the standoff is over immigration, and now the other side's unwilling to work with you?"

Notwithstanding these concerns, in 2006, Napolitano's position seemed to everybody to be quite secure. As an admiring profile in *Time* magazine put it: "The one issue Republicans think they can use against the popular Napolitano is illegal immigration, because the huge number of border crossings have left many Arizonans feeling overwhelmed and powerless. Her critics claim she came to the problem late, but she seems to have navigated it deftly" (Ripley and Tumulty 2005). Increasingly in 2006, Napolitano also staked out a position vocally supportive of the "comprehensive" immigration reform proposals that would combine increased border security, a conditional legalisation programme for many unauthorised immigrants, and increased channels for authorised labour migration. She used her position as chair of the Western Governors Association to work with Republican governors of other states to develop a bipartisan national immigration reform plan, released in February (Werner 2006). While Napolitano received criticism from both ends of the ideological spectrum – "too-tough for some, not-tough-enough for others" (Pomfret 2006) – she held consistently high

approval ratings (Survey USA 2006). Throughout 2006, she continued to draw no top-tier Republican re-election opponent.

### *Broadening the battleground, bringing in the Guard*

Border hawks picked up in 2006 where they had left off in 2005, reviving legislative efforts, blocked the previous year by Napolitano, which would have restricted unauthorised immigrants' access to higher education, scholarships, and in-state university tuition rates (HB 2068, HB 2069, HB 2599, HB 2597, and HB 2598). However, in line with a consistent expansion of their agenda as time went on, border hawks' legislative proposals also included plans to dedicate millions of dollars in state funding toward employing radar and camera technology at the border (HB 2578), an area where broad agreement with more moderate Republicans seemed possible (Palmer 2006).

Policy posturing was reflecting a sharpening political competition over securing the border. In her annual State of the State Address before the Legislature at the opening of its session, Napolitano painted herself as Arizona's leading figure of action at the border, placing the impetus for further action at the feet of Republican legislators and the federal government.

Last August I declared an emergency at the Arizona-Mexico border. That finally got the federal government's attention. And I applaud them for beginning to move equipment and manpower to Arizona. Until that movement is complete, however, the state of Arizona is going to step in because the situation demands it and our citizens deserve it. Today, I am proposing a four-part plan to crack down on illegal immigration. My plan is tough. It's realistic. And my budget includes \$100 million to fund it. (Napolitano 2006a)

Republican legislative leaders quickly held that Napolitano had taken the idea of a \$100 million border-security plan from them ("2006 State of the State" 2006). Indeed, immigration politics was increasingly featuring a strong competitive flavour.

This element became clear during debates in 2006 about the deployment to the border of the National Guard. The National Guard, a reserve military force that is under mixed

state and federal control,<sup>22</sup> had in small numbers performed assisting roles to federal law enforcement at the U.S.-Mexico border since the 1980s (Rohter 1988). While guardsmen at the border did not carry out armed patrols, the symbolism of sending military personnel to the border was unmistakable. Latino groups and civil liberties organisations in particular objected that increasing the presence of the National Guard would “militarise” the border.

Napolitano, in her State of the State Address, called for the U.S. Department of Defense “to allow for us to station the National Guard at our border” until federally promised increases in Border Patrol manpower were fulfilled (Napolitano 2006a), intending those costs to be borne by Washington. HB 2701 emerged from the Legislature as the Republican response to such calls and to Napolitano’s 2005 declaration of emergency. The bill “specifie[d] that if the Governor declares a state of emergency for the protection of the lives and property of citizens of this state resulting from an increase in unauthorized border crossings and the related increase in deaths, crime and property damage, the Governor shall mobilize the National Guard to address the emergency” (Arizona State Legislative Staff 2006a), providing a \$5 million appropriation. Sponsored by Rep. John Allen, a conservative Republican, the bill attracted ideologically diverse Republican co-sponsors. Democrats objected that the bill would mandate the governor to deploy the National Guard in case of a border emergency, while Allen maintained he was “trying to untie [the governor’s] hands” (“Minutes of Meeting” 2006).

The National Guard bill advanced relatively quickly through the Legislature on pure party-line votes, drawing even Republican centrist support. With the bill about to receive a final legislative vote, Napolitano issued an executive order mobilising the Arizona National Guard to provide assistance to law enforcement “immediately upon approval of funding by the federal government or the Arizona legislature” (Napolitano 2006b). “[D]espite my efforts,” she continued, “Arizona can no longer continue to wait

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<sup>22</sup> The National Guard is a reserve military force that, when in their own states, are normally under the command of state governors. National Guard units are often called upon by their states to assist in disaster response or in case of civil disorder. As they are reserve military, they also can be “federalized,” summoned by the Pentagon to serve in U.S. military operations.

for such federal assistance and must begin doing what it can.” Napolitano the next day vetoed HB 2701.

[A]s I made clear to the bill’s sponsor, it contains a blatantly unconstitutional provision calling for automatic Guard mobilization any time a governor declares an emergency along the border..., an obvious violation of the separation of powers doctrine. ... I am especially disappointed that this bill’s sponsor declined to amend the bill to fix this infirmity and present it to me in a form I could sign. It is time to stop playing political games and get serious about our border. (Napolitano 2006c)

Allen, the bill’s main sponsor, commented tellingly on the issue’s symbolism, noting that in deploying guardsmen to the border to perform an assisting role, “I don’t think this is what the public expected when she said, ‘I’m sending the Guard to the border’” (Billeaud 2006a). Napolitano argued to her supporters on the left that while this meant more manpower at the border, there was little significance to their being military personnel: “They are not there to militarize the border. We are not at war with Mexico” (Billeaud 2006a). Still, Napolitano championed her action on the issue. Later that year, the first television advertisement for her re-election campaign featured the cowboy hat-wearing sheriff of a border county calling her “the first to send in the National Guard” (*Governor Janet Napolitano Campaign Commercial* 2006). June’s announcement of Operation Jump Start – a federal programme providing National Guard personnel to assist federal border agencies while the Bush Administration greatly increased those agencies’ manpower – was represented by Napolitano’s allies as the fruit of her agitation. Still, her National Guard manoeuvring attracted criticism from some on the left (Michael Lacey 2008).

Republicans’ unanimity on the National Guard bill did not extend to many other immigration-related items in the Legislature in 2006. Republicans in the mainstream of their caucus – between the right wing and the centrists – continued to become more active on the issue, proposing some measures that made moderates uncomfortable. Soon, the Legislature was considering a proposal by Republican Sen. Barbara Leff, not a right-winger, that among other things would have held unauthorised immigrants in Arizona to be criminally trespassing (SB 1157). Cosponsored by mainstream Republicans like Sen. Tim Bee and border hawks such as Rep. Russell Pearce, SB 1157

attracted significant dissent from Republican moderates in floor votes. When it reached her desk, Napolitano vetoed the bill.

Although I agree with several components of this bill ... I cannot agree with the basic premise of this bill that all persons here in violation of 8 U.S.C. § 1325 should automatically be deemed criminal trespassers under state law. Among other things, this provision of the bill is likely unconstitutional.... I disagree that the risk of a misdemeanor trespass violation will deter illegal immigration. It is unwise, to say the least, to divert Arizona's law enforcement resources away from the investigation and prosecution of violent felonies in order to pursue misdemeanor cases. (Napolitano 2006d)

In addition to the trespassing provisions, the bill would have barred local governments from prohibiting their peace officers from enquiring about the immigration status of individuals whom police had lawfully stopped, presaging later border-hawk legislation. Leff also sponsored, with the support of an ideological array of fellow Senate Republicans, a bill to provide \$75 million in grants to local law enforcement agencies to fund the apprehension of wanted unauthorised aliens who had committed drug, weapons, or smuggling crimes (SB 1158). While this bill passed the Senate with the support of a number of Democrats, it was held in committees in the House and never received a floor vote.

Much more divisive among Republicans was a bill proposed by Pearce, taking aim against what border hawks called "sanctuary cities" by cutting off major sources of revenue that the state shares with municipalities (HB 2837). Farther-right activists had long criticised cities and counties whose police and sheriffs' departments had declined to cooperate extensively with federal immigration authorities out of concerns about damage to community policing, terming these municipalities "sanctuary cities." HB 2837 would have prevented "a city, town or county that has any sanctuary policy involving any form of aid to illegal immigrants or any reduced or restricted enforcement of illegal immigration" from receiving any funding from the portions of state sales and income tax receipts marked for redistribution to municipalities (Arizona State Legislative Staff 2006b). The bill would have clearly endangered major sources of revenue for communities deemed by the state treasurer not to be fully cooperative with immigration enforcement. HB 2837 failed to pass the House on two separate votes, drawing opposition from the bloc of moderate Republicans as well as a number of conservatives:

eight Republicans voted no in the second ballot, where the bill failed 26-28. Pearce's willingness to bring forth a controversial bill where he was not assured of victory on the floor demonstrated his tactical political willingness to endure high-profile legislative losses if they put pressure on hesitant Republicans to support more hawkish measures. Another local-enforcement measure, establishing a fund to assist local police in conducting immigration enforcement, passed the House on a second vote but was held in the Senate (HB 2582).

HB 2837 represented a version of the "local-enforcement" legislation that was an enduring goal of the border hawks, who sought to involve state and local police in immigration enforcement through different mechanisms over time. Drawing the ire of many Republicans, it also highlighted the extent to which deepening internecine conflict among Arizona Republicans was increasingly centred on immigration. Immigration was again the marquee issue in a fierce Republican Congressional primary to replace retiring U.S. Rep. Jim Kolbe (Archibold 2006). Right-wing activists were increasingly confrontational toward politicians they deemed "RINOs," or "Republicans in name only." Some moderates were concluding there was little point in even trying to find common ground with the right wing on immigration and numerous other issues. Rep. Pete Hershberger, a centrist House Republican, recounted:

It wasn't a very rational discussion. ... Jim Kolbe, our congressman, asked me – and this was an immigration issue – he couldn't [attend], he was invited to District 30 [party meeting] ... And he asked me to go represent him, and I went and I talked about those things, and a guy in the third row stood up and said, "You're a liar!" Screamed it at me! Whoa! [Laughs.] What do you do? Those audiences, you could see, they became more and more conservative all the time. It got so conservative that the moderates, the centrist Republicans, dropped out. They didn't want to go to those district meetings and have a shouting match.

Pressure was continually growing for all Republicans to accommodate a broad right-wing agenda, which very prominently included a much more assertive state role in immigration and border enforcement. Jennifer J. Burns, another centrist House Republican, recalled the atmosphere among many of her Republican colleagues:

Sometimes they would even say it, you know, behind closed doors or what have you. They would say, "I can't vote that way because I won't get re-elected," or

“I’m voting this way because this is the public, this is the popular thing to do.” And they changed. ... [T]he moderates were dwindling. There were fewer and fewer of them. ... [T]hey were getting the message that if you vote this way, you vote moderate Republican, then you’re not gonna win your primary.

Despite this pressure and the decline in the number of truly centrist moderate Republicans in the Legislature, those moderates sometimes held significant influence. In some votes they held the balance of the Legislature, and on immigration in particular, moderates acted as the core of a wider group of Republican lawmakers, mentioned in Chapter Four, who favoured a more relaxed path. That informal group at this time included centrists like Hershberger, Burns, and O’Halloran, as well as more traditional business-oriented Republicans including Bill Konopnicki, Russ Jones, Nancy Barto, Lucy Mason, Michelle Reagan, and later Kirk Adams, who entered the House in 2007. By 2006, this group was becoming more concerted in trying to prevent the passage of some border-hawk legislation that they considered extreme, especially local-enforcement legislation. Hershberger explained:

There were a number of us Republicans, moderate Republicans *and* conservative Republicans, pro-business Republicans, who opposed that. We used to have meetings ... and we went to [House] leadership, to [Speaker] Jim Weiers, at the time, and said, “Don’t put this bill on the board. We’ll vote against it. It’ll lose, and you’ll be embarrassed.”

This moderate-conservative grouping would also play a significant role in the ascendant politics of employer sanctions. However, both for the purposes of intra-caucus harmony and because of the sharpening sense of political vulnerability felt by Republicans who could be painted as moderate, their willingness to oppose other Republicans either publicly or behind closed doors had its limits. “You do pick your battles, and you can’t vote no on absolutely everything, and you can’t go against the Republicans every single time,” Burns recalled.

While hesitant Republicans focused on parliamentary politics, Latino groups increasingly looked to mobilise their constituencies to demonstrate their prowess as a growing voting bloc. A series of large marches in the spring of 2006 intended to show this.<sup>23</sup>

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<sup>23</sup> The largest such march, on 10 April 2006, drew an estimated 100,000 to 300,000 participants (Wilson Center 2006). See also Barreto et al. 2009; Mohamed 2013.

These were coordinated by activist and community groups, with elected Latino Democrats sometimes involved. The marches reflected a growing belief among many Hispanic politicians that countering the hostile popular politics of immigration required some show of countervailing popular political force. Demonstrations sponsored by Latino organisations occurred in Arizona in tandem with a broader national effort to march against a new immigration bill proposed by some Republicans in Congress, and in support of bipartisan federal immigration reform efforts (Wingett and Gonzalez 2006; Stolberg 2006). The latter policy package was backed in general terms by most Democrats (including, in Arizona, Napolitano) as well as by President George W. Bush and Republicans including Arizona's U.S. senators John McCain and Jon Kyl. Nonetheless, comprehensive immigration reform faced an uncertain fate. Martín Quezada, a former legislative staffer who was later elected as a Democrat to the Legislature, recalled in an interview:

The big strategy at that point was you put boots on the ground and make a show of force. ... I think there were multiple expectations. One was to show the size of the community that was affected by this, both directly and indirectly. And two, to show that because of that enormity of that size of our population here, that that can translate into votes. And it was supposed to be an expression of a flexing of political muscle.

While highly visible in the media, these marches did not seem to have much of an immediate impact on patterns of policy contestation in Arizona. As the 2006 legislative session wore on, border hawks increasingly sought to work around Napolitano's veto by getting the Legislature to refer policy proposals directly to the ballot. SCR 1031 revived proposals to prohibit unauthorised residents from accessing higher-education financial aid and in-state tuition rates, which Napolitano had vetoed in 2005. Passing both chambers, it was placed on the November ballot as Proposition 300. Late in the session, SCR 1001 took the place of a stalled bill (SB 1057) proposing to bar unauthorised immigrants from collecting punitive damages in civil cases in Arizona courts, in an attempt to shield border militia groups from large civil judgements (Rau 2011a). This proposal was placed on the ballot as Proposition 102. A proposal to make English the official language of Arizona, which was narrower than a 1988 measure later overturned by courts, passed as HCR 2036 and was placed on the ballot as Proposition 103. These joined Proposition 100, which had already been referred to the 2006 ballot the year

before through HCR 2028, and sought to bar unauthorised immigrants accused of felonies from being granted bail. Still, late-session efforts to advance local-enforcement and criminal trespassing measures to the ballot, thereby avoiding the governor's desk, failed (Billeaud 2006b).

Outside of the state budget, the only area of bipartisan cooperation on immigration- and border-related issues in the 2006 legislative session was an effort to define what types of felonies Proposition 100 would apply to if passed (HB 2580). Similarly, the only successful legislative effort to refer to immigration from a perspective that was distinctly not one of security was a non-binding legislative resolution, sponsored by Jones, regarding federal cross-border agricultural work commuting programmes (HCM 2018). Loose ends from the debates that legislative session were either referred to the ballot, or were tied in to the ascendant issue of employer sanctions.

### **“Queen’s gambit:” Employer sanctions**

Arizona’s competitive interparty security politics of immigration was clearly on display in tussles over issues such as deploying the National Guard. However, its strongest expression was in the politics of employer sanctions, or the idea of punishing employers who hired unauthorised labour. This emerged for a time as the biggest single facet in Arizona’s immigration politics.

It had been illegal under federal law to hire unauthorised immigrants since 1986, but federal agencies had enforced those rules only seldom. While all sides in the debate over immigration were by this point to a great extent treating unauthorised immigration as a security problem, all clearly conceived of this security problem as caused basically by economic factors. Opponents of the border hawks often noted this as part of an argument that a real solution would go beyond security measures. Border hawks largely agreed with this causal concept: as Pearce recalled, “It was the magnet for drawing people here.” In attempting to deactivate the “jobs magnet” causing unauthorised migration flows, employer-sanctions measures, rather than constituting a form of economic management, clearly attempted to bring the labour market under the aegis of

border-security governance. Border hawks encountered tension with business groups that constituted an important part of the Republican coalition. Those who vocally supported employer sanctions, initially from the party's right wing, decried the business community's alleged valuing of "profits over patriotism." Business-aligned and centrist Republicans, often hesitant about the immigration agenda generally, were in many cases especially cool on employer-sanctions efforts. Democrats, in turn, sensed a ripe political opportunity.

### *Stalemate by design: Employer sanctions and the 2006 election*

The issue of employer sanctions came truly to the fore in 2006, after Pearce and his allies had been floating various sanctions proposals without success for several years (*e.g.* HB 2448 in 2004, and HB 2384 the following year). However, Democrats had first taken an interest in employer-sanctions proposals in 2005, when the border hawks' opponents were amidst their general search for a new political strategy on immigration. Bill Brotherton, a lawyer who was then a Democratic state senator, recalled:

They were trying to put in laws... to enforce the immigration law. Those of us who were attorneys or whatever were saying, "Lookit, a lot of this stuff is not constitutional. You're stepping into a federal area where they have exclusive authority." And so we would oppose on that basis. And that's the lawyer part of me talking, but, you know, the public has very little knowledge, really, about laws, or really very little understanding in general about it. So they don't like to hear somebody just saying, "Well, you can't do that. We can't do this, we can't do that." And I got to the point where I didn't like the fact that all we had was kind of a defensive strategy.

A Democratic employer-sanctions strategy emerged amid this perceived need for a less defensive stance, and from the realisation of a particular political opportunity.

Brotherton recalled:

I had some conversations with Russell Pearce..., mostly just kind of chit-chatting. And he had mentioned, I guess, he had run in the House some kind of employer-sanction thing. The Chamber [of Commerce] guys, who were their big supporters for the Republicans, had come unglued with all this stuff about doing employer sanctions. And so he'd ended up backing off of it. ... I'm not one who has a problem with stealing a good idea. ... [W]hen their bills came forward

which went after the immigrants, I started. And there could have been as many as 20 amendments on a bill, all about employer sanctions.

On HB 2030 in 2005, the bill to deny in-state tuition rates and higher education benefits to unauthorised immigrants, Brotherton proposed a number of surprise amendments on the Senate floor. One of his employer-sanctions measures carried 20 votes in the 30-member Senate on the strength of Democrats and right-wing Republicans, isolating the chamber's more moderate and business-oriented Republicans (Billeaud 2005c; Billeaud 2005b). Twisting the dagger, in the House, Democrat Steve Gallardo introduced a motion to bypass a conference committee<sup>24</sup> and agree to the Senate's changes, complete with employer sanctions. With business lobbies notably engaged, a number of Republicans effectively voted against the version with employer sanctions, sending the bill to conference, where the employer-sanctions provisions were stripped away.

A larger employer-sanctions strategy grew from this. The political rationale behind it was multifaceted and evolved over time. At the outset, while it was expected that the employer-sanctions amendments would ultimately fail, introducing them was an attempt to stall right-wing immigration bills while making Democrats look tough on the border in contrast. Threatening to force Republicans to vote against either their grassroots base and a supportive public on one hand, or their key business allies on the other, aimed to pressure Republican leaders to ease off the issue. Democrats had been frustrated that the business community, and the Arizona Chamber of Commerce and Industry<sup>25</sup> in particular, was not playing a larger role to tamp down Republican enthusiasm for immigration politics. "They're kind of letting everybody sit back," Amanda Aguirre, then the Democrats' Senate leader, said about the business lobby at the time. "The sanction thing was saying, 'Get involved'" (Riske 2005a). Democrats also adopted the strategy in response to their perceived need to strengthen their own position on immigration. "I was driving a wedge. And at the same time, I was showing, okay, we're doing something on this issue of undocumented workers," Brotherton explained. To unhappy Republicans, Brotherton would say, "Well, you know, if these bills don't come

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<sup>24</sup> A conference committee is normally appointed when the House and Senate pass different versions of the same bill. This is bypassed if one chamber resolves simply to accept the changes of the other.

<sup>25</sup> The term "Chamber of Commerce" here refers to this particular organisation, the main statewide business lobby.

up, I guess we won't need to do that anymore.... Use your influence to keep these things off the Board of Truth.”<sup>26</sup>

Democrats were largely pleased with the discord their amendments sowed. In 2005, employer sanctions was largely a legislative strategy, as the issue did not reach the governor's desk and Napolitano sought to stake out her own positions on immigration. However, in the 2006 election year, Democrats sought the larger goal of “neutralising” immigration – if not exactly winning on it, then at least getting it to go away as a perceived advantage for Republicans. “Basically, you have to lay down some cover, especially for the governor. I mean, we needed her, she needed us,” Brotherton recalled.

The “cover” to be laid down for Napolitano, Terry Goddard (the Democratic attorney general also running for re-election), and vulnerable legislative Democrats was designed as twofold. The first element was the political logic aimed at prevention, where Democrats would use employer-sanctions amendments to activate business pressure upon Republican leadership. Further than that, however, as Brotherton explained:

It gave Napolitano, when she vetoed some of this legislation, cover. ... You say,... “[W]e're gonna go after both ends of the hose – the people coming in and the jobs. And they're not doing that – they're in the pockets of the Chamber of Commerce.” ... That has a lot more gravitas when it comes to a message to the public, I think.

Here, there was a tacit, unresolved question of how exactly employer sanctions could best be used by Democrats against their Republican opponents. Was it better to raise the issue aggressively and highlight Democrats' ostensible willingness to act on it, contrasted with the Republicans' division? Or was it better to let the issue lie quieter, to be used later as a foil in rejecting Republicans' legislative efforts? At the beginning of 2006, Democrats made a few moves on employer sanctions more in line with the sub-strategy of actively championing it as an area where Democratic willingness to act was inhibited by Republican hesitancy. Latino legislators highlighted it in the media as an area of focus (see Patterson 2007), and Napolitano discussed employer sanctions in her State of the State Address to the Legislature.

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<sup>26</sup> This expression refers to the electronic wall displays in both legislative chambers recording members' votes.

We are going to get real about one of the root causes of this problem. People come here because they want work. And employers here are willing to hire them. If we want to stop illegal immigration we've got to stop the demand. Last year, I issued an executive order to make clear that the state will not contract with employers who hire people who are here illegally. Now, I ask you to expand that effort. Those who continue to intentionally hire illegal immigrants should face substantial fines and also penalties. (Napolitano 2006a)

In the Senate, Democrats Brotherton and Ann Kirkpatrick sponsored a stand-alone employer-sanctions bill toward the beginning of the 2006 session (SB 1216). Though it passed one committee ballot, it never saw a floor vote.

It is relatively self-apparent that, at least to some extent, the Democratic employer-sanctions strategy was a bluff. Democrats' private attitudes about the acceptability of employer sanctions as policy could be nuanced, but were generally lukewarm at most. All Democrats viewed the border as presenting some real problems, and for many, holding employers accountable, rather than directly punishing individual labour migrants, was the relatively more appealing path. While some viewed the consequences of the bluff being called (an employer-sanctions bill being enacted) as quite bad, to others, a realised employer-sanctions bill could still be tolerable. Still, for the clear majority of Democratic policymakers, the appetite for employer sanctions as policy was quite limited. As Brotherton said about the reasons for his own employer-sanctions amendments:

I'd say it's about 90 percent to find a rebuttal, 10 percent [to address] the issue. I mean, I think it's a federal issue. ... So I didn't think there was really much, if anything, we could do on the issue here. And in some ways... I think it's somewhat of a problem that we had a hand in making... So it was more an issue that we were just getting beaten up on it. And we needed to have a response. It was a popular response, it was one that got good press. It was one that a lot of voters liked.

As Gallardo put it:

Our support for the employer sanctions was not because we thought it was a good bill. We wanted the Chamber of Commerce to get off their ass and get involved in this thing. The Chamber of Commerce every year would, I mean, they would promote their success. They would walk around as if they could pass or defeat any bill at the Legislature. And we wanted them involved. That's what

it was. At least for me, I didn't really support it.

The perception that this sort of legislation was indeed popular among voters, and could in the future be driven successfully by Russell Pearce and his allies, prompted some business-oriented Republicans into action. Rather than simply try to blockade Pearce, business-oriented Republicans in 2006 introduced measures that they regarded as less draconian than early Pearce proposals, aiming to head off the employer-sanctions issue at the pass. Bill Konopnicki, a Republican businessman in the House representing an Eastern Arizona district, was particularly active on this front, often working with Russ Jones, the Yuma Republican, and the rest of the moderate-conservative bloc interested in resisting the right-wing push on immigration. Jones recounted the employer-sanctions proposal they devised (HB 2823), which offered indemnity against prosecution for employers making good-faith efforts to verify employees' legal status:

In those days, as it is today, if you were for whatever reason prosecuted, even though you can demonstrate you made a good faith effort ... you're still gonna be fined and penalized.... We didn't think that was just, ... [So] you could not be prosecuted in-state for any reason unless it was proven you were doing it fraudulently... . And if the federal government went after you, the state would defend you. ... And on the other hand, we actually increased the fines substantially and split the fines with law enforcement so there was an incentive for the sheriff's departments and the [police departments] to actually investigate.... We ran this bill, and what it provided was a safe haven for all of the closet Republicans... who wanted to look more to the right.

While HB 2823 was never heard on the legislative floor, Pearce's own efforts on employer sanctions also foundered. His proposal to refer an employer-sanctions measure to the ballot (HCR 2044) passed the House on a narrow 31-29 vote, but was never heard in the Senate. A regular bill sponsored by Pearce that was similar to his referendum proposal passed the House (HB 2577), but it was later amended through a proposal by Republican Sen. Bob Burns<sup>27</sup> in the Senate Appropriations Committee to include a concept of employer indemnity, though one different from Jones and Konopnicki's proposal (Petroni 2006). This passed the committee with some Democratic support. However, by the time HB 2577 had passed the entire Senate, a number of previously unsuccessful measures had been appended: it now also contained

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<sup>27</sup> No relation to Rep. Jennifer J. Burns.

provisions related to the National Guard, the application of criminal trespassing laws to unauthorised people in Arizona, and other issues. When the bill passed the House again, it was without the votes of Konopnicki, Jones, or Republican centrists.

As Republican legislators both inside and outside the core group of border hawks were making the HB 2577 “omnibus” bill more encompassing, noting they were working with the Chamber of Commerce on its employer-sanctions provisions, Napolitano suggested that the Legislature hold off on major action, amid increasing Bush Administration action on the border (Davenport 2006). When the Legislature passed the measure on to Napolitano’s desk, she vetoed it. This was unsurprising in that HB 2577 contained a number of previously vetoed provisions. However, Napolitano dealt its employer-sanctions elements particularly sharp criticism, calling the legislation “a weak and ineffective illegal immigration bill that offers complete amnesty to employers, violates the constitution, and is overwhelmingly opposed by law enforcement and top border elected officials in the state” (Napolitano 2006e).

[Y]our unilateral decision to stock this bill full of provisions you know are opposed by our border communities, law enforcement agencies, and me, confirms that you view this bill more as a political game than as a serious effort to protect the border. ... Despite my repeated calls for employer sanctions, House Bill 2577 offers full amnesty to any employer who hires an illegal immigrant and gets caught. ... These remarkable and unprecedented provisions would force the *taxpayer* to pay not only any damages that are awarded against the employer, but also the employer’s attorney’s fees incurred.... Real sanctions are supposed to mean the lawbreaker *pays* a penalty, not that he *gets paid* by taxpayers. (Napolitano 2006e)

Napolitano’s use of “amnesty” was a notable turn of phrase, since it had become a right-wing buzzword against proposals to regularise portions of the unauthorised population. Napolitano lamented about the Legislature after the end of the session, “I was disappointed that they didn’t really want to deal with employer sanctions” (Riske 2006).

Nearing the 2006 elections, the prevailing sense was that Napolitano’s centrist positioning on immigration and the border had largely succeeded at neutralising the issue as a political threat. Federal attention to the Arizona border was increasing, and by

2006, Border Patrol apprehensions were beginning to fall from a mid-decade peak, in what would turn out to be a long-term decline in unauthorised cross-border traffic (Gambler 2013). Politically, the employer-sanctions strategy was seen as having helped the governor. As Brotherton said, “It put that stalemate in place really for the election year of 2006.”

In November, Napolitano was re-elected with 63 percent of the vote. Goddard, the Democratic attorney general, was re-elected with 60 percent, and Jan Brewer, the Republican secretary of state who was first in the line of succession to the governorship, was re-elected with 57 percent. Democrats had relatively strong results in state legislative races, winning 27 of the 60 seats in the House of Representatives, though Republicans still held clear control of both chambers. At the federal level, Jon Kyl, a Republican U.S. senator who broadly supported comprehensive immigration reform, was also comfortably re-elected. In this sense, the 2006 election seemed to lock in place existing dynamics of elite contestation over immigration. However, also on the ballot were the four proposals Pearce and his allies had pushed to refer to voters. All passed overwhelmingly. Proposition 100, restricting bail eligibility, passed with 79 percent of the vote; Proposition 102, making unauthorised immigrants ineligible to receive punitive damages in state courts, received 74 percent; Proposition 103, regarding English as the official language, passed with 74 percent; and Proposition 300, which restricted higher-education financial aid and in-state tuition rates to exclude unauthorised immigrants, circumventing an earlier Napolitano veto, passed with 71 percent approval. While Napolitano’s re-election was read as a sign that she had found firm political footing with her approach to immigration, it was more questionable whether her and other Democrats’ policy priorities were the ones prevailing.

### ***Gambit accepted: HB 2779***

The success of the 2006 immigration-related referenda, which had performed even more strongly than Proposition 200 in 2004, had a significant impact on the conceptualisation of immigration politics among the state’s political elite. With Arizona’s institutions of direct democracy having been employed effectively and repeatedly by the border hawks, it was clear not only that many of their proposals enjoyed great public

support, but that the border hawks also possessed clear opportunities to subvert elite opposition. As Pearce said, “We did a poll called an election. These things passed *overwhelmingly*. They passed by an average of 75 percent!” Opponents of Pearce also noted the easy passage of the 2006 referenda. Tim Nelson, Napolitano’s general counsel, recalled:

When people actually vote on an issue, it speaks pretty clearly to what they are interested in. ... It definitely weighs, because you know that if you veto something, that they’re just going to go around and turn it and run as a referendum and it’s gonna get passed. Then you haven’t addressed what the public wants and it’s just gonna come back in ways that you can’t control.

The concern that Arizonans had not yet seen an immigration-enforcement ballot measure they would refuse, and that the success of these would strip the governor of control over those policies, affected her strategy. Haener, Napolitano’s legislative liaison, recalled:

Anything they put on was gonna pass, and within that session, you know, what can we do to mitigate – as bills come up, or as HCRs and SCRs<sup>28</sup> come up – what can we do? Again, is it say, “We’ll sign that – fix these three things and we’ll sign it”? Go to the business community and say, “You need to get these couple of things fixed and then we can sign it and it won’t go on the ballot”? So I didn’t look at it as an “Oh, my God!” But it was more of, anything they’re gonna put on is gonna pass, so we might as well try and figure out what we can veto, what we can’t veto.

The 2007 legislative session continued to see a large number of proposals related to the border and immigration. These included revivals of previously stalled issues, like local enforcement (HCR 2049) and tying revenue sharing to it (HB 2461); the matrícula consular (HB 2460); and applying trespassing law to unauthorised immigrants (HCR 2022). There were also new attempts by border hawks to apply trespassing laws to day labourers on public streets (HB 2589), to encourage a federal constitutional amendment to end birthright citizenship for the children of unauthorised immigrants (HCM 2005), and to eliminate eligibility for public benefits for children of unauthorised immigrants (HB 2471), as well as other measures conforming to previously passed referenda on

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<sup>28</sup> House Concurrent Resolution or Senate Concurrent Resolution, the types of legislative measure whereby the Legislature may place a referendum on the ballot.

benefits (HB 2467) and bail eligibility (SB 1265). Napolitano signed the latter two, and also signed a bill, sponsored by Rep. Jonathan Paton, which permitted the detention of a material witness to a criminal proceeding if there was reason to believe that person might not respond to a subpoena due to his or her immigration status (HB 2018). She vetoed HB 2589, the day labour trespassing bill sponsored by Rep. John Kavanagh. Further, in a manifestation of the increased procedural power accruing to him with seniority, Pearce used his new position House Appropriations Committee chair to resurrect the contents of a previously defeated matrícula consular bill, HB 2460, bringing the proposal back as SB 1236 (Small 2007b). SB 1236 eventually passed the Legislature, to become the second matrícula consular bill vetoed by Napolitano as a hindrance on law enforcement (Napolitano 2007a). Democratic proposals to amend the 2005 smuggling law to limit its application only to smugglers rather than unauthorised immigrants themselves, which would have restored the law to the original intent of its Republican sponsors, were ignored (HB 2270, HB 2271). Notwithstanding these lower-profile efforts, legislative action on immigration in 2007 was largely focused on employer sanctions.

While in the previous year employer sanctions had been presented to the governor as part of an “omnibus” bill, Pearce and his allies opted to try to advance a standalone bill in 2007. This was done with a sense that many Democrats had been expressing support for employer sanctions with perhaps less than full sincerity. Pearce recalled:

I'll use one name: Ben Miranda. ... [H]e used to always come up to me and say, “Russell, if you'd just go after the employers that are bribing them to get here,” instead of the illegal alien, “I'd be with you!” I said, “I've tried to do that!” He said, “But single it out,” so I did. House Bill 2779.

The back-and-forth Pearce recounts in this anecdote reflects a turn of ambivalence on employer sanctions among some legislative Democrats when the issue was raised again in 2007.<sup>29</sup>

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<sup>29</sup> Miranda is no longer alive to present his side of this exchange, so this account must be taken with a grain of salt. However, the overall backtracking of many Democrats on this point is clear, Miranda's role notwithstanding.

He comes to me, and I said, “Ben, I’m going after the employer.” “Ooh, Russell, I don’t know if I can vote with you.” I said, “Ben, you told me you would!”... I said, “Because here’s what I’m gonna do, Ben: I’ve got an initiative running. ... I’ll get it on the ballot – it’ll pass. It’s much tougher than the one I’m running through the Legislature.”

One of the main differences between these proposals was the number of “strikes” needed for a company to lose its state business license: in the normal legislation proposed it was two, whereas in the initiative it was only one. Other, competing employer-sanctions bills arose as attempts to head off Pearce’s proposals. Konopnicki revived a proposal that modified the employer-sanctions provisions in the omnibus immigration bill vetoed the previous year (HB 2386, HB 2523), but this was ignored, with only Pearce’s initial draft bill and a Democratic counter-proposal being granted hearings (Small 2007a). The strategy to forestall action on Pearce’s bills by proposing a more moderate “counter-bill” appeared to be faltering.

All the while, tensions were escalating within the Republican Party as more moderate figures were being confronted with growing tenacity by right-wing activists. This group not only vocally supported firm action on the border, but were often rallied by Pearce, who encouraged them to increase pressure on local lawmakers. A number of interviewees cited a speech Konopnicki delivered on the House floor in February 2007 – in decorous language still universally understood to be directed at Pearce – as emblematic of many Republicans’ growing unease:

In a recent committee hearing I voted against a bill that I thought was flawed. ... After my vote, information began to circulate as to my motives for voting the way I did – false information. ... The problem is this: this petty attempt at misinformation has since escalated from several emails into threats against my family and against me. ... The American political process is based on open and honest debate. How sad is the idea that by simply voting against another member’s bill we may be exposing ourselves to baseless innuendo or, even worse, to threats against our loved ones? We find this most often when the subject of illegal immigration emerges. The passionate debate that seems to follow this issue is becoming reminiscent of the tactics of Joe McCarthy. ... I can’t help but recall the now famous words of the attorney, Joe Welch, when he asked Senator McCarthy: “Have you no sense of decency, sir, at long last? Have you left no sense of honor?” (Quoted in Prezelski 2007)

Konopnicki accusing Pearce of McCarthyism on the House floor was merely an especially open manifestation of mounting Republican tension. Opposing the border hawks within the Republican Party was seeming to become more and more politically costly, with the political pressure to fully support Pearce's proposals intensifying – not so much because of the kinds of threats against legislators Konopnicki discussed, but because of the apparent energy and political power of a restive party grassroots. Behind closed doors, those centrists and traditionalists seeking a more moderate path on immigration were calculating how to try to blunt Pearce, whose threats to resort to a citizens' initiative on employer sanctions were treated very seriously.

Jennifer J. Burns: There were seven or eight legislators in the House that routinely met, saying, "How are we gonna fix this? And what are we gonna do to make this better?" Because [there was] the proposition out there collecting signatures, but then Russell had a similar bill, or a corresponding bill in the House and in the Senate. And we didn't like employer sanctions, and we didn't like what it was, but on the other hand, we were almost held hostage by the threat of a proposition, because if a proposition passes, it's now voter-protected.<sup>30</sup>

Interviewer: And you thought it was likely to pass?

JJB: It seemed that the sense of the – yes.

Pearce's opponents turned to two strategies, though not completely in tandem. The first was to see if employer-sanction legislation could be blocked by Democrats and disinclined Republicans, despite the political pressures on both – Democrats generally being on the record supporting some kind of employer sanctions, Republicans facing a party grassroots that vocally supported them, and both looking toward a general public that they saw as broadly enthusiastic about the idea. Gallardo recounted:

At that time, if you looked at any poll, sure enough, people felt that employers should obey the federal laws and make sure that they're hiring folks that should be hired. ... The Chamber of Commerce was working real hard, working with Bill Konopnicki at the time, and they created a small coalition of moderates. I was the [House Democratic] whip at that time, and we had the Democrats solid – we were all opposed to it. We had 'em on board. Everyone was gonna vote no. The moderates were gonna vote no. ... And we would meet on a regular basis, just like, "What are they saying?" 'Cause they were being hammered by Russell

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<sup>30</sup> The Legislature's ability to modify a law passed by voters is very limited. It requires a three-quarters vote in each chamber and must pass the legal test that it can only further the intent of the voters.

Pearce and some of the far-right conservatives. And we held that bill off for a good three weeks.

The prospect of a citizens' initiative that all believed would be difficult to defeat complicated matters greatly. Republican opponents in particular pursued a second strategy, to see if Pearce would accept enough amendments to his legislative employer-sanctions proposal to make it broadly acceptable to them, allowing them to support the bill in exchange for Pearce dropping his parallel initiative drive. Republican opponents' main objections focused on the severity of the sanctions – including how many infractions would be necessary for a business to lose its license – and evidentiary standards, such as the need to prove that a business violated the law knowingly.

Pearce was a hard-line politician who often played hardball in driving his agenda, but as a legislator he was often open to at least some compromise. Despite seeming to have the wind in his sails after the 2006 referenda successes, the prospect that opponents could unify to defeat his bill was conceptualised by Pearce as a potentially serious setback: as Pearce put it in an interview, “We could fail.” While confident that the public would support a tough sanctions measure, Pearce retained reservations about the major organisational efforts and volunteer work needed to surmount signature-gathering hurdles to file a citizens' initiative. Amending his bill along some of the lines that other Republicans were holding out on was therefore relatively acceptable. “I didn't need one strike,” he said. “I wanted the law enforced.”

Moderate Republicans regarded some of the modifications to HB 2779 as greatly limiting the law's downside for businesses. As Burns recalled, “The Chamber knew what we were doing – they helped us, actually, with it, behind the scenes, putting this together to get these things in there that Russell then agreed to. We would often basically high-five each other, like, ‘I can't believe he just agreed to that.’” Still, when the hesitant Republican bloc had negotiated as much as they believed possible, the result was a measure about which they nonetheless felt unenthusiastic. Burns summarised their calculation:

[We] had a conversation saying, “We don't like this employer-sanctions bill. We don't like the things that are associated with it.” ... [T]his is where we felt

almost blackmailed or held hostage. This proposition might pass, and it's likely to get on the ballot, and a better than 50 percent chance it's gonna pass. If we do that, then it's voter-protected. ... And so, at that point, we actually had the conversation and the discussion, "Are we gonna vote for a bad bill because we're afraid of a worse law?" And we actually looked each other in the eye and said, "Yes, we are."

The last Republican opposition to Pearce's employer-sanctions push thereby stood down. "I remember Bill Konopnicki coming in my office and saying that they'd peeled off enough votes that this thing is going through," Gallardo recounted. "And we went to the Democrats and said, 'Okay, just vote your conscience.'"

HB 2779 passed 47-11 in the House and 20-4 in the Senate. While legislative Democrats were split, fewer than half in each chamber voted no on the bill. Not only had many Democrats previously been on the record supporting employer sanctions, but they were also looking toward similar political forces as the Republican moderates who had negotiated with Pearce: the possibility of a ballot initiative that in their view would have been worse, underlain by a seemingly restive public that overwhelmingly supported employer sanctions. "I never thought half the Democrats – more than half – were so scared, as well, they voted for it," Gallardo recalled.

As lawmakers in Phoenix were finishing their session and sending the employer-sanctions bill to Napolitano, in Washington, the much-touted bipartisan comprehensive immigration reform proposal – championed by figures such as George W. Bush, Ted Kennedy, Arizona's Republican U.S. senators Jon Kyl and John McCain, and Napolitano – collapsed under right-wing opposition and defections from politically vulnerable Democrats (Pear and Hulse 2007). On top of the many dynamics already in play, definitive federal action had become, after a time of promise, more remote than it had been in years.

Napolitano's staff had been communicating with legislators during their HB 2779 negotiations, but the possibility of a veto was still discussed internally, with some top aides advocating one. While the governor was concerned generally about the state's economy, a veto was viewed as likely to damage the governor's political standing and her ability to pursue the rest of her agenda. To a governor who had sought to position

herself as a centrist on immigration, who had expressed support for tough employer sanctions, and who had long sought to pre-empt more hawkish figures in border politics, the prospect of vetoing the broadly supported HB 2779 was not inviting, even though a business community she had often worked with on other issues remained opposed. “It was pretty complex,” Burke said of Napolitano’s consideration of HB 2779. “Was this the best version? ... [W]ould it take the issue off for a period of time?” Napolitano and her advisers considered modifications to the bill as having created a final proposal that was relatively friendly to business, and the Governor’s Office did not find the remaining business argument for a veto to be compelling. Burke recalled:

She believed, politically, the business community had a big obligation in this area, and they were just expecting her just to veto bills, and they weren’t really playing a role in it. ... I mean, if you go back and look at the Republicans like Pearce and so forth, they were all getting max [campaign donations] from the business community and the Chamber and all them. And so her point was, the business community is now objecting to this, but they’ve created the environment in which a lot of these guys get elected. ... It wasn’t the overriding reason – it wasn’t like a little spite, “I’m gonna stick it to the business community.” It wasn’t that at all. But I remember that was one aspect of it ... [S]he said, “Look, this is the least harmful version. I’m willing to sign it and move forward on it.”

With Napolitano’s signature, HB 2779 became the highest-profile legislative action on immigration yet in Arizona, or on the state level anywhere in America. The governor issued an uncommon signing letter, enacting the bill into law while identifying what she regarded as flaws that she hoped the Legislature would address.

With my signature on this bill, Arizona has taken the most aggressive action in the country against employers who knowingly or intentionally hire undocumented workers. Unlike House Bill 2577 from last session, which I vetoed because it offered employer amnesty and indemnification, this bill imposes tough consequences on those who knowingly employ undocumented workers. ... Because of Congress’ failure to act, states like Arizona have no choice but to take strong action to discourage the further flow of illegal immigration through our borders. I renew my call to Congress to enact comprehensive immigration reform legislation. (Napolitano 2007b)

Despite the tenor of media coverage and claims by all who supported HB 2779 that its employer sanctions were “tough,” many more quietly regarded them as having been mellowed, and crucially so. As Jeanine L’Ecuyer, Napolitano’s communications director,

said in an interview regarding the governor's signature of the employer-sanctions bill, "Candidly, that was a political calculation. We need to pass an employer-sanctions bill for the public to appreciate that we've done something, but we also need to construct it in such a way that businesses have an option that makes it a little bit easier to comply. And that's exactly what we did."

For Pearce, employer sanctions amounted to his biggest legislative victory yet. The often unspoken feeling among some elites that the negotiation process had softened the proposal seemed to affect neither Pearce's perceived political power, nor his expressed feelings about the legislation. "I'm hoping employers will self-comply. That's the purpose of law," he said on television shortly after his bill was signed ("Employer Sanctions" 2007).

The employer-sanctions episode unearthed frustrations that policymakers in many different quarters felt toward a business lobby that, though universally recognised as powerful, many saw as incoherent on immigration issues. These perceptions of the business lobby would become increasingly significant from this point, as a wedge between it and some right-wing Republicans had been noticeably driven. As Burns recounted:

We didn't think the money that would be put in from the Chamber of Commerce or others was enough to argue against [an employer-sanctions ballot initiative] or defeat it. We couldn't trust that. ... [I]n fact they were one of our frustrations, because they went back and forth: "We want a bill; we don't want a bill; well, we want a bill this way, we don't want a bill this way."

Overall, Democrats succeeded at their objective of mounting tension within the Republican coalition. On face, they also were able to paint themselves as active on immigration and enforcement-friendly. However, their original success in forcing a stalemate had been only temporary, and their goal of motivating powerful interest groups to force a stop to the border hawks' legislative agenda had failed. Their bluff had been called, and the political results were mixed.

Brotherton reflected on an analysis of employer sanctions written by the conservative commentator and former legislator Greg Patterson. "He wrote a little thing called

‘Queen’s Gambit’ on it, where he actually said... that this was a political thing, and that Napolitano wasn’t forced into doing this, but that she had overplayed the hand. Which I, frankly, I thought she had.” Patterson writes:

Eventually, the pressure was too much for Republicans. In 2007, Republican leadership put a full-blown sanctions bill on the Governor’s desk. House Majority Leader Tom Boone explains why: “Boone said lawmakers feel compelled to act, especially after Napolitano vetoed a GOP immigration bill last year, lambasting it as providing ‘amnesty’ for employers... . The accusation, which Republicans argue was false, hurt some of their members in last fall’s elections and unfairly painted the Legislature as soft on immigration, he said.” ... I’ve asserted that the Democrats overplayed their hand and ended up supporting the toughest sanctions bill in the nation. That’s clearly the case for the Latino Caucus. ... But what about Napolitano? ... She didn’t lose this battle. ... This was classic triangulation; it was Bill Clinton on welfare reform.... She drove a wedge between Republicans and the business community, signed a bill that is widely supported but opposed by her base, teamed up with Russell Pearce on a controversial issue and managed to call for the bill and sign the bill without really having her fingerprints on the bill. ... Checkmate. (Patterson 2007)

Having championed employer sanctions in a piece of populist posturing and used its apparently huge popularity as a tool against their partisan opponents, the same issue, for the same reason, became ripe for counter-manoeuvring by border hawks, resulting in an offer that many felt they could not refuse.

Interviewer: The Democrats did come around partially on some stuff –

Russell Pearce: Like what?

I: Like employer sanctions, in the Legislature. How would you view that?

RP: [Laughs.] They had no choice.

### **Game over: 2008**

By 2008, immigration politics in Arizona was being waged on recognisable competitive battle lines, with routine head-butting on a variety of predictable issues between factions. At the same time, the frontiers of the issue continued to expand. Legislative border hawks moved on from each victory to emphasise further points in an ever-

unspooling agenda, and the salience of the issue attracted attention from public officials at all levels of government. The issue's dominance seemed to represent a challenge to the agenda-setting ability of those who were uneasy with its continually creeping security orientation. Haener recounted:

There are certain times – the economic crisis, the immigration issue – where it becomes so pervasive in everything – every media story, every discussion, every whatever – that you are doing your best to continue to have that vision, have that agenda, while you're trying to manage this ride that you're on over here. ... In this immigration issue, you had the Legislature talking about it, you had the governor talking about it, you had outside groups talking about it. You had, you know, congressmen talking about it. You had U.S. senators talking about it. You had sheriffs talking about it. So *everybody* was kind of piling onto it, which, again, just makes it bigger.

Meanwhile, preceding the 2008 financial crisis, by 2007, the Arizona housing market bubble was collapsing in particularly calamitous fashion (van Onselen 2011). The corresponding decline in household wealth, increase in foreclosures, and slowdown of the state's construction industry and growth-oriented economy meant that Arizona was entering an already pronounced recession (Reagor, Dempsey, and Konig 2011). In interviewees' eyes, this recast the political mood, sharpening anxiety about immigrants.

### *Local enforcement, the new battleground*

With employer sanctions and the National Guard having reached apparent settlements, immigration politics at this time began to focus anew on local-enforcement questions. Joe Arpaio, the Maricopa County sheriff, thrust local enforcement to particular prominence through his use of “crime suppression sweeps” conducted so that officers could hand over suspected unauthorised immigrants to federal custody.

Arpaio occupied a place of his own in Arizona public life. Self-appointed as “America's toughest sheriff,” since his first election in 1992 he had risen to an uncommon level of national celebrity for a local law enforcement official through “tough-on-crime” posturing and publicity stunts in the “performative act of the lawman and the careful construction of the modern day Wild West” (Lukinbeal and Sharp 2015, 1). Other political elites regarded Arpaio as replete with uncanny instincts for political

showmanship, while completely bereft of shame. Some of Arpaio's more notable policies to this point were the massive expansion of a "Tent City" jail used to house mostly pre-trial inmates, issuing male inmates pink underwear to combat the purported problem of it being stolen, and reintroducing chain gangs. By many measures Arizona's most popular elected official and a constant object of media attention, Arpaio had been a frequent target of civil liberties groups throughout his career. However, Arizona politicians had treaded around him very lightly, due to his popularity and his record of opening spurious investigations into political opponents (Sterling 2014). "[T]here were few local or state politicians willing to criticize him publicly" (Finnegan 2009). Critics claimed Napolitano, as U.S. attorney for Arizona in the 1990s, had soft-pedalled federal investigations into alleged violations in Arpaio's jails because of the sheriff's political clout, and therefore enjoyed an accommodating, if not particularly close, relationship with the sheriff (Bates 2014). Arpaio's appearance in a television election advertisement with Napolitano in 2002 was seen as significant in her narrow victory.

Up to this point, Arpaio had shown little interest in immigration issues. When the border-hawk campaigner Andrew Thomas was elected in 2004 as Maricopa County attorney – an office that works closely with the sheriff – he and Arpaio quickly clashed over the case of Patrick Haab, a man who had held at gunpoint seven suspected unauthorised immigrants whom he had encountered. As Arpaio had declared during that dispute, "Being illegal is not a serious crime" (Montini 2008). By late 2007, something had changed. As Jim Walsh, a Democrat who became Pinal County attorney in 2007, recounted, "All of a sudden they got on the same page, and Joe realized there's more to this stuff about illegals."

Though Napolitano had nixed many proposals to require them to do so, many law enforcement agencies in Arizona had chosen to enter into 287(g) agreements, which allowed local law enforcement to check the immigration status of people they encountered, in cooperation with federal authorities. Arpaio had engaged in immigration-related enforcement from the advent of the state's anti-smuggling law, but in 2007 his posturing on immigration began to rise to new levels. "By June 2007, Arpaio was fully engaged as a self-made anti-illegal immigration tempest" (Giblin 2008b). Arpaio began to make particularly aggressive use of his office's 287(g) powers; at one

point the Maricopa County Sheriff's Office (MCSO) had the most 287(g)-trained personnel in the United States (Magaña 2013). The MCSO undertook what it termed "crime suppression sweeps," usually conducted in neighbourhoods with large numbers of immigrants, where sheriff's deputies used pretexts to check the immigration status of people they encountered. By the spring of 2008, the sweeps were highly visible political events that drew the fury of Latino activists (Giblin 2008a), though they produced modest numbers of arrests, normally in the dozens. Arpaio showed no doubts about their propriety: "We will continue to perform our duties of locking up illegal aliens," he said (Giblin 2008a). Arpaio's tactics and his emergence as one of the most active players in Arizona immigration politics attracted him tremendous attention, including from national media (see Finnegan 2009). The sweeps earned Arpaio star status among right-wing activists who had not before considered him an ally on immigration issues, and a villainous reputation among many in the Hispanic community.

By 2008, elite positions on local enforcement fell into two main camps. Border hawks like Pearce and more latterly Arpaio championed local police using 287(g) agreements to conduct immigration enforcement in expansive and envelope-pushing ways. 287(g) powers were supposed to play a supplementary role both to federal enforcement efforts and to local policing duties, allowing local police to determine the immigration statuses of those whom they encountered while performing their usual policing roles, often when booking suspects into jail. This presumed supplementary character of 287(g) activities underlay how voluntary local use of 287(g) agreements had been an early alternative position to border hawks' desire to have basically all local police in Arizona involved in immigration enforcement. Sweeps like Arpaio's, done without evidence of serious crimes in the areas they targeted, were not allowed under 287(g) rules, but federal authorities in charge of the programme did not take measures against the sheriff (Gabrielson and Giblin 2008). Local police departments that declined to use 287(g) powers extensively out of community-policing concerns drew scorn from border hawks for creating alleged "sanctuary." Law enforcement leaders who opposed Arpaio's tactics became increasingly vocal throughout 2008, especially the police chief of Pearce's home city of Mesa, George Gascón (Hensley and Scarborough 2008; Stern 2008). On the other hand, the consensus around smuggling and "border crime" in Arizona meant that almost all political elites agreed with state and local law enforcement combatting these

problems, and usually agreed with using 287(g) powers to check the immigration statuses of those arrested for serious crimes.

Reflecting this consensus, Arizona state budgets had been dedicating growing amounts of funding to border- and smuggling-related enforcement. Though it had long existed within the Arizona Department of Public Safety as a state-led multi-agency task force, Napolitano and the Legislature had reinvigorated the Gang Intelligence Team Enforcement Mission, evocatively styled “GITTEM.” State budgets began to hugely increase the funding of this task force, which started to focus on anti-smuggling operations and had an extra “I,” for “immigration,” added to its name by statute in 2006. GITTEM had a \$4.3 million appropriation in the fiscal year 2004 budget, but by the FY 2008 budget, policymakers had made GITTEM into a \$31.8 million programme (Greene 2013, 40). These measures, meeting with the approval of border hawks, moderates, and liberals, reflected a point of bipartisan consensus in a local-enforcement debate that was becoming more salient and fractious.

Even with local-enforcement issues roiling, the 2008 legislative session saw substantial cooperation on state anti-smuggling efforts. By now, this was a comfortable political position for Democrats, and an area of significant interest for several Republican members of the Legislature. Napolitano addressed the topic extensively in her State of the State Address:

[L]et’s keep working to take away the tools of the smuggling trade. We went after fake IDs with the Fraudulent ID Task Force, and that’s working. We went after wire transfers of illegal profits, and that’s working. We went after stolen vehicles used to bring people into the country illegally, and – guess what? – that’s working, too. The next step is to target the drop houses located in family neighborhoods all over Arizona. (Napolitano 2008a)

A bill expanding who could be held legally accountable for smugglers’ use of these “drop houses” – properties where smugglers would often detain scores of migrants at a given time – was sponsored by Republicans Jonathan Paton and Adam Driggs (HB 2842), passed the Legislature unanimously, and was signed. A proposal by Republican Sen. Thayer Verschoor to stiffen penalties for smuggling activities committed by using deadly weapons also was signed after passing unanimously (HR 2486). The Legislature

also passed, and the governor signed, a bill with numerous clarifications to the previous year's employer-sanctions law (HB 2785).

Still, a broader confrontation over local enforcement of immigration law was brewing amid Arpaio's aggressive tactics and headline-grabbing. A bill sponsored by Republican Rep. John Nelson<sup>31</sup> (HB 2807) would have required local police agencies to implement a plan to deal with violations of immigration law, mandating that they form at least a working relationship with ICE but stopping short of requiring a 287(g) agreement. A contrast in language, at least, to earlier border-hawk bills that sought to mandate full-throttle use of 287(g), Nelson worked with the legislative Democrat Tom Prezelski, who called it a preferable alternative to mooted ballot measures (Billeaud 2008). The bill passed the House unanimously before encountering some opposition in the Senate. Belatedly, the alarm started to be raised among activist groups about what the measure would do. A number of Democrats who had initially voted for HB 2807 backtracked, publicly asking Napolitano to veto it (Small and Palmer 2008).

Napolitano acquiesced, calling the bill an "unnecessary, unfunded mandate to law enforcement" and noting that nothing in state law prohibited local law enforcement from making such arrangements with federal authorities (Napolitano 2008b). "What I saw and heard was basically a small group of zealots who were making a lot of noise, when in fact 70 percent of the state wants something like this," Nelson said after the veto (Small and Palmer 2008). Pearce, not a sponsor of the bill, brought forth a veto override motion, which predictably failed but twisted the dagger by forcing Democrats to backtrack in the legislative record. Assertive local-enforcement champions wasted little time declaring that the governor's veto necessitated a local-enforcement ballot question. Pearce argued this, Arpaio and Thomas accompanying him, in a May event at the state capitol (Palmer 2008). However, no referendum came.

### *Duelling agendas: Border hawks and temporary labour reformers*

In 2008, the legislative successes of border hawks noticeably declined. This might partially be attributed to rise of fiscal problems as the dominant issue at the state capitol,

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<sup>31</sup> No relation to Tim Nelson.

as the recession opened a chasm in state finances. The Republican leadership of the Senate, already more moderate than that of the House, had a clear tendency not to act on House border-hawk legislation. However, a number of border-hawk proposals died in the House, as well. Resurrecting the Napolitano-thwarted effort to apply trespassing law to unauthorised immigrants, Pearce proposed a referendum on the question (HCR 2039), but that bill was held awaiting a vote in the House. Rep. John Kavanagh's proposal to define day labourers on public streets as trespassing (HB 2412) passed in the House but failed in a Senate vote. A Pearce-sponsored proposal requiring proof of citizenship to be granted a marriage license (HB 2631) was not given a committee hearing, nor was a separate proposal (HB 2750) to exclude unauthorised immigrants from worker's compensation. A proposed referendum to require proof of citizenship or legal status to attend any public educational institution (HCR 2043) was also held in committee. A Pearce proposal to bar renting property to unauthorised immigrants (HB 2625) was voted out of multiple committees, but never received a House floor vote. A proposed referendum mirroring the vetoed local-enforcement bill (HCR 2064) was also held in the House.

While border-hawk measures were failing to rise to the top of the legislative agenda, lawmakers were considering what amounted to the only serious state-level legislative proposal of this period to clearly view immigration through something other than a security lens. This bill (HB 2791) sought to create a state guest-worker programme, the Arizona Temporary Workers Program, pending requisite federal permission that was unusual but not unprecedented. Aimed mainly at addressing alleged chronic labour shortages in Arizona agriculture, the programme would have enrolled only Mexican nationals who were sponsored by a valid Arizona employer. Initially brought forward by Konopnicki and Marsha Arzberger, a cattle rancher who was then the leader of the Senate Democrats, the bill enjoyed significant support among both parties (R. J. Hansen 2008). The public was also generally seen as supportive of expanding channels for temporary low-skill immigration. Meanwhile, state officials including Napolitano pressed for Arizona to be able to pilot changes proposed by the U.S. Department of Labor to the existing federal agricultural worker programme, H-2A, which businesses considered an unwieldy failure (R. J. Hansen and Beard 2008). Napolitano offered her notional support to HB 2791. By March, the adoption of such a programme seemed

likely, as business groups and Republican leadership in the House and Senate publicly got on board with the bills. “With the leadership sponsoring, I expect the bills to fast track through,” Arzberger said at the time (Bowers 2008).

Negotiations with Pearce and House Speaker Jim Weiers resulted in changes to the proposal and new bills (SB 1508, HB 2863), but Pearce still withheld his support (del Puerto 2008b). As the proposal was coming to floor consideration, Ron Gould, a Senate border-hawk ally of Pearce, announced his intention to propose amendments to require a certification that the border was secure for the programme to go into effect, and a prohibition on pregnant women taking part, out of concern that children born to them would be U.S. citizens (del Puerto 2008d). The amendments were explicitly hostile, aiming to slow consideration of and kill the bill. “I will not be a party to selling out the Arizona worker,” Gould was quoted as saying at the time. Having negotiated with Arzberger, Pearce pooh-poohed the proposal: “It’s business as usual” (del Puerto 2008c).

Some on the left were cool to guest-worker programmes, viewing them as close to exploitation, while others aimed to keep businesses as part of the constituency for comprehensive immigration reform, an effort that separately addressing one of their main concerns might harm. This made passage of the bill trickier (del Puerto 2008a), since it could not rely on monolithic Democratic support. With Gould’s amendments looming and budget considerations increasingly taking up the Senate calendar, Arzberger held the bill, stating she was unsure that the measure could pass with incomplete attendance on the Senate floor (del Puerto 2008e). Despite promises to bring forward the proposal later, the only serious state-level policymaking effort since 2004 to explicitly address an Arizona immigration issue through an economic lens died.

Despite anti-border-hawk forces’ failure on guest workers, in 2008, it appeared that Arpaio’s sweeps had become antagonising enough that otherwise hesitant opponents might emerge to sharply contest him. In March, following Arpaio’s provocative move to conduct a sweep in Phoenix without first notifying the Phoenix Police Department, Phil Gordon, the city’s Democratic mayor, denounced Arpaio at an event to remember the Hispanic labour leader Cesar Chavez.

[T]hese made-for-TV stunts of his are putting Phoenix and federal undercover officers, who are working that same area, at great risk. And his own volunteer posse faces serious risks from serious criminals. All in the name of broken taillights – on the cars of brown drivers.... I call upon everyone in this room – and especially the non-Hispanics in this room – to speak out. Make your voices heard. (Gordon 2008a)

The following week, Gordon wrote to the U.S. attorney general, requesting that Arpaio be investigated for civil-rights violations, saying the sweeps amounted to “a pattern and practice of conduct that includes discriminatory harassment, improper stops, searches, and arrests. I understand these are serious allegations” (Gordon 2008b). While Gordon continued to denounce Arpaio, and his moves earned immediate plaudits from many Latino leaders (Newton and Hensley 2008), he was not joined by a chorus of others (Giblin and Gabrielson 2008). Arpaio maintained legions of defenders and supporters even as he became more polarising. However, Gordon had tapped into a latent criticism that would-be detractors had noted about the showboating sheriff: “There are thousands of outstanding warrants in this county. How long are those going to stay piled up on his desk?” (Gordon 2008a)

It came as a surprise when, in May, Napolitano’s office announced it was shifting \$1.6 million in funding from the Maricopa County Sheriff’s Office to a new state task force dedicated to serving warrants to felony fugitives (Napolitano 2008c). Arpaio smelled a rat. “A felony-warrant task force . . . is a cover-up for taking away grant money, my money given to me by the Legislature, to fight illegal immigration” (Collom 2008). Despite the fact that the move was universally seen as having to do with Arpaio’s sweeps, Napolitano’s staff represented it as a bureaucratic resource-allocation decision made by the state Department of Public Safety (Nizza 2008). Arpaio continued with his sweeps, later appealing to the Republican-controlled county Board of Supervisors to restore the funding. They obliged (Wingett 2009).

### *Elections have consequences*

The established pattern of contestation over immigration politics in Arizona, in which many actors were seeking to employ the attributes of the issue’s politics to secure their own victories, might have been witnessing an additional emerging line of contestation

over Arpaio-style enforcement. However, with two major developments, elections in 2008 put this era of contestation to a quick end.

First, in state-level elections, battles within the Republican Party continued to broaden, to the disadvantage of alleged “RINOs.” In the Legislature, the centrist O’Halloran, who had been serving in the Senate, lost his Republican primary election to a more conservative challenger. As Hershberger recalled, developments in 2008 fulfilled a “real trend where moderates started losing. Jennifer [J. Burns] didn’t run again. ... And I ran [for the Senate] and lost.” Often with recourse to campaign funding under Clean Elections, Arizona’s system of public election financing, right-wing candidates were able to run relatively un beholden to GOP powerbrokers. A number of Republican legislators with moderate sympathies on some issues, including immigration, remained, but those who stood outwardly as moderates had been hunted virtually to extinction. Even with Republicans fielding more right-wing candidates, though, Democrats did not capitalise. With some of their earlier gains reversed, Democrats remained squarely in the minority in the Legislature after 2008.

Second, national politics was dominated in 2008 by the presidential election. Napolitano backed Barack Obama in the Democratic nomination contest at a time when the race seemed in the balance (Benson 2008). On the Republican side, the nomination was won by Arizona’s McCain. The election, fought against the backdrop of the worsening economy, barely featured immigration and the border, as the candidates held broadly similar positions in support of federal comprehensive immigration reform (Ludden 2008).

While McCain carried his home state in the November election, Obama’s victory rattled Arizona politics when Napolitano accepted Obama’s nomination to serve as secretary of the U.S. Department of Homeland Security. Obama’s choice of Napolitano related in no small part to what was broadly seen as her deft and successful navigation of politically difficult immigration issues (D. Goldstein 2008; Hsu 2008). Napolitano’s resignation as governor in January 2009 abruptly changed the distribution of political power in Arizona (Davenport 2009). Jan Brewer, a Republican with little previous track record on border and immigration issues, now sat in the Governor’s Office. Policy

decision-making over immigration issues had been shaped by several years of bipartisan security-politics competition. Now, Arizona immigration politics was entering a new period where the tensions, disputes, and factional politics of the newly hegemonic Republican Party would shape the direction of policy. The border hawks seemed to face their greatest window of opportunity yet.

### **Analysis: Ownership, competition, and the creep of security**

The emergent theme during this period was an effort by politicians of all stripes to use the seeming attributes of securitized immigration and border politics as tools to their advantage in a competitive contest. As discussed in Chapter Four, the attributes of immigration and border politics, as policymakers understood them, led to them rule out archetypal “normal” competition over the issue, where they would seek to win a debate by advocating their most naturally preferred position – a mode of contestation that by 2005 seemed to opponents of the border hawks to be failing. Instead, policymakers’ understanding of the distinct politics of immigration, emerging from this perceived failure, led to a form of opposition premised on ostensible partial agreement. Tactically, this strategy relied not just on argumentation about which policy path toward addressing the security problem was better, but also on one-upmanship, wedge-driving, turnabout, and arm-twisting. This mode of competition had the effect of continually opening opportunities for the securitization of immigration, which consumed new facets of policy beyond what most policymakers preferred. Previously beyond-the-pale policies increasingly were considered and, indeed, institutionally chosen.

How did this work? Chapter Four explored many of the particular attributes that policymakers had begun to believe immigration possessed, particularly as a security issue. Events between 2006 and 2008 further show the ways in which these perceived attributes affected strategies of political competition. An anxiety underlying public attitudes about the issue seemed to impart a highly generalised sense of responsibility to act among Arizona policymakers. Arizona politicians of all sorts frequently criticised Washington, which was a useful foil (see Arrighi de Casanova 2014). Still, to opponents of the border hawks, the security nature of the purported problem made it incumbent

upon them in a way that could not be successfully avoided. Terry Goddard, the Democratic state attorney general during this time, explained in an interview for this project the argumentative implications of accepting the premise that immigration was a security issue:

[That] plays into Russell [Pearce]'s hands, who says, "Well, if the feds are missing and they aren't protecting the border and they aren't seriously engaged in reforming the immigration system, then we in the state have to take action." And frankly I see why that's such a powerful statement, because the feds *had* failed! The system *was* a mess. The problem *was* a broken border. So now, as somebody who thinks there are other, better, more humane and economically viable solutions, you start in a hole.

A security understanding of the issue had been accepted in large part because alternative conceptions were seen as likely to be painted as evasive, or would be too complex to succeed politically. Following from this, the effort to work out of this "hole" was characterised by attempts to seize "ownership" over immigration *as* a security issue.

The immigration politicking of Democrats, and specifically of Napolitano – whom aides describe explicitly as endeavouring to "own" the issue above the border hawks – aimed to re-centre the debate on preferable, though still securitized, ground. "Ownership" as an approach to immigration has often been discussed in the literature on party competition over the issue. Much of this discussion works from the premise that mainstream parties in Western democracies have converged in their issue positions, and "ownership" discourses, based upon competence instead of policy trajectory, allow parties to compete over issues where there is not a substantial difference in policy vision (Green and Hobolt 2008). This might have seemed to occur in Arizona, but is belied by the extent to which major differences in policy preferences on immigration persisted across the political spectrum, even if policymakers believed that the politics of the issue pushed them toward voicing a dominant problem conception. Instead, "ownership" of immigration appealed in part because policymakers read it as offering an opportunity, albeit limited, to pursue such an alternative policy direction.

A second reading of "ownership" discourses in immigration focuses on intraparty politics. Here, ownership claims, emphasising competence rather than a specific policy

vision, can provide parties with a way of campaigning on immigration without exacerbating existing internal divisions about it (Odmalm 2014; Odmalm and Super 2014). The interesting thing in Arizona is the extent to which this did not happen. Democrats initially pursued their employer-sanctions strategy specifically to turn different wings of the Republican Party against each other, imagining that amid the resulting intolerable tension, Republican Party elites would respond by intervening in favour of the kind of neutered immigration positioning the ownership literature describes. However, Republican elites found themselves unable to do this. American political parties are already much more decentralised and organisationally weaker than most of their European counterparts, and in Arizona, establishment control encountered a particular set of further difficult circumstances. The GOP contained an increasingly recalcitrant right wing, with a substantial representation in the party grassroots, which much more wanted an ideologically pure party than a heterogeneous, unified one. To this end, they waged an intensifying “RINO” hunt. The border hawks’ credible threat to use mechanisms of direct democracy on employer sanctions – by which they might entirely subvert opposition within their legislative party – turned the tables on other elites and made negotiation seem preferable. Still, the negotiated nature of the employer-sanctions compromise represented that the non-border-hawks within the Republican Party continued to hold some sway.

The particular “ownership” strategy that Democrats, business-oriented Republicans, and Napolitano attempted over the securitized immigration issue greatly resembles the concept as modelled by Holian (2004). Here, “ownership” is employed as a competitive strategy seeking to neutralise – or perhaps even capture – an issue where the other side appears to have some entrenched advantage. Regarding immigration in Arizona, the border hawks’ entrenched advantage was that their security conceptualisation of the problem appeared unable to be effectively rebutted: the public was seen as anxious and restive, and opponents did not think they could convincingly articulate an alternative approach, given the perceived limitations of the public and the media. An ownership attempt thus comprises two moves. The first is to try to gain credibility in line with the dominant issue conceptualisation. Here, “security” is flamboyantly chosen. Chapter Four distinguished Napolitano’s August 2005 declaration of emergency as a momentous instance of this move, but other cases abound, including Democrats’ enthusiastic

positioning of themselves as champions of tough employer sanctions. The second move is a pivot, where one adds a new framing or understanding of the issue that one aims to partially reorient the politics of the issue around. The layer added with the pivot is what gives voters a reason to support the pivoting politician above the issue's original owner. This ownership manoeuvre is thus a strategy of "yes, but" (Holian 2004, 101).

In Arizona, this pivot was reflected in efforts by Napolitano, Democrats, and more moderate Republicans to argue for comprehensive immigration reform, or to articulate that securing the border was a matter of going after smuggling networks or unscrupulous employers (with the often unspoken corollary that it was not about going after individual labour migrants). While this pivot aimed to shift the conversation to more preferable ground, the initial move in the strategy, to gain credibility, was also seen as a weapon against opponents' excesses, giving Napolitano the political capital to veto some border-hawk bills. The perceived promise of "owning" the issue was to exact a discursive turn leading policy in a better and reasonable – if, admittedly, not completely ideal – direction. Dennis Burke, Napolitano's chief of staff for policy, described it this way:

If you look at Napolitano, she said that border security's key, the federal government's fucked up, they're dysfunctional, here's what we're gonna do. Then look at what she proposed, as opposed to Pearce, which was driven by racism and fearmongering and bad, bad economics. And Napolitano's was: I'll take your premise of there's a problem and we need to fix it and we have a role, but here's our role. ... [Voters] lacked someone like a Napolitano who can say, "Here's a rational way – I'm not gonna say you don't have a right to be afraid. I'm not gonna question the fact that you have a right to be concerned that things aren't getting done. But here's the solution."

The perceived promise of this ownership manoeuvre was thus to divert the political momentum behind the securitized problem conception to better areas like "border crime," while pointing also to solutions beyond security. However, a tension develops between the two parts of the move, the "yes" and the "but." Napolitano was seen as quickly establishing credibility by emphatically choosing security as a policy approach. However, the task of establishing this credibility, when pitted against energetic opponents with a long wish list of securitized policies, had no self-apparent endpoint. This was so because of the crucial limitation of this "ownership" strategy against an

archetypal “normal” political strategy where each side attempts to win a victory based on their naturally preferred position: that is, even if the ownership strategy succeeds, the turn it executes regarding the issue is only partial. Thus, the liability with this move is that the “yes” devours the “but.” When it came to immigration and border security, all sides – except, notably, for the border hawks – at times felt boxed in to awkward positions by their ostensible acceptance of the issue’s security nature, and by the heavy sense of responsibility that followed from the issue and that raised policymaker concerns about appearing to shirk it. Thus, Democrats tried to box in moderate and business-friendly Republicans with employer sanctions; border hawks boxed in both of those groups with the same issue; Republicans sought to box in Napolitano with the National Guard, which she then boxed them in on, *etc.* Every one of these moves represented an advance of securitization in state policy beyond where it had been before. Even as non-border-hawk figures added their “buts” – including stressing a need to focus on economic aspects of the issue – the security-heavy discussion provided little purchase for something even as apparently widely supported as the Arizona Temporary Workers Program. Securitization marched along.

In this way, because of the constant credibility-proving perceived to be a crucial condition for success, this security-politics competition creates continual opportunities for the more hawkish side to advance security further than more moderate figures would prefer – even *after* those moderates seem to some degree to have successfully captured ownership of the issue. While that strategy preserves some potential for acting on other aspects of the issue, in this case, at least, that potential was much less manifest than the potential for further security action. Whether or not this halting creep of security is preferable to an unrealised, even more hawkish counterfactual becomes a main question. With the political rationalities of hawks and moderates interlocked in this way, securitization creeps along despite contestation, acquiring its apparently inexorable quality – one that has often been attributed to security’s alleged exceptionalism.

It is essential to recall, however, that exacting preferred immigration or border policy is rarely, if ever, a politician’s only goal. Rather, politicians most often keep in mind both policy goals across whichever fields compel them, as well as the maintenance of sufficient political power to possibly exact such goals in the future (D. Stone 1997, 2). If

this ownership manoeuvre seems to be mixed at accomplishing the former, in the Arizona case, at least, to its users it seemed to prove much better at accomplishing the latter. The two-step on immigration, even if it meant creeping securitization beyond what was preferred, was understood as a way to ensure the issue did not endanger holding onto power. Indeed, this latter consideration was arguably the paramount one in Arizona, where, except for border hawks, few had started out seeing immigration as a matter of primary policy concern. As Nelson put it regarding Napolitano:

If she were to get labeled as being totally pro-immigrant and not responsive to this sense that immigration was creating real problems in Arizona, it would have significantly compromised her ability to pursue agenda items that were important to her, like education. I'm not sure she would have ever gotten all-day kindergarten. I'm not sure she could ever have done the types of things that she did.

It was apparent to the Copenhagen School that politicians might try to securitize an issue simply in order to bolster that issue's prominence (Wæver 1995). What seems to have happened in Arizona, however, is that, for many actors, security was chosen as an approach to immigration in order to promote or protect the possibility of preferred action related to entirely separate items on the agenda. Such a political use of securitization is relatively self-apparent from this case, but is largely invisible unless security is conceived as being deeply contextualised within – and, indeed, deeply a part of – the web of normal political competition.

## **Conclusion**

This period of competitive interparty border-security politics in Arizona from 2006 to 2008 underscores the extent to which interacting political rationalities produced the systemic effect of the continual securitization of immigration. The apparent realities of the issue, which policymakers had accepted by 2005, shaped a competition that was based on the ostensible agreement that a security problem existed at the border. However, a number of political episodes during this time – disputes over the National Guard and local enforcement, and especially employer sanctions – underlined how, despite this agreement, manoeuvring on the issue retained a deeply competitive

character. Despite considerable success in “capturing” the issue, moderates were continually boxed into giving ground toward the further securitization of immigration in Arizona, with new facets of policy continually pulled into the border-hawk orbit.

Interparty competition proceeded across this time upon relatively recognisable battle lines, though ones that shifted as those who stood against the border hawks were cornered into negotiated settlements, while the border hawks continued to debut new elements of their agenda. At the same time, during this period, intraparty competition within the Republican Party was escalating, as Republican immigration moderates saw themselves put into increasingly difficult political positions. With a sudden shift in the distribution of political power, however, the battle lines demarcated by the era of divided government were washed away with the Republican Party’s rise to dominance over state policymaking. The GOP’s intraparty disputes were poised to become the issue’s new battle lines, while Arizona’s immigration politics moved toward a climactic moment.



## *Chapter Six*

### *The toughest measure: 2009-2010*

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The advent of one-party Republican control over state policymaking seemed to present Arizona's border hawks with major opportunities. Their main adversary was gone from office, while right-wing activists had so vigorously contested Republican centrists that by 2009 almost no Republican elected officials stood outwardly as moderates. However, the terrain was not completely clear. As Chapter Five suggested, many Republicans who remained were more quietly cool on the border-hawk push. Harboring business-sensitive doubts about the immigration agenda, this group now constituted a critical bloc whose decisions about how to navigate the issue were primed to be pivotal. Furthermore, a new governor, Jan Brewer, now held the state's highest office, and her positions on immigration could not easily be predicted. Brewer had little track record on the border, and besides, she had a major preoccupation: the deepening Great Recession and the resulting collapse of the State of Arizona's finances.

This chapter charts how this potential opposition ultimately was moved toward the even fuller embrace of security as the state's approach toward immigration, despite significant qualms and major controversy. In this sense, this chapter further illuminates the political rationalities that enabled what, by 2010, seemed to be a continually escalating securitization trend. This progression culminated in Senate Bill 1070, a proposal by the border hawk Russell Pearce that mandated unprecedented involvement by local police in the enforcement of federal immigration laws. SB 1070 electrified Arizona politics. A lightning rod for criticism and a topic of nationwide controversy, the feverish atmosphere surrounding SB 1070 seemed to immediately reshape Arizona's political landscape. By the end of 2010, efforts to securitize migration and the border in Arizona appeared to reach an apogee. Support for border-hawk initiatives was emerging as new Republican orthodoxy, and Pearce had accrued more formal power than ever before. It seemed that Arizona's most controversial immigration measure to date would be merely its first.

## **No sanctuary**

Arizona's new Republican governor, Jan Brewer, took office in January 2009 without a lengthy record on border and immigration issues, and facing a looming problem: already dire state budget shortfalls (Sunnucks 2008) that the financial crisis had even further deepened. Brewer's inaugural address conveyed an overpowering sense of the fiscal problem. "At a government's new hour we normally find ourselves uplifted by possibility. But today, we find ourselves weighed down with obligation – overdue obligation" (Brewer 2009). Brewer devoted the theme of her inaugural address to freedom:

In every way we can, we must make our people free. Free to work and earn a living, to build a business, to build a life. Free to find and speak the truth about their government, and those who would lead it. Free from crime and violence and lawlessness of all kinds. (Brewer 2009)

With that skirting reference Brewer's entire discussion of law enforcement or security in her first address as governor, attention turned to the budget. Despite dismal fiscal talk, there was a sense of possibility among Republicans, in that they again held complete initiative in shaping state policy. Some hopefully observed that one-party control "may reduce gridlock and aid state officials in navigating a bleak budget" (Benson 2009a). Democrats saw their power evaporate in this new arrangement. As Phil Lopes, a Democratic legislator, reflected, "If you're in the minority, you don't have any power at all. None." As the former Democratic legislator Bill Brotherton put it, without the House, Senate, or governorship, "you're mostly just throwing rocks."

Among legislative Republicans, an intraparty coup in late 2008 had made Kirk Adams, who had often worked behind the scenes with immigration moderates, the speaker of the House (Pitzl and Benson 2008). Despite all of these developments, there was no impression that border and immigration politics had disappeared from the political scene, either as a concern for voters or as an awkward issue for the Republican coalition. Chuck Coughlin, a Republican consultant and close adviser to Brewer whose firm was one of few organisations consistently conducting polls in Arizona, reflected that by the time Brewer took office, the issue was "full-blown:"

We ask people what the number-one issue is, and we do a series of prompts. They all stay the same over time. Immigration and border security is always one of them, since the beginning of the 2000s. And you can watch the thing just sort of spike, go to the number-one issue. You know, it dies down and education and state budget issues will come back up ... but it's always, in Arizona, and continues to be to this day, the number-one issue with the electorate. And *vast* majorities of the electorate.

As had been clear for years, the salience of immigration – and the apparent public popularity of border and immigration enforcement provisions championed by figures like Russell Pearce – presented a dilemma to less enforcement-inclined Republicans. Coughlin recalled a Republican office seeker whom he was advising around this time:

His instinct was, “You know, this is stupid. This is really dumb.” And he was not inclined to the enforcement-first approach, or [enforcement]-only approach, I should say. Which I got. But we did a poll and one of the questions was... if you get pulled over for a broken taillight and you do not have proof of citizenship, should you be ticketed? And, you know, we went through a series of responses, one of which was “deported.” Sixty-five percent, “send ‘em home.” For a broken taillight. I showed him that. I go, “This is how people look at this out here, man. This is how frustrated this part of the electorate is.” ... And I said, you know, “You have to handle this differently.”

While the immigration drumbeat continued, state-level political elites were in 2009 devoting their primary attention to the budget. “Budget, budget, budget,” is how Joe Kanefield, a long-time Brewer aide whom she had appointed general counsel in the Governor’s Office, described the year 2009. “It occupied 99 percent of our time.”

Tax revenues were down, people were unemployed, I mean, the stock market – everything. It was just a very bad situation. So we spent the first few months of the administration trying to work with the Legislature to put in place a workable budget, and at some point we realized the only way to do it – because in Arizona you can’t go into a deficit, the Constitution doesn’t allow it – the only way to fix the problem without dramatic cuts in public safety, education, health care, was to raise the [sales] tax. So Governor Brewer – as a fiscal conservative for three decades, a staunch fiscal conservative – had to go out and advocate for a temporary one-cent [per dollar] sales tax increase to get us through the recession. And that was bitter. A bitterly fought battle to get that question presented to the voters.<sup>32</sup>

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<sup>32</sup> Tax increases under the Arizona Constitution require legislative supermajorities. Knowing that this was likely unattainable due to Republican legislators who would oppose any tax increase, the political strategy to attain a temporary sales tax increase instead focused on having the Legislature agree to refer the measure to voters.

This stance exposed a division between Brewer and farther-right portions of her own party – in the Legislature and among activists and primary voters – to whom raising taxes was anathema. Simultaneously, the emergent Tea Party movement was beginning to exert increasing popular pressure upon purported exponents of “big government.” Despite hopes for harmony in a one-party state lawmaking process, relations between the Governor’s Office and the Legislature quickly became, in Kanefield’s words, “very bad.” At the same time, the veto pen’s change of hands from Napolitano to Brewer held unclear but potentially serious ramifications for the political strategies of relative Republican moderates on all sorts of issues. During Napolitano’s tenure, squeamish Republicans frequently voted for legislation they privately regarded as too right-wing if they were confident that Napolitano would veto the measure. It was unclear to what extent Brewer, subject to similar intraparty pressures as the legislators, would provide the same cover.

Though the ongoing fiscal dispute eclipsed the border as the Legislature’s major issue, border issues still continued to swirl. By early 2009, Mexico’s campaign against drug cartels had resulted in a wave of violence in Mexican border areas that began to cause concern in the United States (Archibold 2009). The claim that, because of drug cartel operations, Phoenix ranked second in the world in kidnappings became ubiquitous in the media (e.g. “Kidnapping Capital of the U.S.A.” 2009), despite being highly questionable empirically and later debunked (O’Rourke 2010; Biscobing and LaMet 2013). Nonetheless, while unauthorised border-crossing dipped to long-time lows as the recession reduced demand for workers, “spillover violence” emerged as a new facet of border-security concern. These new “spillover violence” fears prompted a mixed response, by now familiar in its outlines, from the border hawks’ usual opponents. At a Congressional field hearing in Phoenix about border-related violence, Phil Gordon, the Phoenix mayor who had become the most outspoken local foe of the border hawk Sheriff Joe Arpaio, said in his testimony:

There can be no doubt that a crisis exists at our border with Mexico. . . . Phoenix finds itself at the center of this Perfect Storm – a storm that is growing increasingly violent, threatening and resource-consuming. . . . I would point out that the extreme violence we are seeing on the Mexico side of our border – including beheadings – has not yet spilled over to the American side. (Gordon 2009)

This was a less crystalline interpretation of the situation than the one offered by border hawks such as Pearce, who wrote when arguing for his major immigration bill that year (HB 2280):

Phoenix runs second in the world in kidnappings and third in the United States for violence. Arizona has become the home-invasion, carjacking, identity-theft capital of the nation. These are not statistics Arizona should be famous for. Enough is enough. The laws must be enforced. (Pearce 2009a)

Pearce and his allies in 2009 reintroduced many measures that had failed during Napolitano's governorship, as well as some newer proposals. However, these proposals were clearly sidelined amid a particularly contentious budget negotiation, with most of the bills introduced only late in the session and with few seeing floor votes. Rep. John Kavanagh's early-session bills relating to the 14<sup>th</sup> Amendment and birthright citizenship<sup>33</sup> (HB 2561, HB 2562) were held before they reached the floor of the House. Pearce, who had newly taken a seat in the Senate, saw most of his legislation similarly wither. A bill to require schools to gather data on the number of unauthorised immigrant children they enrolled (SB 1172) was held in committee, as was a bill to make it a misdemeanour for unauthorised immigrants to solicit work (SB 1177). Two bills and a referendum proposal to apply state trespassing law to unauthorised immigrants were all held in committees (SB 1159, SB 1162, SCR 1010), along with a bill to exclude unauthorised immigrants from worker's compensation (SB 1334). A bill sponsored by Rep. Tom Boone to prohibit municipalities from adopting ordinances that inhibited local immigration enforcement (HB 2331), which required police to ask about immigration status but which made many exceptions (Fischer 2009), passed a party-line floor vote in the House in June but was not supported by Pearce (Pearce 2009b), was held in the Senate, and was eventually withdrawn by Boone. A different bill to define day labourers as trespassers (HB 2533) passed a party-line floor vote in the House in June, but was held in the Senate before a floor vote. A bill to create a new felony for concealing aliens was held in the House after passing the Senate (SB 1280).

The most contentious immigration episode of the year occurred in the final moments of the regular legislative session on 1 July. That was the first day of the new fiscal year, and

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<sup>33</sup> See further discussion in Chapter 7.

thus the deadline to pass a new budget without a state government shutdown, as well as the date that the Legislature would adjourn its regular session, to soon be called into special session to address further revenue shortfalls. Though eclipsed in the media at the time by budget-related deadlines, the death of HB 2280 at the twilight of that year's regular session illustrated and accelerated Republican intraparty dynamics that favoured hawkish immigration politics.

For border hawks, 2009 had seemed almost completely unproductive. SB 1175, proposed by Pearce and his Senate ally Jack Harper, sought to prohibit any local law enforcement agency from adopting policies to inhibit their enforcement of immigration law, requiring officers or officials to attempt to check the immigration status of anyone of whom they were suspicious; it also created a trespassing offense (J. Almond 2009). This bill passed the Senate in a 16-12 vote on 15 June, with only Carolyn Allen, perhaps legislative Republicans' last remaining centrist, straying from the party line. However, it was not granted a hearing in the House Judiciary Committee, chaired by Adam Driggs, an immigration lawyer who often sided with Republicans favouring a more moderate immigration approach, and was later the subject of a "strike-everything amendment" completely changing the bill's subject. Pearce, who chaired the Senate Appropriations committee, moved to resuscitate the measure in his committee through a strike-everything amendment to HB 2280. The reintroduced measure drew the attention of activist groups, and hearings about the bill were unusually contentious: Pearce ejected opposing clergy from a hearing, and the committee's Democrats walked out in protest (del Puerto 2009a). After the committee sent the bill to the Senate floor, it passed with the same 16 votes as earlier, and was sent to the House for concurrence in the early morning hours of 1 July.

The House, which was just concluding its budget business and was putting the finishing touches on a contentious session that would end at 7:30 that morning, received HB 2280 without much enthusiasm. Many Democrats had left the chamber, and few members had an appetite for the quick consideration of a substantial immigration measure. Some Republicans who were normally cool to border-hawk efforts perceived, somewhat strategically, that they could also leave. Rich Crandall, a House Republican with largely traditional business-oriented views who represented a district in Mesa,

described HB 2280 and his departure from the chamber alongside noted Pearce foe Bill Konopnicki:

It is everything and the kitchen sink. It's so unconstitutional it isn't funny. ... I drove Bill Konopnicki to the airport, or he drove me to the airport, at like one in the morning, when the vote was being taken. So we weren't there. But it's the same thing as a no vote. ... It was late, it had been cantankerous, everybody was mad at each other.

HB 2280 failed on a 26-15 vote, falling short of the 31 votes needed to pass. Nineteen members were absent. Three Republicans in the House – Russ Jones, John McComish, and Andy Tobin – were present and voted “no,” but six Republicans had left the floor before the vote was held: Doug Quelland, in addition to Crandall and Konopnicki, Driggs, Lucy Mason, and Nancy Barto – the latter five of whom had often participated in the informal Republican group, mentioned in previous chapters, that aimed to slow or defeat border-hawk legislation. Offering his views after the vote, Pearce saw no difference between the “no”-voters and the absentees.

Though absenteeism likely was a factor in the bill's defeat, Pearce said he wasn't surprised that the measure failed in the House. “Some people support law breakers over law keepers,” he said. “How many more officers are we going to have killed?” He said he would keep trying to get the bill to become law and might gather signatures to take it to the ballot. (Billeaud 2009)

In a special session immediately following, the Legislature passed several bills sponsored by then-Sen. Jonathan Paton related to smuggling and sex trafficking (SB 1281, SB 1282), in addition to a measure sponsored by Paton, Driggs, and Mason to create a new felony for human smuggling involving the use of a deadly weapon (HB 2569). The Legislature also passed a proposal by Rep. Michele Reagan to clarify who had to present proof of citizenship to obtain a business license, in line with the 2007 employer-sanctions bill (HB 2306). Consistent with what were by then long-standing consensus over this type of legislation, these bills passed with few votes against them and were signed by the governor. To border hawks, however, these efforts were quite apart from the truly important agenda.

By 2009, Republican lawmakers clearly saw resisting border-hawk proposals as an act of sticking one's neck out politically. Outwardly moderate Republicans were nearly extinct, routed by more conservative primary challengers, and anti-immigration politics was becoming increasingly intertwined with the rapid emergence of the right-wing populist Tea Party movement. What followed in the aftermath of the HB 2280 vote was the type of political reaction that Republican policymakers had begun to fear, should they stand in the way. This reaction emerged partially from the right-wing grassroots but was also encouraged by elite policymakers such as Pearce, who sent supporters emails urging them to contact the six Republican absentees (Duda 2010). This was part of a concerted campaign to communicate potential consequences to squeamish co-partisans. The response was particularly sharp in conservative activist groups online. "They called us the 'Sanctuary Six,'" Crandall recalled. One milder example, for instance, said:

Rep. Nancy Barto was one of six legislators (aka the '**Sanctuary Six**') who walked out during the vote on HB2280, a bill to ban sanctuary cities, resulting in its defeat. ... Barto ran on a platform sounding tough on illegal immigration. Turns out her fellow five walkers also have made statements in the past indicating they would be tough on illegal immigration. They can't have it both ways, if you're going to represent to your constituents that you will vote for laws cracking down on illegal immigration, you can't sneak out your responsibility as a legislator to vote, which essentially amounts to a "no" vote defeating the bill. (Shofir 2009, emphasis in original)

In an email the week after the vote, entitled "Blast Arizona State Reps. That Helped Derail Anti-Sanctuary Bill," a national anti-immigration organisation included office phone numbers and talking points such as, "I can't believe you voted no/didn't vote on HB 2280, Sen. Pearce's antisanctuary bill. How dare you! You were elected to help Americans, not illegal aliens. ... How many citizens, including officers of the law, have to die or be maimed before you will stand up and fight back?" (Esser 2009). Right-wing communications such as that email and others (*e.g.* "Your Legislators Hard at Work, Taking a Dive – We Name Names" 2009) targeted hesitant Republicans, while Democrats who had also helped to kill the legislation were merely a footnote. Right-wing organisations that had for years been targeting "RINOs" now turned their sights to those who had only passively failed to show full support for these bills.

To the Republican officeholders caught within it, the storm seemed to rage on all sides.

Crandall recalled:

That was the beginning of the end, kind of. Started with the [Republican] district meeting. All normal people stopped going to the district meeting. Your people who you could have genuine conversation and debate with stopped going to your local district meeting, and the only ones who went were the far, far right. ... I bet I went one more time after that. ... They [right-wing grassroots Republican activists] started looking for someone to run against me at that point. And so they recruited a guy.... Literally, the backlash is they go and find someone to run against me.

The defeat of HB 2280 prompted what was, both in Pearce's account and others', a more specific, concerted, and organised push than in the past to build support for the next year's major immigration-enforcement proposal and to clear opposition out of the way (Duda 2010). Potential consequences for opposing the border hawks were certainly presented by organised opposition such as right-wing primary opponents. Beyond this, the vituperative tone of right-wing forums on the Internet also helped to put the possible repercussions at the front of would-be opponents' minds. The effect was simultaneously alienating and chastising: these efforts made the more moderate officeholders feel distant from the party's activists while clearly communicating the potential consequences of not going along with the wishes of this hostile group. While that portion of the Republican Party made its unhappiness known, many of these policymakers felt frustrated with a perceived portion of the Republican electorate who favoured more moderate policies, but who were more apathetic generally and unlikely to get involved in this issue in particular. Crandall described how he read his larger political environment:

Everybody in the anonymity of the Internet is just going off. Going off on Rich Crandall, the Sanctuary Six, any of us who have an opinion that's contrary to theirs. We're just getting trashed daily to where, you know, you don't read the blogs. ... But 99 percent of people that favor my position won't speak up and say a word. ... They have kids, they have jobs, they have lives, and politics means nothing to them. Whoever wins, they couldn't care less. They'll vote. They all vote. And I can tell they all vote because I won. ... It was very frustrating because they would not go to a district meeting.

While the Legislature continued in 2009 to meet in intermittent special sessions to plug widening holes in the budget, Pearce continued to spotlight the local-enforcement issue as one that he was priming for 2010. One press account from October 2009 summarised Pearce's push:

His capstone proposal would end what illegal immigration opponents call "sanctuary city" policies, where local governments or law enforcement agencies have policies that prevent workers and police officers from questioning someone's immigration status. ... Although the state is facing a \$1.5 billion budget deficit this fiscal year, as well as forecasts for deficits greater than \$2 billion in future years, Pearce said illegal immigration should still be a priority for lawmakers. ... Pearce said he was initially hoping for a special legislative session [in 2009] to address the immigration issues, but backed off of that after speaking with Gov. Jan Brewer's office. (Small 2009b)

At the same time, as before, Pearce referred to the threat of a ballot initiative. "I'd rather get it done in the Legislature, but I'll go to the ballot with it if I have to," he said at the time. "And if it gets there, it'll pass by 75 or 80 percent" (Small 2009a). All the while, the state budget continued to plunge into deeper and deeper revenue shortfalls. Brewer continued to press the case for a sales-tax increase, which the Legislature that summer had narrowly refused to refer to the ballot. "We are in desperate need of revenue. ... Even with that revenue, we are going to have to do more major cuts," Brewer said at the time (Benson 2009b).

## **SB 1070**

At the dawn of 2010, the consensus among Arizona political observers was that the budget would continue to be the dominant legislative issue, with immigration also making an appearance as Pearce continued his push against "sanctuary cities." Entering the gubernatorial election year, Brewer's fate was a matter of open speculation. Her popularity in general was lagging in polls, weighed down by unending bad budget news. Many Republicans were not only cool on her tax-hike proposal, but were also sceptical of her general political acumen. Brewer losing the late-summer Republican primary seemed a real possibility amid the ongoing Tea Party tempest (del Puerto 2009b). Polls showed her with negative approval ratings among Republicans and vulnerable to a

primary challenge, while the presumed Democratic nominee, the state attorney general, Terry Goddard, ran even with or slightly above her (Rasmussen Reports 2010).

Coughlin recalled how Republicans at this time regarded Brewer: “The CEO crowd had dismissed her. The national RGA [Republican Governors’ Association] had dismissed her. She was not gonna be re-elected. I guaranteed people we would win. It was gonna be a hard fight on the fiscal issues.”

Brewer’s State of the State Address in January focused intently on those issues. While highlighting her plan to refer to voters a temporary increase in the state sales tax, she also attempted to cover her right flank.

[T]he depth of the problem is so severe that we cannot solve it through cuts alone. ... In the short run we must raise some additional revenue. ... I understand that some in this Chamber, and some who hope to try their own hand at this job, differ with [these] steps. That’s fine. But I have a straightforward message for you. If you have a better plan, produce it. ... [T]here is no one here, and no one elsewhere, who has fought any longer or harder than I have for lower taxes, job growth and economic freedom in Arizona. So, spare us the profiles in courage; it’s time for a little less profile and a little more courage. (Brewer 2010a)

Immigration briefly registered, with Brewer saying she would “work with the Legislature to enact common-sense reforms to deter illegal immigration in our state” (Brewer 2010a). The border, though, was clearly a sideshow to the main legislative event of balancing the budget.

While contentious, budget discussions moved much more quickly than in 2009. The Legislature passed the referral for the sales-tax increase in February, scheduling a special election for 18 May, while passing spending bills by mid-March that included major cuts to public programmes as well as even deeper planned cuts should the ballot measure fail (Pitzl 2010). Relieved to have at last won in the Legislature on the revenue issue, Brewer’s aides pivoted to the ballot measure and to shoring up the governor’s re-election candidacy. Coughlin recalls:

It was *enormous* heavy lifting going on. And at this point in time, at the beginning, she had five Republican [re-election] opponents who were all pillorying her for being a tax-and-spend liberal and a big-spending Republican governor. ... [O]ur

focus was 100 percent on the budget, delivering a fiscal package so we could demonstrate that we were governing, and that we could govern as a party. We talked about that *ad infinitum*. I mean, it was our mantra.

With the Legislature's most pressing budget work done in mid-March, the legislative agenda cleared for other items. A Pearce bill relating to a pilot project for seismic sensors to detect aircraft landings by drug cartels (SB 1027) and a Paton-sponsored bill to expand the number of sex-trafficking violations defined as felonies (SB 1059) were passed and signed. An opening also emerged for action on Pearce's major immigration bill, SB 1070.<sup>34</sup> Originally introduced in January and later amended significantly in committee in late March, it contained echoes of many previous proposals and was represented as an "immigration omnibus" bill. In part, it reiterated earlier "sanctuary city" proposals, prohibiting municipalities from adopting policies inhibiting local enforcement of immigration laws. It also created new laws against day labour practices, making it unlawful for unauthorised immigrants to solicit work or for people to impede traffic by hiring day labourers, and introduced new provisions against aiding or harbouring unauthorised immigrants. In what would become the bill's most controversial provision, it directed local law enforcement officers during lawful stops to determine the immigration status of individuals they reasonably suspected of being unauthorised immigrants, and of all people arrested. To opponents, that provision in particular represented a recipe for racial profiling. The bill in its eventual form also created penalties under Arizona law for aliens who failed to follow unenforced federal laws that require them at all times to carry their documents.

Opponents viewed these proposals as odious, but not very exceptionally so in the ongoing context of Russell Pearce immigration bills, which had become, as one interviewee put it, "constant noise in the Legislature." Pearce arrived at that year's session, though, having sought to build support for SB 1070 in an unusually intensive way.

Russell Pearce: I had stronger law enforcement support that I purposefully went out and got. ... I had the Arizona Police Association endorse the bill. It makes up 25 agencies, 14,000 police officers. I had the Cops Arizona and other law enforcement organizations support the bill. I had a couple of unions support the

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<sup>34</sup> A mirroring bill was introduced in the House as HB 2632.

bill. I had the [Republican] Party, who passed resolutions to support the bill. I mean, the momentum was huge in 2010, and I purposefully built that momentum.

Interviewer: Because of what had happened the previous year.

RP: Yeah. So that people couldn't run away from it and not be held accountable.

As a press report put it, Pearce “worked with special interest groups to keep them out of his way. He tapped law enforcement organizations, business groups and others to get them on his side, or at least to keep them quiet” (Duda 2010).

Other policymakers took notice of what seemed to be mounting momentum behind Pearce's efforts, especially as the political pressure for Republicans to support border-hawk measures had only increased in the aftermath of the “Sanctuary Six” episode. While Pearce often criticised squeamish fellow Republicans himself and encouraged supporters to confront and work against them, a second, crucial aspect of his political strategy involved accepting some changes to his legislation in order to assuage the hesitant. Crandall, who had come under heavy political fire from Pearce and his allies over his absence from the HB 2280 vote in 2009, recalled:

So then we go to the next year, and they tell us from the very beginning, “Hey, we're going to bring that back.” And we're young enough and naïve enough to think, “Okay, but let's work together.” And to their credit, both to Russell's credit and to [then-Rep.] Andy Biggs's, they would say, “Hey, read through it. What are your problems?”

Crandall, for instance, identified as his major qualm a provision that troubled many Republicans, which would have extremely broadly defined legal standing to bring cases in state courts against Arizona municipalities that were alleged not to be enforcing immigration law to the greatest degree possible. “They said, ‘Okay, we'll take that out,’” Crandall recalled. “And they did.”<sup>35</sup>

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<sup>35</sup> The bill ended up containing a similar provision but where legal standing was no longer as broad as it had been. It was now limited to Arizona residents rather than any American, and unlike the original version, stipulated that losing litigants would have to pay court fees. This was introduced as an amendment to the bill by Rep. Andy Biggs before consideration of the bill on the House floor on 13 April.

Pearce's partial concessions hardly meant a pause in the grassroots drumbeat against skittish Republicans. Chad Campbell, a House Democrat who was then in the minority leadership, recalled that amid the Legislature's consideration of SB 1070, "Russell Pearce would drum up the supporters, drum up his troops, so to speak, and start have them emailing, calling offices, going to the Republican district meetings." Democrats themselves, with a keen sense of their limited formal power, had in many respects changed their own strategic outlook when it came to legislation they opposed. "Our role down there... [was] more about being a watchdog almost, to let the public know what's going on," Campbell said. "We got some things passed. We killed things. But we really [were] trying to frame the narrative." As SB 1070 worked its way through the legislative process, Democrats endeavoured to work with hesitant Republicans to slow the bill, providing them with possible cover to oppose it, knowing that the legislation could only be killed with Republican votes against it. Despite the mounting momentum for the proposal, throughout the consideration of the bill, as was the case with earlier Pearce proposals, "There were a lot of people that didn't want 1070 to go to the floor," Campbell recounted.

Amid this apparent growth in the political pressures behind SB 1070, on 27 March, a Southern Arizona rancher, Robert Krentz, was found murdered on his ranch near the border. Killings by suspected unauthorised immigrants or drug smugglers had featured heavily in the news for years, but the murder of Krentz – a figure from a long-established ranching family and locally regarded as a good Samaritan who would aid distressed border-crossers (Porier 2010) – seemed to take on a different dimension. Paton, then running for a Southern Arizona seat in Congress, recalled that the aftermath "was like a gasoline fire."

It was especially raw after the Krentz murder. ... You have a symbol of a rancher. What could be more American than that? And supposedly he was going out to see to somebody that was needing his help, ... 'cause he had done humanitarian-type things many times before, and he was revered in the ranching community, and that was just – it was like nothing I've ever seen before, the reaction to that.

Resonating deeply in borderland ranching communities and featuring quickly in the local press and in national right-wing media (*e.g.* Berger 2010), border-area politicians of

both parties swiftly called for the redeployment of the National Guard to the border (Wagner 2010), among other security measures. In this context, the coming debate about SB 1070 would take on an especially incendiary character.

The Governor's Office, while holding the Legislature at arm's length as normal, had already begun to engage with Pearce on SB 1070, in particular through Richard Bark, a Brewer aide who from previous roles had an ongoing working relationship with Pearce. "We knew that that bill was moving and we saw it coming," Kanefield said. "The governor and her staff very rarely engaged in the legislative process... [But] on that one... through our team, we did express some concerns." Pearce allowed a number of changes to SB 1070 in response to concerns expressed by the Governor's Office. Media coverage of SB 1070 up to this point, while relatively scant, had often focused on it as a "sanctuary cities" bill or as creating a trespassing offense for unauthorised immigrants (Archibold 2010a; del Puerto 2010). Both of these angles emphasised the bill as a re-tread of previous proposals. Responding to concerns from the Governor's Office, however, Pearce agreed to remove the creation of the new trespassing offense and replace it with a provision that created a new state-level offense for failing to carry federally required immigration documents.

The bill's sponsor, Sen. Russell Pearce... said the substance of the bill has not changed, but that the new language was offered to pacify concerns expressed in meetings he had with Richard Bark, the governor's deputy chief of staff for policy. "They had some concerns. None of them were legitimate. All I did was allow them to change this title," Pearce said. (Wyloge 2010a)

The Governor's Office and some other Republicans were also eager for SB 1070's provision regarding aiding suspected unauthorised immigrants to have clear exceptions for first responders or family members, and to have non-discrimination clauses explicitly added. This amount of input was unusual from a governor whose relationship with the Legislature was strained and distant, but the political developments that by this stage pointed toward a bill – especially the ever-increasing pressure upon Republicans to support such measures – prompted Brewer to engage. The prospect of the bill being killed in the Legislature seemed to be diminishing: by late March, "It was *clear* that bill was gonna be on her desk," Coughlin recounted.

We were like, “Okay. This is a *major*, a *major* deal, and it could potentially have enormous consequences.” ... So we started doing amendments. ... It goes over here, you put an amendment on, then it’s gotta go back over to the other chamber. So we’re buying time. ... [Governor Brewer] wanted to ensure that [the bill] was a defensible mechanism. While we looked at this from a practical standpoint of the law, we were also acutely aware of the politics.

A number of changes that the Governor’s Office and legislative Republicans had identified as significant were rolled into the bill through a strike-everything amendment in the House Committee on Military Affairs and Public Safety on 31 March (*Minutes of Meeting* 2010). However, Republican ambivalence still potentially endangered the bill inasmuch as leadership could derail SB 1070 without leaving such clear fingerprints. Adams, the speaker of the House, was no border hawk, having often worked quietly with other Republicans against Pearce’s bills. John Kavanagh, a border-hawk House member, recalled:

I was helping push it [SB 1070 in the House]. ... The major opposition comes from the Chamber Republicans, the business community Republicans, who basically are worried about the state’s image. You know, what the late-night TV talk show jokes are about, and things like that. Which didn’t make much sense to me, because, again, the polls showed overwhelming support for anti-illegal immigration action. ... It was mostly legislative leadership that were concerned. They were being pressured by the chambers of commerce. So it was really more a matter of getting the bills on the floor and heard.

Amid a general atmosphere of growing pressure, though, even those who might have tried in the past to subvert such bills now seemed uninclined. “I’m not saying [leadership was] resistant to it,” Kavanagh explained, “but they probably had more concerns than we had about the Chamber influence.” By this point, however, even the Arizona Chamber of Commerce and Industry publicly represented itself as neutral on the bill (*Minutes of Meeting, Committee on Military Affairs and Public Safety* 2010).

Moving toward a final vote in the House on the amended legislation, SB 1070 had captured the attention of opposing activists and was beginning to generate a huge amount of controversy, even by the standards of Arizona’s already highly contentious immigration politics. In addition to the immigrant advocate community, the prospect of local police being able to enquire about immigration status and demand paperwork – which, to opponents, opened the door to widespread racial profiling and the expansion

of a police-state atmosphere epitomised by Arpaio's sweeps – caused alarm among civil libertarians and many in the state's wider Latino community. Steve Gallardo, a Democrat who was out of the Legislature during this time but who had organised opposition to Pearce's bills for years, recounted:

I think [SB 1070] woke people up. ... It now had U.S. citizen Latinos saying, "Wait a minute, time out – this can hurt me. This can affect me. I can be pulled over just based on the color of my skin. It's no longer just about the undocumented – it's about us." I think Russell Pearce and them crossed the line. Now it's no longer about the undocumented – it's about brown people.

With the murder of Krentz, the sense that an anxious public was demanding action on immigration, and impassioned opposition by immigrant activists, many Latinos, liberals, and (usually quietly) some in the business community, SB 1070 was emerging as exceptionally explosive (Pitzl and Gonzalez 2010; MacAskill 2010b; Riccardi 2010). Despite the growing controversy, though, as the bill came closer to a floor vote, its proponents were highly confident that if the bill did reach the floor, it would win. With the bill's passage in the Legislature now a matter of Republican intraparty politics, the border hawks were certain they had captured the conditions for it to succeed. Kavanaugh reflected on the impression at the time: "Any Republican who voted no on SB 1070 was doomed to death."

Many would-be opponents by this point calculated that the measure would pass regardless of their opposition. Similar to what he had attempted on employer sanctions, Rep. Russ Jones in 2010 had co-sponsored a separate bill (HB 2384) that addressed the same local-enforcement issues in what he considered a more acceptable manner, hoping to present it as an alternative to "closet moderates." Jones, one of the only Republicans to stay in the House chamber and vote against HB 2280 the year before, found the political pressure behind SB 1070 too strong for this "counter-bill" strategy to work. "When I counted noses, real noses ... about two-thirds of the same group that walked on [HB 2280 in 2009] weren't gonna be able to walk on the 1070 vote," Jones said. The only option that seemed available in this situation was compromise. Jones explained that he pledged his vote to SB 1070 in an effort to secure changes to it.

I'll vote for it... so that certain aspects that I felt strongly needed to be in there, that changed and moderated 1070, would get in. ... I still didn't like the bill, and I was opposed to it, but I didn't have enough votes to stop it. ... And so sometimes in politics, you have to hold your nose, you know, and do what's best for everyone. Knowing that 1070 was a juggernaut that I was not gonna be able to stop but I could mitigate or modify, I chose to do that rather than fall on my sword.

Jones eventually agreed to vote for the bill and not try to stand in the way of it being considered in the House if his concerns were addressed in later legislation (Wyloge 2010b). Pearce recalled that, with floor votes upcoming, he left privately protesting colleagues to their own calculus.

I had legislators up to the last minute come in on the floor as they were getting ready to vote... . And they came up – and I won't name names, to protect the guilty – but knelt down by my desk and said, “Russell, you're gonna lose the bill in the House. If you just make two or three changes, I can get you the votes.” And I said, “It's a good bill. It's written very carefully. I've had some of the best attorneys in the nation look at it to make sure that it was constitutional.” ... I said, “Vote your conscience.”

Despite a sense of futility, Democrats used floor debates on SB 1070 – first in the House on 13 April and on 19 April in the Senate – to criticise the bill as socially and economically poisonous, overreaching, and unconstitutional. “We knew it was a big deal; we argued it on the floor for hours,” Campbell recalled. Discussion about the bill and its amendments on the House floor lasted about two hours. Republican Rep. Cecil Ash, explaining his vote for SB 1070, touched on a number of points raised regularly by other Republicans:

For me, this has been a very difficult decision. There are reasonable arguments on both sides of this issue. I think some of the genuine concerns that have been expressed by the opposition to the bill have merit. ... When I ran for office, approximately 70 percent of the people who signed my petition, the first question they asked me is, “What is your position on illegal immigration?” And they wanted to know if I was going to do everything I could do to fight it. And so I believe this is a step in the right direction. I believe there's more fear and alarm in the anticipation of this bill than there will be in its implementation. (*April 13, 2010 - House Third Reading #1 2010*)<sup>36</sup>

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<sup>36</sup> This is also the source for all following quotes from the House third reading, omitted for flow.

Much of the discussion from Republicans surrounded how various changes had made SB 1070 into a bill they could support. As Rep. Tom Chabin, a Democrat, noted during the debate, “I’ve heard a great deal of discussion about the weakness of this bill from my colleagues that are voting for it.” Many Democrats, in explaining their own votes, dwelled on these same weaknesses. In her speech explaining her no vote, Rep. Kyrsten Sinema concluded:

This legislation does not solve our problems. It will not make us safer. It will not allow us to stop the drug runners, the gun runners, the human traffickers. But it will cost us not only our civil liberties, but costly litigation at all levels of government in Arizona.

“All it was was just not to let [Pearce] get by without somebody challenging that,” Lopes said of the Democrats’ floor opposition – by this time, one of the only political tools they possessed. “Cause that’s all we had. ... We weren’t gonna win.”

Still, the self-acknowledged futility of Democrats’ protests did not mean these criticisms failed completely to register, either in media coverage of the bill or among fellow lawmakers. Crandall, who delivered a brief speech about how Biggs and Pearce had addressed his concerns, reflected in an interview on his decision to vote for SB 1070. “If you were the one or two Republicans that voted no on 1070, you weren’t coming back,” Crandall recalled.

I’m reading 1070, saying, “Here’s all it does!” And this is me reading it to myself, you know, going through – “I hope it doesn’t allow that.” And in my mind I’m saying, “This bill doesn’t do any of those things that people think it does. And so I’m gonna vote yes on it and I’ll go explain my vote.” You don’t stop to think, “Okay, is there more to it, though, than this? Is there an unintended social consequence? Is there an unintended message being sent with this?” You try to make it black and white.... Kyrsten [Sinema] had a special talent for making the Republicans look like idiots on several things. Because she would say, “This bill will do this,” and you knew deep down she’s right. And yet you still voted.

As usual, Democrats’ discussion of their opposition to the bill almost always noted what they represented as the real and significant security and public safety problems the state faced as a result of an unsecured border. “We need armed forces on our borders. We need to be able to return fire when fired upon. We need to keep out those elements that

make our neighborhoods unsafe by securing that border,” Rep. Barbara McGuire, a Democrat from a largely rural district, said by way of voting against the bill. Though most Democrats represented safe seats, the apparent overall popularity of enforcement legislation was such that the party worried that members from less safe seats might be better off voting for SB 1070. “It was tough. There was a lot of pressure from all sides to vote yes on it. And I was encouraged to vote yes politically, because of my district, by the [Democratic] Party,” Eric Meyer, one of the few House Democrats at the time who represented a district with a Republican voter registration advantage, recalled in an interview. “The legislative leadership, they said I needed to vote yes. I told them I’m not voting yes. ... They felt like I couldn’t win in my district unless I did.” (Meyer was not present in the House on the day of the final vote.)

SB 1070 passed the House on a 35-21 party-line vote. Republican opposition to previous local-enforcement bills, which had been crucial to their defeat, had, per Pearce and his allies’ design, completely collapsed. The bill moved to the Senate, which had passed an earlier version of the legislation in February. On 19 April, the amended version passed on a 17-11 vote. “I do not want to live in the police state that Russell Pearce, Joe Arpaio and Andy Thomas are spearheading,” Sen. Carolyn Allen, a moderate Republican who was retiring from the Legislature, said in a media interview. “I really believe this bill is racist. And my whole district is tourism. I know this will strike a blow” (Leger 2010). Allen’s was the only Republican no vote in either chamber.

The bill arrived on Brewer’s desk, and the national media arrived in Arizona to cover the fate of what the media described as “the toughest bill in the country which [activists] say [is] aimed at forcing out hundreds of thousands of Latinos living illegally in the state” (MacAskill 2010a). Despite the contentiousness of the issue, the suddenly massive amount of attention from major media outlets caught all sides off guard. “We had no idea of the national exposure that it would get and the national uproar it caused,” Campbell recalled. “We knew there was a reaction – I don’t want to understate that. But we didn’t know [there’d be] an overwhelming response.” As Gallardo recounted, “We fought this bill last year and we didn’t have a CNN truck parked in front of the capitol! ... It did catch us by surprise.” Terry Goddard, the sitting state attorney general who was the Democrats’ leading candidate for governor, recalled of the days before Brewer’s

action on SB 1070, “Except for the Super Bowl, I don’t think we’ve ever seen that kind of national focus. ... So it was very quickly, you know, way out of our grasp locally.”

Republicans in the Legislature had supported SB 1070 virtually uniformly, but as Brewer considered it, no one seemed certain of its fate. Pearce recalled:

She never once promised me to sign that. ... My fear was she wasn’t going to sign it. I burned up telephone lines to the office to get a commitment. And I was fearful she wouldn’t sign it. ... I never got any word that she was against it, either. In fact, Richard Bark, a dear friend of mine who was on the governor’s staff, on his own time came down and worked with me. ... And he worked with the governor at that point, but there was never any promise that the governor would sign it, and Richard made no attempt to make me such a promise. But with Richard working with me, I had some hope that the governor would sign it, ‘cause he knows the governor as well as anybody.

“We thought she’d veto it,” Campbell recalled. “And she thought long and hard about it.” As days wore on following its legislative passage, the prominence of anti-SB 1070 protests increased. Kanefield recalled:

[We didn’t] know what a big deal it was going to become. I mean, every bill is important, and has interest groups. I think what was probably the most surprising thing about Senate Bill 1070, at least from my memory, was that there was pretty fierce opposition to it, with rallies and protest and everything else, staged at the Legislature itself. ... [A]nd they were very good at organizing themselves to get their people down, and they were very good about generating media.

With protesters speaking of economic boycotts, resonant of the economically damaging King holiday brouhaha and the state’s pariah status 20 years before, the business community seemed to grow increasingly concerned as the bill sat on the governor’s desk. Fears of a boycott sharpened when U.S. Rep. Raúl Grijalva, one of Arizona’s own members of Congress, added his voice to boycott calls while the governor was deciding on the bill (Kady 2010). Still, the overall impression was that the business lobby’s response was scattered. As Kanefield recalled, “I don’t think they saw this [controversy] coming. By the time they figured it out, it was too late to mobilize their forces. And they probably were in a little bit of a conflict, because they generally align themselves with Republican interests.” Brewer continued to hold her cards close to her chest. On 22

April, the day before she eventually took action on SB 1070, she appeared at an event hosted by the Latino social service organisation Chicanos por la Causa, where attendees cried out at her for a veto as she left. “I have heard your concern about immigration reform,” she said. “While I’m not prepared to announce a decision on Senate Bill 1070 this evening, I can tell you what I decide will be based on what is right for Arizona” (Lemons 2010).

With objections to the bill from both within the Republican coalition and outside it piling up, the governor weighed her options. “We had a robust conversation,” Coughlin recalls. “Which she entertained, and listened to the entire thing. ... There were a lot of people in the room. She heard the debate. It was a full-on debate.” Some participants, including Grant Woods, the former Republican state attorney general, encouraged Brewer to veto the bill because it would prompt racial profiling and expensive litigation (Archibold 2010b). Notwithstanding loud opposition to the bill, the governor maintained a sense that it was broadly supported – perhaps even more than it would have been without the prominent protests against it and the increasing immersion of the bill within the contentious framework of national media coverage and politics. Looking toward polls of Republican voters who would cast ballots in the governor’s upcoming partisan nomination contest, Coughlin recalled:

We knew how important the issue was to the electorate, to the Republican electorate. ... And 1070, we had tested 1070 at this point. We had tested the bill amongst Republican voters. I mean, we knew the passion that people had on this issue, which was not being assisted at all from the other side of the aisle, either. They just kept throwing gas on the debate.

In conceptualising the issue’s politics, the general public’s apparent overwhelming frustration with unauthorised immigration seemed to fuse with the particular grassroots Republican anxiety about the border, and the immediate implications of the latter for the governor. As Kanefield put it, “I think [Brewer] had a pretty good sense that most Arizonans were concerned and frustrated by this, and that she knew who the players were who were opposing this, and of course the minority interest groups have their reasons and that’s understandable. The business community had its reasons.” This conception of the general public’s angst was connected closely to the expectation by Brewer’s inner circle that a veto would mean certain defeat in the upcoming primary

election, where she was already being painted as insufficiently conservative. The envisioned consequence would be not only electoral defeat, but also the loss of what her aides saw as her entire gubernatorial legacy.

Chuck Coughlin: From my perspective, where I just completely hemorrhaged, was we've done all this work to right the state's fiscal ship, and you're telling me we're gonna hand the governorship over in this next election to one of these guys who's not worked or come up with one credible idea how to solve the state's fiscal problems? And we're gonna hand the boat, our party's nomination, over to one of these clowns?

Interviewer: And that was your view –

CC: Absolutely.

Interviewer: That if she vetoed it, that would be it.

CC: Absolutely. We're done.

Brewer signed SB 1070 on 23 April, after four days of consideration, announcing her decision at a press conference where she conferred her signature with representatives of law enforcement (which had been divided on the measure) looking on.

For weeks, this legislation has been the subject of vigorous debate and intense criticism. ... Though many people disagree, I firmly believe it represents what's best for Arizona. ... There is no higher priority than protecting the citizens of Arizona. We cannot sacrifice our safety to the murderous greed of drug cartels. We cannot stand idly by as drop houses, kidnappings and violence compromise our quality of life. We cannot delay while the destruction happening south of our international border creeps its way north. We in Arizona have been more than patient waiting for Washington to act. But decades of federal inaction and misguided policy have created a dangerous and unacceptable situation. (Brewer 2010c)

Along with many other Republicans, Brewer took exception to the notion that the bill licensed racial profiling and addressed this issue extensively in her public statement upon signing SB 1070, saying that she had worked with legislators to strengthen its civil rights protections, while also issuing an executive order to institute law-enforcement training for the implementation of the law (Brewer 2010b). “My signature today represents my steadfast support for enforcing the law — both *against* illegal immigration *and against* racial profiling” (Brewer 2010c). Still, the divisive die of SB 1070 had been

solidly cast.

## **Defending Arizona**

As denunciations of the new law began instantly at the local, national, and even international level – with the government of Mexico registering its protests (Cooper 2010) – Brewer commented upon signing the bill that she would not be cowed by what she portrayed as outside pressure.

We must acknowledge the truth – people across America are watching Arizona, seeing how we implement this law, ready to jump on even the slightest misstep. Some of those people from outside our state have an interest in seeing us fail. ... They will wait for a single slip-up, one mistake, and then they will work day and night to create headlines and get the face time they so desperately covet. We cannot give them that chance. ... We must prove the alarmists and the cynics wrong. (Brewer 2010c)

That day, at a previously scheduled appearance at a naturalisation ceremony for active-duty members of the U.S. military, President Barack Obama commented:

Our failure to act responsibly at the federal level will only open the door to irresponsibility by others. And that includes, for example, the recent efforts in Arizona, which threaten to undermine basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so crucial to keeping us safe. In fact, I've instructed members of my administration to closely monitor the situation and examine the civil rights and other implications of this legislation. (Obama 2010a)

With SB 1070 occupying obviously contestable legal ground, particularly regarding federal pre-emption of state laws about immigration, the president's suggestion of possible lawsuits constituted no revelation. Still, while the general popularity of hawkish state-level legislation in Arizona had long been assumed by members of both parties – and had been considered as a major factor in the decisions of all policymakers who had decided to support SB 1070 – the politics of the issue in the days surrounding Brewer's signature seemed more unsettled. Highly visible opposition was emerging from major players who were rare and outsize visitors to Arizona politics. National media attention, which had accelerated as Brewer mulled her action on SB 1070, exploded in the

aftermath of its signing (Chavez and Hoewe 2012). Observing this from within the Governor's Office, "the publications and rhetoric seemed to suggest that the public was hostile to Senate Bill 1070. And that was what these folks wanted everyone to believe, and you had to begrudgingly respect their political savvy," Kanefield recalled.

As the first private civil rights lawsuits were filed and the bill continued to be a fixture in national media coverage, SB 1070 was recognised as having "thrust the dormant issue of immigration reform back into the national spotlight, energizing groups on both sides" (Kelly 2010). Soon, a bill was working its way through the Legislature (HB 2162) to make several clarifications to the law: it more explicitly prohibited racial profiling and narrowed the instances in which officers were required to ask about immigration status. Brewer signed this bill within the week (Newton and Rough 2010), but this did little to dim the controversy. On 27 April, while answering a question about immigration reform at a town hall meeting in Iowa, Obama again personally weighed in on SB 1070, sympathising with protesters' racial-profiling concerns:

One of the things that the law says is local officials are allowed to ask somebody who they have a suspicion might be an illegal immigrant for their papers. But you can imagine, if you are a Hispanic American in Arizona – your great-grandparents may have been there before Arizona was even a state. But now, suddenly, if you don't have your papers and you took your kid out to get ice cream, you're going to be harassed. That's something that could potentially happen. That's not the right way to go. (Obama 2010b)

As the weeks following the bill's passage wore on, though, public polls showed majority support for SB 1070 not just among Arizonans (Rau 2010), but also generally among Americans (J. M. Jones 2010; *The Economist* 2010; Pew Research Center 2010). The overall public popularity of this type of policy once again emerged as border politics' guiding star. This was no less the case despite it being unclear to policymakers that the public grasped the substance of the bill. "Once it was signed, it slowly became clear to us that there was tremendous support for it. Even if folks didn't exactly know what it did," Kanefield said. "I think it represented and embodied a frustration, a pent up frustration among the public." Crandall, who had great qualms about the bill despite voting for it, still saw the debate over SB 1070 as not necessarily connected to the provisions of the bill itself: "To this day, I still believe that 1070 didn't do 80 percent of

the things people thought it was going to. The hysteria that enveloped around it ... was more just opinion than it was fact.” Kavanagh recalled:

I'll tell you something even more amazing about the polls for SB 1070. And this maybe doesn't really speak that well of the people, but when the press had, in my opinion, either recklessly or purposely misrepresented 1070, where most people thought that 1070 would allow a cop to stop somebody merely because they looked Hispanic – in fact, that's what President Obama said about it – even though many people had the perception that 1070 allowed cops to stop people just because they were Hispanic, which it didn't, they still overwhelmingly supported the law.

The issue's immersion within the polarised context of national politics had thrust Brewer, rather than Pearce, front and centre as the law's main defender, against the national elites who had allegedly painted Arizonans and their frustrations in a cruel light. Within weeks of her signature of SB 1070, Brewer's political position had seemed to improve dramatically, both among Republicans and among general election voters, as she stepped into a role as champion for the state's frustrated residents against outsider accusations of intolerance. Meanwhile, Republicans led by Salvadoran immigrant Rep. Steve Montenegro advanced another law, all the more controversial for the political context, aimed at ending an ethnic-studies class offered in a Tucson high school that Republicans argued encouraged ethnic division and even sedition (HB 2281). Brewer signed it on 11 May (see O'Leary et al. 2012). Furthermore, on 18 May, Brewer's long-sought referendum for a temporary sales tax increase passed with 64 percent of the vote, handing her a major victory on what had been until recently her signature issue.

Brewer had before only dabbled in immigration issues, but was now one of the country's major figures in border politics. “Brewer's approval ratings have skyrocketed, catapulting her to the top of the polls in the gubernatorial race and launching what may be the biggest political comeback of the year in the U.S.” (Cobb 2010). While it had clearly aided her to choose the more popularly supported side of the SB 1070 issue, so, too, in the minds of her advisers, had the polarised nature of the national political environment which coloured debate over the bill. This aspect of the bill's politics was seen to help solidify Brewer's position among Republican conservatives, who just a short while before had viewed her with suspicion. Coughlin recalled:

There was a path where should could have potentially vetoed [SB 1070], if [Obama] had called her and said, “I’m coming out to Arizona. I’m gonna be there. I want to go down to the border with you. I want to understand this issue. I want you and me to work together to figure out what that means, to secure the border. ‘Cause I believe what you’re saying is that you don’t want the law to be discriminatory towards people.” ... So my viewpoint was – and it was validated then by what happened with her popularity – what the president essentially did [instead] was make her an iconic hero in this highly partisan environment.

Notwithstanding whether possible cooperation between Obama and Brewer truly represented a viable political path for either of them, there was no question that the contrast between Brewer and her supposed liberal and establishment critics had considerably aided her. As one erstwhile rival for the Republican gubernatorial nomination lamented at the time, “She’s certainly captured the imagination of most of the conservative pundits that are listened to by many of your typical Republican voters. ... Her name is daily mentioned on most of the shows, so she’s getting astounding amounts of free advertising, and it’s very, very difficult to compete with that in this atmosphere” (Cobb 2010). Bruce Merrill, a veteran Arizona political scientist and pollster, summarised it: “The more the liberal media rails against Arizona and against [Brewer], the more it helps her” (Cobb 2010).

The Obama Administration’s May announcement that it would redeploy the National Guard to the border met with a response from Brewer both expressing scepticism and taking credit for getting the federal government to act (Malcolm 2010a). Brewer’s meeting with Obama at the White House on 3 June – which the two described as “cordial” (Dwyer and Miller 2010) despite an ongoing though largely one-sided war of words over SB 1070 (Condon 2010) – underlined the stature she had gained from the bill. In the shadow of an impending federal legal challenge against Arizona, though, the civility of the exchange did little to close a rift that had been taking on an increasingly partisan character. Kanefield recalled:

I went and met with President Obama and the governor to talk about 1070, after its passage but before the federal lawsuit. And [this] was the point the president was making, which was that, “We need to address this as a comprehensive national solution. We can’t have a patchwork of state laws.” Those were his exact words. And the governor’s point was, “You’re not doing anything.”

In tandem with Brewer's star rising – and consistent with the quandary long faced by opponents of border-hawk policies – the political aftermath of SB 1070 had hugely complicated matters for Terry Goddard, the state attorney general and leading Democratic candidate for governor (Goodman 2010a). He recalled in an interview:

I remember the argument we went through just in terms of how to respond when 1070 was passed, because I personally thought it had severe constitutional problems, but it also was very bad policy. It was the kind of thing that would hurt Arizona in the long run economically, and it would do almost no good. ... We saw that it was a tidal wave of public opinion, and I thought the responsible commentary would always be seen as pro-immigrant and anti-law enforcement – which, of course, especially the second part, I wasn't and didn't want to be in that camp. ... But people didn't ask any questions at that point. The hysteria, or the rush to find a quick, easy, and understandable solution, was so intense that nobody wanted to hear, for example, that 50 percent of more of the people in this country without documentation came across legally.

Having led nearly all polls against Brewer until late April, by June, Goddard's position with his rival had flipped. Having said he opposed SB 1070, as litigation brewed against the law, Goddard underlined that he intended to fulfil his constitutional role as attorney general and represent the state against legal challenges to the law, also urging the federal Department of Justice not to file an additional lawsuit against it (Newton 2010). At the same time, Brewer manoeuvred to strip Goddard of the authority to represent Arizona in court (Malcolm 2010b). "She signed it and I said publicly I thought it was bad policy and bad idea," Goddard said.

I didn't ever say it was unconstitutional, because if I said that, then I was obligated to oppose it or not to do anything legally, and I thought it was my job if I could find any way to support it to do so, which alienated both sides of the equation. The governor's people didn't want me anywhere near it, and my supporters thought, "Well, he shouldn't be supporting it in any way." But I thought I'd taken an oath on that point. So that became a complicated, or complicating, issue.

While the move by the governor to dismiss the attorney general from representing the state in a particular lawsuit was of dubious constitutionality, after confirmation that federal Justice Department would file its suit (Archibold and Landler 2010), Goddard stepped aside, despite maintaining that moves to strip him of this role were unconstitutional (Goddard 2010). This marked the end of what had become for him a

politically awkward episode, but did not alleviate what Goddard saw as the larger difficulty of positioning himself in regard to the bill. “Goddard would much rather be talking about Arizona’s economic malaise and all of the cuts to public education, parks and health care during Gov. Jan Brewer’s tenure, even if the attorney general has a much more motivated Hispanic base than he did before the governor signed SB 1070 into law” (Goodman 2010a).

In advance of the 24 August primary election, Brewer cleared the GOP gubernatorial field, with only one minor challenger still campaigning against her by the date of the election. Other Republicans were counting their support for SB 1070 as an asset in their races in during an election season they found overwhelmingly defined by it. Crandall – who was facing a primary challenger recruited by right-wing activists outraged by his absence for the HB 2280 vote in 2009 – had voted in favour of SB 1070, and was phoned during the summer by his primary opponent to inform him that, for personal reasons, he would be suspending his campaign. Even after Crandall’s opponent had withdrawn, though, a number of right-wing activists continued to campaign for him. “If I had said I want to execute anybody in the country illegally, it still would not have been good enough for that crowd,” Crandall recalled.

You had to start using all of the platitudes. “I’m for a secure border,” “I’m for the rule of law.” ... “Illegal means illegal,” or something like that. ... They’ve done their polling, and, hey! These three things. ... And if you try to talk about anything else in your campaign literature, it just falls flat.

In the minds of Crandall and his campaign consultants, while as a relative moderate he already had the loyalty of those who quietly favoured a more moderate path on immigration, he needed to win over a certain number of more right-wing voters. In the political environment of 2010, running as a border hawk himself seemed to be the only way to do so. “And so there it is: ‘I will secure the border,’” Crandall said. “No one even knows what that means and no one even knows how to measure it!”

Even after having suspended his campaign, Crandall’s opponent in his Senate primary still won 40 percent of the vote. In such a climate, even Republicans who had voted for SB 1070 through gritted teeth made their support for it a major part of their re-election

candidacies. Pearce recalled of Republicans who had privately stated to him their dislike of SB 1070: “In their brochures, when they ran for office, I swear, you’d think that they wrote the bill.”

Moving past the August primaries, even Democrats – to the extent they were running in even marginally competitive districts – felt the pressure to run as tough on border issues. “There were some *long* days knocking on doors because people were just – were really mad,” said Eric Meyer, a Democrat who was running for re-election in his Republican-leaning House district. “That was the only election cycle, 2010, when I sent out a border flyer. You know, tough on the border.... It just wasn’t me. It’s far too caustic.”

The climate of intense concern about lawlessness emanating from the border seemed unable to be countered effectively. As Meyer recalled, “I mean, you have the governor saying we’ve got beheaded people in the desert, and you could be next!” Appearing in an early September televised debate, Goddard pressed Brewer repeatedly on much-criticised claims she had made on two different occasions in June (Milbank 2010) that authorities had found decapitated drug cartel victims in the Arizona desert.

Terry Goddard: What’s hurting us economically are false statements made by Jan Brewer that Arizona has become so violent that we are a place of fear and we have beheadings in the desert. Those are false statements and cause people to think that Arizona is a dangerous place and they don’t come here and invest here because our governor has said such negative things about our state. And Jan, I call upon you to say there are no beheadings, that was a false statement and needs to be cleared up right now.

Jan Brewer: You know, Terry, I will call you out. I think you ought to renounce your support and endorsement of the unions that are boycotting our state and trying to drive our economy into the ground – taking jobs away –

TG: No way, no how. I’ve done everything I can to fight against it. They endorse me in spite of my views, not because of them.

JB: Well no, they endorse you because of their views, because you support what they’re doing.

TG: That’s untrue and we need to clarify that. (“Clean Elections Debate: Candidates for Governor” 2010)

The apparent difficulty in this environment of pinning down Brewer, even about statements widely criticised as demonstrably false (Farley 2010), was underscored by how little she seemed hurt by an awkward and halting opening statement in that same debate, which the Associated Press wrote “will go down as one of the most painful openings to a political debate in recent memory” (Davenport 2010a). Apparently unaffected in the polls, Brewer a few days later admitted she had misspoken on the decapitation matter (Knickerbocker 2010) and also made clear she would not be agreeing to further debates with Goddard. “I think it’s pretty defined what he stands for and what I stand for. ... Why would I want to give Terry a chance to redefine himself?” she asked (Fischer 2010a).

Goddard found himself unable to gain much traction in public polls, despite a substantive record on immigration and border crime issues. Regarded as an aggressive state attorney general who used innovative means to combat drug cartel operations, particularly through intercepting their use of wire services to move money (*The Washington Post* 2009), Goddard’s work had culminated in a major settlement with the wire service Western Union that funded a border-state task force combatting money laundering (Holstege 2010).

Interviewer: So there were obviously parts that you were working on as AG which were on, so to speak, the “right side of the issue,” in terms of popular support. ... I’m interested in your perceptions about why that wasn’t enough to get you onside as being, you know, in the 2010 election, as being the authority on immigration stuff.

Terry Goddard: Well, I mean, in fact, I was. And that didn’t do any good. That didn’t do any good. I think it ultimately boiled down to one line, and it was 1070.

Entering the final stretches of what just months before had looked like an eminently winnable contest for Goddard, the outcome appeared to be cast in the stone of a polarised immigration debate. “In that context, it didn’t matter what else you’d done. If you weren’t the person who brought forth 1070, you weren’t truly protecting the border, you weren’t truly fighting the immigration problem,” Goddard recalled.

When we did polling in September of 2010, we found that none of the push

polls, where you ask, you know, different issues about Jan Brewer, whether they would change people's opinion of her – and we had the prison escape, and we had the rocky economy, and we had a number of very significant public policy failures – and none of them moved the needle more than two points. And I asked the pollster, “Well, okay – we just paid you to put this poll out. Which one of these issues has the best chance of moving us closer? If people believe our line and not hers, which ones would move us closer to even or winning?” And her answer – she swallowed hard, and said *none* of ‘em would, because the impact of Brewer’s identification with 1070 was so strong that people basically, regardless of what you said about her or in what other context you were trying to compare her, people looked only at that one thing and that was “Jan Brewer, 1070.” So, “regardless of what you tell me about her, I think she’s fine.” [Chuckles.] In remarkably solid and across-the-board ways. So it wasn’t about me. It wasn’t about my record. It wasn’t about anything else. The election was about 1070.

Brewer, who had begun the year in dire straits, won election to a full gubernatorial term by a 12 percent margin. In an election where Democrats were routed nationwide, the party in Arizona shed seats in the Legislature, with Meyer one of their only vulnerable incumbents to hang on and a number of relatively safer seats lost.

Border hawks awoke the morning after Election Day riding a high wave. Brewer had been propelled by SB 1070 and personified the apparent strength of its brand of politics. The Democrats’ losses in the Legislature were so deep as to condemn them to “super-minority” status: in the new Legislature, they would hold only 20 of 60 seats in the House and nine of 30 in the Senate. The intraparty Republican battle on immigration seemed to have been settled decisively in the border hawks’ favour. Furthermore, shortly after the election results became clear, Pearce – who throughout this time had relied upon his own increasing procedural power to advance many of his proposals – was designated as the next president of the Arizona Senate (Duggan 2010). It seemed that the nation’s toughest measure on immigration would be only a first step.

### **Analysis: Contingency and conflict in SB 1070**

SB 1070 had effects on Arizona politics so sweeping as to evoke the transformative implications of Copenhagen School securitization theory. A policy that several years before had been broadly considered extreme and unacceptable had been institutionally

chosen and become law. Then, those who stood against the law were politically routed, the landscape transformed. However, rather than emerging from a single transformation, these events were two distinguishable – though deeply linked – contingent political phenomena within Arizona’s border security politics.

### *Intraparty dynamics in the choice of security in SB 1070*

The episode surrounding the adoption of SB 1070 would appear represent the culmination of trends outlined in Chapters Four and Five, where border hawks, despite powerful opposition, achieved escalating political victories that grew from policymakers’ particular perceptions of the issue’s political workings, given its seeming security content. Chapter Five reflected on this phenomenon as manifested in the interparty competition that was crucial in shaping policy outcomes until 2009. This chapter, in turn, more prominently examines the intraparty dimensions of that phenomenon. The institutionally pivotal decisions to further choose securitized policy in 2009 and 2010 were made by Republican officeholders, in large part making judgements in regard to Republican Party politics. While always premised on the concept of politically incontestable public support for greater security measures, political rationalities as they related to these intraparty dimensions differed in important ways from interparty aspects previously discussed.

Before 2009, hesitant Republicans had only rarely taken centre stage against the border hawks. This was for two main reasons. First, with Napolitano as governor, they often saw themselves as able to avoid politically difficult “no”-votes on border bills, with little cost to policy: to Napolitano’s right anyway, they expected that if a bill was unacceptable to them, it would be less acceptable to her, and she would veto it. Since hesitant Republicans had felt little pressure before to take a publicly prominent role against the border hawks, when one-party control arrived, that was not their default posture. Second, and perhaps more crucially, non-border-hawk Republican policymakers saw themselves as more constrained than even Democrats did when it came to the range of action on this issue that they believed might politically succeed. Much of this difference emerged from their readings of the Republican Party primary electorate – irrelevant to Democrats – and the demonstrated willingness of right-wing activists to mobilise

challenges against Republican immigration moderates. Because of the even greater emphasis that these right-wing elements placed on officeholders proving ideological purity, the “pivot” ownership strategy (Chapter Five), while occasionally attempted, was even more difficult to execute: the requisite demonstration of credibility within the orthodox problem conceptualisation, upon which the later pivot is performed, was particularly extreme, given the demands of right-wing activists. Lacking the agenda-setting prowess of Pearce, whose leadership on immigration made him a constant presence in the media, these Republicans’ efforts against the border hawks took on a thoroughly reactive character. Therefore, when it came to exacting policy preferences in immigration, these hesitant Republicans often resorted to passive means: declining to act on bills in committee, convincing leadership to not bring them to the floor, proposing safe-haven “counter-bills,” or, most notably here, being absent for legislative votes.

A critical development for the success of SB 1070 was the extent to which these hesitant Republicans began to see these passive tools as no longer politically workable. Pearce’s growing procedural power often allowed him to outmanoeuvre opponents’ attempts to let his bills wither in committee. More crucially, though, Pearce and other policymakers leveraged the long-deepening intensity of right-wing engagement in Arizona Republican Party politics, which eventually allowed, in 2009, for forms of passive opposition that might otherwise have offered their users plausible deniability to be exposed. This was the lesson that the members of the “Sanctuary Six” drew from their pillorying.

Positioning on immigration has often been conceived of as taking place in a multidimensional space, where forms of left-right positioning are significant, but so are factors like ownership and issue salience (Green 2007; Green and Hobolt 2008; Odmalm 2012; Odmalm and Bale 2015). Considered in these terms, the effect of these Republican intraparty developments was to remove as perceived political possibilities these multidimensional aspects of competition – aspects that allowed for more potentially creative avenues of opposition, including trying to set the agenda with “countering” alternatives or competing conceptualisations, or passively deadlocking legislation. In other words, what resulted through right-wing hyper-vigilance and Pearce’s clear agenda dominance was that the process of positioning oneself on immigration was, in Republicans’ eyes, effectively flattened and collapsed into one

dimension, where one's left-right position was the only factor understood to matter. Crandall, discussing his 2010 election, related his one-dimensional reading of political strategy:

So I'm trying to appeal to the far right. You've got that spectrum – you've got your number line. I know I've got all the votes here, toward the middle... . How do I carve out my little niche of the far right? And that's where you say, "Okay, I need to use their own language to appeal to them."

Of course, the difference between language and legislative behaviour was by this point intensively policed by right-wing activists, with Pearce's encouragement. With no other tools seemingly available, following along in a scrupulously consistent way seemed, to hesitant Republicans, to be the only politically viable choice.

### ***National politics and polarisation in the 2010 elections***

These intraparty dynamics were shaped by a highly engaged right-wing grassroots. As 2010 wore on and the seemingly less engaged general-election audience became paramount, however, the apparent dimensionality of immigration policy positioning became even simpler: either you were for SB 1070 or against it. This binary quality was a new development in Arizona immigration politics. In previous periods, even amidst the apparent consensus that immigration should be treated as a security issue, politicians often saw themselves as able to be clearly "for" border security in ways that possessed considerable multidimensionality and texture. In 2010, this was no longer the case. SB 1070 had become a litmus test for a border-security issue that had risen to peerless dominance within the Arizona political agenda – though this characteristic was in great part solidified *post hoc*, after the decision to support the further securitization of the border through SB 1070 had already been made. How did this change occur?

Institutions had seemed to play a role in providing the agenda-setting opportunities that anti-border hawks had employed in order to create this kind of multidimensionality. The governorship had transitioned from a politician who considered it important to offer an alternative border-security agenda to one who was hugely preoccupied by fiscal issues and was uninterested in that project besides. The loss of that bully pulpit combined with an apparent paucity of other opportunities to rival Pearce's agenda-setting ability on

immigration – especially within a Republican Party where policymakers saw relatively moderate positions as continuously losing credibility. With budget issues dominating at the state capitol, there was also a noticeable lack of attention to even attempting such moves. The net result was that, by 2010, policymakers saw few alternative ways to plausibly represent themselves to the public as “tough on the border:” SB 1070 was the only show in town. Positioning oneself on immigration became a question about that bill exclusively.

This condition did not simply emerge from policymakers’ perceived inability to create viable alternative border-security positions. It also grew from a “nationalisation” of the issue that was seen as making the issue profoundly difficult to turn against mighty headwinds – as Goddard said, placing the issue “way out of our grasp locally.” Inasmuch as policymakers saw SB 1070 as entirely dominating the discourse on immigration in 2010 – and immigration, in turn, entirely dominating the Arizona policy agenda – it is important to observe how they understood these developments to be aided by the immersion of border security in Arizona within larger national dynamics and “frozen conflicts” characterising American politics. The rise of “negative partisanship” – where American voters on the whole feel mildly attached to the party they vote for, but loathe the opposing party – has accompanied an increasing partisan polarisation in American politics that mirrors the parties’ growing ideological homogeneity (see Abramowitz and Webster 2016; Edwards 2003). Increasingly, American state and local politics – where voter behaviour has been slower to follow this pattern – have become subsets of larger national conflicts, which has begun ossifying these levels of politics in the same way (Abramowitz and Webster 2016). Arizona political actors were aware of these phenomena generally, but the “nationalisation” of SB 1070 in the days surrounding Brewer’s action on it was seen to activate these processes in sudden ways that had far-reaching effects for how the issue’s politics developed in the following months.

For one, national media coverage of SB 1070 – which clearly permeated Arizona – portrayed the bill within the context of familiar media tropes that emphasised existing lines of contestation in American politics (Chavez and Hoewe 2012). In this manner, Obama’s interventions were seen by Brewer’s aides as assisting her in leveraging

disputes over SB 1070 as a facet of broader partisan conflict (see Edwards 2003). Sparring with Obama eventually became key to Brewer's primary strategy, making her a heroic figure to a Republican Party electorate that ultimately seemed more concerned with Obama's purported villainy than with Brewer's earlier tax-hike apostasy. Meanwhile, staking out a viable "middle" position with these discourses swirling was seen as extremely difficult. The national attention given to SB 1070 not only solidified its position as the signal issue in Arizona politics in 2010, but provided myriad opportunities of Brewer to seize upon her resulting close identification with it. Given that, as long believed, greater border-security measures were very popular in Arizona, opponents of this legislation or of Brewer saw themselves with few options in these conditions.

An overarching theme in this case has been the extent to which the choice to securitize immigration was related to diverse forms of opportunism emerging from political actors' particular contexts. Brewer did not set out to further securitize immigration in Arizona but, much like policymakers who came before her, did so mainly to advance signature policies in other areas. When further political benefits became evident, however, she used her new positioning for all it was worth. Likewise, legislative Republicans who had never felt warm toward the border-hawk agenda found themselves defensively agreeing with hawks in April and offensively campaigning as hawks in November. In terms of policy objectives, Pearce and his allies reaped the benefits, but politically, the benefits were more broadly spread. It seemed that the political rationality of choosing security was more compelling than ever. However, the contingent nature of these reasonings suggested that the foundation upon which border-hawk victory was built was perhaps not as sturdy as it seemed.

## **Conclusion**

In 2010, immigration and border politics in Arizona seemed to reach a transformative moment. Security policies toward immigration that had been previously regarded as extreme and unacceptable were embraced and enacted. Then, the political storm raging, all who stood in the way of such developments politically were swept away. This chapter

has explored the contingent political developments that, upon the basis of the “security politics” described in previous chapters, underlay these two phenomena. Intraparty dynamics intensified the pressure on hesitant Republicans to obediently follow the border-hawk line. After Jan Brewer’s signature of the popular SB 1070 into law, opponents of the border hawks, who already viewed themselves as facing a difficult strategic predicament because of the issue’s tremendous intensity, saw other possibly viable avenues vanish. The intense media attention surrounding the bill and the “nationalisation” of conflict about it made the 2010 election into a binary question: whether a candidate had supported or opposed the nation’s toughest measure on illegal immigration. The huge scale of the issue had seemed to make it impossible to reshape the election away from this.

The aftermath of SB 1070’s sweeping effects on Arizona politics saw intraparty disputes seemingly settled in border hawks’ favour, their partisan opponents further diminished, and their formal power at an all-time high. Arizona’s border hawks therefore seemed primed to enact even more of their still-broadening agenda. Still, the basis of the border-hawk victory, however sweeping, was more contingent than it might have appeared – as the next chapter will explore.

## Chapter Seven

### *A line in the sand: 2011*

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Arizona border hawks were riding high at the end of 2010. SB 1070 had won passage, gained broad public approval despite loud opposition, and led to sweeping Republican electoral victories that were, in turn, largely credited to the border-hawk brand of politics. The legislators who had pressed hardest for more aggressive actions on these issues – particularly Russell Pearce, newly Senate president – possessed more formal power than ever before within the state policymaking system. However, 2011 proved to be a year when the border hawks faced perhaps unexpected challenges – a year that, in retrospect, policymakers say that everything changed.

Border hawks had harnessed powerful political dynamics – in particular, apparently durable public support for tougher action on the border, as well as grassroots right-wing demands for movement on the issue – to convince fellow Republicans to go along with a hard line. Hispanic and left-wing opponents within Arizona had failed to make a tremendous dent in SB 1070's general popularity, and had been internally divided on supporting various boycotts which had produced more limited results than many activists desired. However, business constituencies were growing increasingly uneasy with even these limited boycotts' potential implications for them, especially in light of the larger political reaction to border-hawk efforts. With Arizona Democrats weaker than at any time in recent memory, those factions within the Republican coalition that were never at ease with SB 1070 or associated immigration policies could either continue to stay largely quiet on the issue as border hawks pushed forward with their agenda, or advocate more strongly for their position precisely at the moment when border hawks seemed to have amassed fearsome power. Border hawks, aware of some Republicans' fatigue after SB 1070, had to decide how hard to push the next steps of their agenda. This brewing confrontation would come to a resolution in 2011. The aftermath would have clear implications for the direction of policy and politics in Arizona, as well as for how the politics of the “securitization” of the border in this case might most clearly be understood.

## **Anti-immigration capital**

Arizona Republicans' domination of the November 2010 elections offered apparently decisive proof of the broad popularity of the anti-immigration politics of Republican border hawks, while establishing the state as fertile ground for the waxing Tea Party movement. Arizona seemed to be inspiring similar immigration efforts in other states, even amidst continuing legal challenges to Arizona's laws. Openly conceived as template legislation of sorts by national activists who helped draft SB 1070, by autumn 2010, similar measures were poised to be considered by at least 20 other states (Groff 2011). Arizona appeared to be a national trendsetter.

The major proponents of border-hawk measures had risen to new heights within their own party, while the damage to Democrats – locked out of all state-wide offices and reduced to rumps in both chambers of the Legislature – appeared to deal a blow to the opposition to an expanded right-wing agenda. Sen. Russell Pearce, the driving force behind SB 1070, was chosen in November 2010 by fellow Republicans to preside over an upper chamber where his party would control 70 percent of the seats. Upon his selection, Pearce pledged to govern as a “Tea Party Senate,” talking up the importance of a number of newly salient conservative causes alongside the anti-immigration politics he had laboured to advance for many years (Fischer 2010b).

Despite the ascendance of new conservative causes in 2010 that had fuelled the campaigns of Republicans nationwide (for instance, opposition to President Barack Obama's Affordable Care Act), in Arizona, border security politics retained a particular place within the right-wing agenda. SB 1070 had made Tea Party heroes of Pearce and Gov. Jan Brewer, and the bill had given many other Arizona Republicans a potent tool in their election campaigns. To border hawks, that autumn's vote of confidence at the polls could only mean a stronger push for their agenda, and many Republicans arrived at the capitol in January ready to legislate on the border, in more or less forceful ways. Steve Smith, for instance, had run as a Republican for a state Senate seat within Pinal County, which since statehood had been dominated by old-style rural Democratic Party politics, but had undergone major demographic change as exurban development emanating from Phoenix ballooned its population. Running hard on a border-security

platform, Smith, a first-time candidate, defeated a Democratic incumbent whose family had been rooted in Pinal County politics for decades. In an interview for this project, Smith recounted:

I just delivered the same message I just kept telling everybody I met. It was just that I think we need conservative and principled leadership, and certainly my hallmark issue was border security, stopping illegal immigration, no social services for illegals, things like that. ... That issue clearly resonated with our voters. And I was the first Republican senator elected in our district since statehood. So, about 100 years. ... I think at the time it was still a Democrat district [by voter registration]. So it's not like you're just singing to the choir.

The success of border hawks in capturing the political middle ground, as victories such as Smith's seemed to demonstrate, appeared to portend a continuing drumbeat of hawkish immigration legislation. All sides in the debate over SB 1070 regarded that bill as having represented a major battle, but while many opponents of it believed it was an exceptional and extreme measure – overreaching, rights-compromising, unconstitutional, and generally beyond the pale – border hawks, as well as some of the Republicans who supported it more squeamishly, saw it as a mere reinvigoration of existing law on the topic of unauthorised immigration. In that view, while SB 1070 was a milestone political victory, it and the 2007 employer-sanctions bill represented only the beginning of a truly incisive policy agenda. While Pearce pledged his attention to budget issues and offered to let other legislators take the lead on immigration, he promised to use his powers as Senate president to help the border-hawk agenda move forward: “I will help usher those bills if they're good public policy,” he said at the time (Davenport 2010b).

Pearce had managed sporadically to overcome fractures within the Republican Party to pass his legislation, most notably with SB 1070, but these divisions had not yet disappeared. In 2010, even Republicans who had in various ways opposed Pearce's efforts on immigration ran in their campaigns as border hawks, but this shift in political strategy did not entail a deepening enthusiasm for the merits of this kind of legislation. Republicans viewed as relative moderates had been progressively defeated in years of intraparty battles – with former Rep. Bill Konopnicki, an open opponent of Pearce's, losing a primary election for a Senate seat in 2010 – but many of the Legislature's

“closet moderates” on border issues, toeing the line on SB 1070, lived to see another term. Rich Crandall, Adam Driggs, Nancy Barto, and John McComish – three members of the “Sanctuary Six” who had walked out on HB 2280 in 2009, and one Republican who had voted no on it – were members of the incoming Senate supermajority, along with business-minded Republicans such as Michele Reagan, Steve Pierce and Steve Yarbrough. The political dynamics behind the passage of SB 1070 had moved these lawmakers into lockstep with the right wing of their party on that bill. It seemed altogether logical that they might see similar benefits in supporting other hard-line measures.

Apart from the continued presence of sometime-opponents, border hawks faced a couple of other brewing problems that emerged from the tempestuousness of post-SB 1070 politics. First was a sense among some Republicans that having two envelope-pushing state immigration laws in federal court was enough, and that Arizona should step back from the issue to deal with budget matters and economic recovery. While some more right-wing legislators like Sen. Frank Antenori were sympathetic to this position, this point tended to be made by the usual suspects of Republican immigration moderation (Davenport 2010b). More important, however, was the detrimental impact that some within the business community perceived that SB 1070 was having upon Arizona’s economy. The most sweeping calls for boycotts had seemingly not materialised, with Major League Baseball, for instance, ignoring calls to move its 2011 all-star game from Phoenix (Vecsey 2011). Certainly “the state’s economy [hadn’t] come to a screeching halt” (Christie 2010), but some effects were noticeable anecdotally upon the tourism and hospitality sectors, as some high-profile entertainment acts and conventions had cancelled plans in Arizona (Marc Lacey 2011b). Tourism industry groups and the City of Phoenix quantified their estimated losses publicly in 2010, while a national liberal think tank put forward a relatively higher estimate (Fitz and Kelley 2010). Regardless of the size of the impact, the boycott talk and the negative tone of national media coverage of SB 1070 prompted concern among a business community that had generally said little about SB 1070 before it passed. Tourism industry lobbyists in particular made attempts early in the 2011 legislative session to stress their point to lawmakers (Wyloge 2011).

Overall, within the Republican caucus, there seemed to be a lack of agreement about where things stood in terms of further border-hawk bills. Some legislators were eager to seize the opportunity apparently presented by their electoral victory to advance a broader immigration agenda. Smith recalled of the time when he entered the Legislature in 2011:

You have some people that are like, “Okay, finally now we can maybe get our house in order, so to speak, in terms of really addressing this problem,” ‘cause, again, 1070 was *nothing* other than a copy of federal law. And so it’s not like it was this sweeping reform, right? It basically just reiterated what federal law said you can do. Yes, police have the right to look at people’s legal status when they pull them over. Yeah! When I got to the Legislature, it was like, “now, let’s kind of address this in all areas of society.” That’s when I said, alright, let’s address it in our schools, which is one of the bills I ran. Let’s address it in our hospitals.

At the same time, Pearce’s commitment to addressing the state budget, and a measure of fatigue among some Republicans, led some to believe that perhaps a “time out” on immigration would ensue (Davenport 2010b). While business-oriented Republicans, much like the border hawks, maintained that SB 1070 did not do what its opponents claimed, they nonetheless perceived it as having caused real problems. Crandall explained:

People said, “Hey, the sky is gonna fall if you vote yes on this. ... No Hispanics are going to come to Arizona because they’ll just be pulled over, ‘Show me your papers.’” And you read through it and you say, “Wait – that’s illegal if they do that.” So you dismiss them a little bit, because that’s illegal, it’s not gonna happen. It didn’t matter. It was perception. A hundred percent of it was perception. ... We didn’t believe them, ‘cause we had read the bill, and said, “No, that’s not in there.” And then, sure enough, it all comes true. Boom. One after another. Cancellation, cancellation. Protest, boycotts. So then we come back together in January, the next session, and say, “Okay, let’s don’t do anything further.”

Clearly, these two positions – one typified by Crandall, the other by Smith – were on a collision course. And, if nothing else, SB 1070 had demonstrated the forces behind the hawkish side’s growing tendency in such conflicts to prevail.

## The Stockyards Seven

Pearce took the Senate gavel in January, amid some uneasiness from the business community about the prospect of further immigration controversy, but with a formidable reputation as “arguably the most powerful man in Arizona politics” (Phippen 2014). While often regarded as gruff or bare-knuckled, in leading his majority, Pearce would also show his more accommodating side. “Ninety percent of the time, he and I were on the same page and he was supportive,” Crandall recalled of Pearce as Senate president. “He gave me Senate Education [the committee chairmanship]. He supported big bills that I ran. ... And so we had dialogue, we had conversation.”

These conversations with relative moderates, according to Crandall, included the reservations they held about a number of immigration bills introduced early in the session as the next stage in the border-hawk agenda. SB 1308, sponsored by Pearce and Sen. Ron Gould, and SB 1309, sponsored by Pearce, Gould, and Smith, aimed to create a new category of “Arizona citizenship” and restrict the issuance of birth certificates to the children of unauthorised immigrants. Advocates hoped these bills would spur litigation that would eventually prompt the Supreme Court of the United States to redefine the 14<sup>th</sup> Amendment to the U.S. Constitution’s provision of *jus soli* citizenship to exclude children born to unauthorised parents. SB 1405, another Smith-sponsored bill, required hospitals to verify the lawful status of patients who could not present valid insurance information and report those who could not prove they were present in the United States legally. SB 1407, sponsored by both Smith and Pearce and echoing some of the latter’s previous proposals, sought to require schools to report statistics on their numbers of unauthorised students. In February, Pearce also introduced SB 1611, a further “omnibus” bill that would, among other measures, make it unlawful for unauthorised immigrants to drive a car in Arizona, require proof of legal status for the purposes of registering a vehicle, and exclude unauthorised immigrants from enrolling at any state higher education institution. All of these measures caused concern for the caucus’s immigration moderates. “We were very open: ‘Hey, no, Russell, I can’t go there. I can’t go there,’” Crandall recalled, echoing a warning that Pearce had by then heard many times before.

On the other side of the aisle, Democrats possessed very little policymaking heft, but outside of the Legislature, liberal activist groups were devising their own ways to strike back against Pearce and, more broadly, the right-wing border policy push. The previous year's boycott calls already had caused some headaches. In January, a small group of activists led by the labour organiser Randy Parraz began a campaign to recall Pearce from office using the recall provisions of the Arizona Constitution, which would force Pearce into a special election to defend his Senate seat. Latino activists, newly mobilised by SB 1070, were on high guard for further proposals from Pearce, to them a villain on par with Sheriff Joe Arpaio. These activists could now count on active backing from a broad array of organisations that may have supported them more quietly before, but now coalesced in opposition to the border hawks as a matter of greater priority. In the early years of contention over immigration and border security politics, "We were standing by ourselves! You had a handful of Latinos that were standing there," recalled Steve Gallardo, a Democratic legislative veteran who entered the Senate in 2011. Following the controversy over SB 1070, however, Gallardo recalled, "When you have an immigration march [now], you have labor involved, the Democratic Party, you have all these progressive groups. These groups were not with us [before]. They weren't. You didn't have the Sierra Club with us." While Arizona's left-leaning activist organisations occupied a clear minority position within the state's politics, their closing ranks coincided with a moment when, within the Republican coalition, business groups were becoming more mobilised in urging a cooling-off on immigration issues.

As the session began, budget and economic bills indeed appeared to take precedence. Still, the immigration measures percolated through committees, where they met a less than enthusiastic reception. Pearce's position as Senate president meant that he could guide legislation to the friendliest committees and control the flow of business to the floor. Still, the initial difficulties that his bills encountered raised eyebrows. By February, it was notable that "[i]nfluential business groups [had] lined up against the immigration measures" (del Puerto 2011), including the Arizona Chamber of Commerce and Industry. That month Pearce removed the two 14<sup>th</sup> Amendment bills from the Senate Judiciary Committee – which, despite being chaired by his ally Gould, did not seem to have the votes to pass them – and moved them to the more amenable Appropriations Committee. In Senate Appropriations, Crandall was the sole vote against them. "We

keep moving down this road, and the hotel industry is saying, ‘Hey, we just barely convinced the world that we’re not crazy,’” he said in a media interview at the time. “What’s the image we’re trying to portray? Where does it stop?” (Wyloge 2011). Border hawks brushed aside this argument. “We’re not doing this because we enjoy doing these things,” Gould said at the time. “We’re doing it because it’s essential to the survival of Arizona” (Wyloge 2011). Pearce’s omnibus bill, SB 1611, also squeaked by in the Appropriations Committee, by only a single vote. While the birthright citizenship bills had met their initial test, Crandall told reporters that within the Senate as a whole, he was not alone in his opposition. “There’s numerous people who are ‘no’ now once you get it into the entire body” (del Puerto 2011).

Crandall had strong reasons to believe this, despite border hawks’ past success in using the twin cudgels of popular support and grassroots passion to wear down Republican opposition. In a social echo of the way that moderate legislative Republicans of the past regularly met in various venues at the capitol, at the start of the 2011 legislative session, Crandall and like-minded Republican colleagues had begun meeting regularly in a private room in a long-established Phoenix steakhouse, the Stockyards Restaurant. “We called ourselves the ‘Stockyards Seven,’” Crandall recalled:

Forty years ago, Justice [Sandra Day] O’Connor,<sup>37</sup> when she was a state senator . . . , her group would go and meet at the Stockyards. . . . We decided to resurrect that. People would come and mosey in, and we’d stay for two to three hours in the back room. They’d close the doors and let us have that whole back room to ourselves.

While not as numerically fixed as their epithet suggests – some members stopped attending over the course of these meetings while others joined in – the Stockyards Seven in early 2011 included several senators who bore border-related battle scars, in the figures of Crandall, Driggs, and Barto (three of the Sanctuary Six) as well as McComish. Other members included business-oriented Republicans whose ideology

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<sup>37</sup> The first woman justice of the Supreme Court of the United States, serving from 1981 until 2006, and a revered figure in American public life. O’Connor served in the Arizona Legislature as a Republican from 1969 to 1975, including as Senate majority leader. O’Connor’s reputation as a pragmatic, moderate consensus-builder – often the Supreme Court’s “swing vote” – surely reflected upon the self-conception of this group of legislators.

resembled more traditional pre-Tea Party conservatism.<sup>38</sup> These informal meetings allowed for like-minded colleagues to fraternise over the Senate scuttlebutt while building support for their own priorities. “We’d be in there, and we’d talk about this or that bill’s gonna be coming up – it was gossip,” Crandall said.

While the immigration-related bills circulating through the Legislature did not seem to have a completely clear path forward open to them, their continued lingering deepened the concern of business groups. On 14 March, the Greater Phoenix Chamber of Commerce sent an open letter to Pearce, signed by 64 business executives, asking that he ease off from further controversial immigration measures.

We strongly believe it is unwise for the Legislature to pass any additional immigration legislation, including any measures leaving the determination of citizenship to the state. Arizona’s lawmakers and citizens are right to be concerned about illegal immigration. But we must acknowledge that when Arizona goes it alone on this issue, unintended consequences inevitably occur. ... It is an undeniable fact that each of our companies and our employees were impacted by the boycotts and the coincident negative image [after the passage of SB 1070]. Tourism, one of our state’s largest industries and employment centers, also suffered.... Let us be clear: our dissension with legislative action on the state level does not translate to our being “pro-illegal immigration.” ... [W]e urge the Legislature to redirect its energy by joining us in pressing the federal government for meaningful immigration reform. (Brown et al. 2011, underlining in original)

Border hawks were unmoved. “I’m sorry, so we’re gonna look at our economic footprint over what we’re just supposed to be doing as a matter of right and wrong, as a matter of law, as a matter of protecting our citizenry?” Smith said in an interview for this project, in a typical formulation. “Hey, I’m a capitalist like anybody else. However, I am not gonna put a company’s economic interest above safety and our country’s safety interests,” he said. Against this, Democrats were in league with business organisations, despite some of the Democrats’ normal allies on the left having instigated or supported the boycotts. In addition to all the usual reasons they opposed this policy push, Democrats found a complementing argument that further legislation on immigration would trigger more economic damage to the state. “You want another boycott of Arizona? You continue on and hurt Arizona’s economy. Go ahead. Do these bills,”

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<sup>38</sup> At the beginning, attendees included Senators Michele Reagan, Steve Yarbrough, and John Nelson.

Gallardo explained elected Democrats' arguments on the matter. "It got the Chamber involved big time. I did not see them more involved than in the 2011 fight," he recalled.

If major business lobbies by this point seemed clearly prepared to provide the kind of political cover that unenthusiastic Republicans had found lacking in the SB 1070 debate, their willingness to vote against these measures still had not been tested against the border hawks' continued use of grassroots pressure and broad popularity to twist the arms of the unwilling. After the immigration bills' relatively rocky committee approvals, many were unsure about when and whether Pearce would move them to the floor at all. "We weren't expecting them," Crandall said. "We knew they were out there, but we thought that Russell understood well enough that, hey, we were never going to be a yes on those." With the possibility of confrontation brewing as Pearce made moves to usher the bills along, the issue arose in back room of the Stockyards.

Rich Crandall: There's just so much hearsay that, what are we going to do if these bills come up? ... And we've been meeting for at least two or three months at the Stockyards. ... So we had that, and we were prepared. We were prepared that when they came up, we were going to vote no.

Interviewer: All of you together.

RC: All of us together. ... Everybody had met with us, just saying, "Hey, guys, we need you to be our backstop to any more crazy stuff. We can't afford any more of this. ..." We're starting to think a little more pragmatic: How about we focus on other issues besides immigration, once and for all? ... And so we were prepared because we had been having those meetings.

Days after the business executives' open letter, on 16 March, Pearce held the gavel as Senate Republicans passed a number of budget-slashing bills that had been the subject of contentious negotiation. Leading his caucus to a unified conclusion and advancing the session's centrepiece legislation to the House, the day marked a positive moment in Pearce's leadership. The next day, he brought the five immigration bills to consideration on the Senate floor.

To Pearce, who had in the past pushed bills to the floor with fellow Republicans vowing their opposition – sometimes succeeding at calling their bluff (as with SB 1070) while at other times failing – this was an audacious but not unprecedented bet that the forces

that had consolidated Republicans behind his agenda in 2010 would again be what counted most in the end. “We had told Russell we were gonna be a no on it. He knew that. I think he thought that, ‘Oh, when you have to go to the Board of Truth, you’re gonna be a yes on this. I’m sure you are,’” Crandall recalled. The decision to cause action on these bills on 17 March came as a surprise to those not directly involved in advancing them. With the Senate’s nine Democrats solid in their opposition, the bills could tolerate five Republican defections to pass with bare majorities.

The initial hour-and-a-half of discussion on the floor during the Committee of the Whole – during which senators heard amendments and moved the bills toward final votes – played out largely as a debate between the bills’ Republican sponsors and the chamber’s Democrats. Democrats offered sometimes blistering critiques of each of the bills, usually aimed at the political centre. “If an individual comes into a hospital, hospitals are in the business of doing one thing, and that is to save and preserve life. That being the case, I just don’t see how hospitals are going to now have to become ICE agents,” Democratic Sen. Leah Landrum Taylor said regarding SB 1405 (*March 17, 2011 -- Senate Floor Session Part 1 -- Committee of the Whole #1 2011*).<sup>39</sup> Commenting on one of the provisions of SB 1611, Pearce’s omnibus bill, Democratic Sen. David Schapira said:

To say that our community colleges and universities are also going to have to be immigration agents, that they also are going to have to determine immigration status, and that now not only can they not offer in-state tuition – which is said and done – they can’t even *admit* a student, again, I ask: What is the cost to our future as a state and as a country when we pass legislation that says we will no longer educate our students?

“What state makes it illegal to go to college?!” Gallardo asked more pointedly. Still, while Democrats’ arguments were most often practical or gestured toward the centre, some members of the caucus sounded liberal warnings about prejudice. “Personally, I feel that there is a lot of hate associated with these bills,” Democratic Sen. Olivia Cajero Bedford commented. However, it was largely Gallardo, in his repeated comments, who raised spectre of business opposition that seemed to loom over the entire debate.

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<sup>39</sup> This is also the source for all following quotes from the COW debate, omitted for flow.

“There’s a reason why many members within the business community have come out and opposed so many of these bills,” Gallardo said. “It is because they have felt the impact that many of these pieces of legislation has had on the state’s economy.... Do we want another round of national boycotts on the state of Arizona?”

Reflecting longstanding arguments, the Senate’s Republican border hawks disputed that the bills represented anything radical or discriminatory, contending instead they extended existing legal principles and aimed to address major problems or questions for which the public was demanding answers. Regarding the 14<sup>th</sup> Amendment bills, “all we really want to do with this is let’s ask the Supreme Court, ‘You tell us,’ and let them make the decision for us,” Smith said. Pearce commented that birthright citizenship for the U.S.-born children of the unauthorised was “nothing but amnesty through birth, it was never intended by those laws, it was never intended by the Founders or those who wrote the 14th Amendment, and it needs to end.” Smith also defended his own proposal, SB 1405, addressing hospitals, as a straightforward and simple measure. “We are not turning our hospital admin people into ICE agents. ... I just want them to make a phone call. No detaining, no arresting, no laborious reports. A simple phone call. It’d be no different if we saw someone breaking into a car outside.” The border hawks were unmoved by talk of outside opposition. “That’s the kind of black eye I’d like to have,” Pearce said. “America’s on our side, from coast to coast. ... All [SB 1611] does is to codify what the voters have spoken on time and time again. Enough is enough.” Each of the bills were moved forward without roll-call votes to final consideration.

The Stockyards group’s silence ended as the bills moved forward for final votes. While the chamber was casting its ballots on the first measure – SB 1308, one of the pair of 14<sup>th</sup> Amendment bills – Sen. Steve Yarbrough rose to explain his vote against it:

I am appropriately described as a hawk when it comes to the issue of illegal immigration. I believe I’ve voted for every measure intended to address illegal immigration during my time in the Legislature. ... So, is there any sufficiently compelling reason to vote no? Well, yes, there is clearly one: I do not believe these bills will accomplish their objective. I am persuaded that they will not result in getting the United States Supreme Court to address the fundamental question of whether the 14<sup>th</sup> Amendment would allow birthright citizenship to not be extended to the U.S.-born children of illegal immigrants. (*March 17, 2011*)

“It’s very difficult to tailor legislation to specifically get the Supreme Court to take *certiorari* for it. ... [I]f someone has better language, they should have amended this bill to get the better language that would be tailor-made to take this issue up,” Sen. Andy Biggs, the majority leader, said in rebuttal to Yarbrough. During the vote on SB 1309, which would create a separate legal category of Arizona citizenship, Sen. Adam Driggs rose to make a more fundamental objection. Holding a signed copy of *The Making of America* by the right-wing Mormon writer W. Cleon Skousen, Driggs quoted Skousen on the citizenship clause of the 14<sup>th</sup> Amendment:

“The provision gives every human being born or naturalized in the United States the RIGHT” – and he puts “right” in all-caps – “to citizenship in both the United States and the state where the person resides. The only exceptions are children born to foreign diplomats, and children born to enemies during wartime occupation.” The *only* exceptions – to a person I respect greatly, and I know other people in this chamber respect this man greatly also, because this book is on desks of members in this chamber.

Minutes into the debate on the 14<sup>th</sup> Amendment bills, as no votes began to light up the Senate’s electronic voting display, it became clear that the bills were going to fail. Border hawks invoked the possible political consequences of what they saw as a defiance of public opinion. Gould said:

Apparently what you’re saying here is that you’re unwilling to attempt to remove an incentive for people to illegally immigrate into the United States. So when your constituents come up and ask you, “Why don’t you do something about this?”, you can reflect back on this bill and how this bill failed. So I’d be kind of interested to see how you’re going to explain yourself to your constituent emails that’ll start coming in momentarily.

Both citizenship bills had failed by significant margins – SB 1308 on a 12-18 vote and SB 1309 on an 11-19 one – with Barto, Crandall, Driggs, McComish, Yarbrough, Sen. John Nelson and Sen. Michele Reagan all holding the line against both of them, in addition to further Republican dissenters Antenori and Steve Pierce.

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<sup>40</sup> This is the source of all of the following quotations from the Senate third-reading votes, omitted for flow.

With the day not proceeding as border hawks had hoped, the Senate moved to consideration of Smith's bills – SB 1405, regarding hospitals, and SB 1407, regarding data-gathering by schools. Their sponsor rose to defend the first of these measures:

The State of Arizona spends between \$700 and \$800 million per year – *per year* – on free health care for illegals. We just passed a budget yesterday, and our budget shortfall was over \$1 billion, as you know. This is more than half – if we just take this step, we could potentially remove half of our budget shortfall. We wouldn't have made the cuts that we had to make yesterday – tough cuts, very tough cuts. You've got understand: Whose money do you want to cut and take? The agencies'? Education? Your tax dollars? Your children's tax dollars? Or, stop giving free things to do those who don't deserve it?

Crandall responded to this decorously but with some incredulity. “Many of you know I was a hospital auditor many years ago. ... The largest percentage of uncompensated care at any hospital is from emergency services. That's plain and simple,” he said. “And I appreciate when Senator Smith was drafting this bill, he excluded that part. ... You cannot stand up and say we could have avoided yesterday's cuts had this bill passed.”

Barto offered a more measured consideration:

It's a really difficult bill for me to vote on, because I agree so much with my colleagues voting aye. ... I would score very well if I voted aye on dealing with illegal immigration. I think it would have an impact. But I think it would have a more negative impact on our business community and the citizenry, and the rights of Arizona and U.S. citizens. ... How much regulation are we going to put on private business to address this problem? I think this is a good line to draw at this point in time.

To many voting on the yes side, however, the fiscal impact was clearly secondary. Sen. Sylvia Allen said:

I also agree with the senator... who explains that the bill doesn't save us any money. It's a statement saying that we have problems in our state created by people who care less about honoring our laws, but want to come here and reap the benefits of our lifestyle that people before them paid the price to do! And it's *wrong* that we do not turn this back on them, and instead *we're* the ones who are wrong and we're the ones who are in trouble, and we're the ones who are called racists!

Closing debate on SB 1405 as it was clearly failing, Pearce dismissed the claims that the

issue was complex. “It’s a very simple issue: enforce the law,” he said.

I don’t know why we make this such a difficult issue. As a nation we stand for something. Either we stand as a nation, or we’ll fall as a nation divided. ... Almost everybody here ran on the issue of fixing the broken border problem. Well, you have a chance to do it, folks. Either you believe it or you don’t. Your vote is what is gonna be recorded, and make that clear to your constituents.

In the following debate on SB 1407, Smith spoke as “no” votes mounted:

I know my constituents ask, “How many kids are in our school system illegally?” and unfortunately my answer is, “I don’t know.” This would just be a way to collect data with no penalty to the school system for noncompliance. Guys, if we can’t vote on this one, my goodness! ... Don’t you care about knowing the answer? I do. My constituents do.

“It appears that we will have some work to do before the next election with our folks out in the world as we run some citizens’ initiatives, since we can’t seem to get this stuff out of the Legislature,” Gould commented as voting on that measure finished. SB 1405 had failed on a 12-18 vote and SB 1407 on a 14-16 ballot.<sup>41</sup>

Finally, the Senate considered Pearce’s proposed omnibus bill, SB 1611. Up to this point in the final consideration of the bills, the mobilised opposition of business groups had, despite its looming importance to the developments on the floor, barely been mentioned, in favour of other flaws that dissenting Republicans saw in the legislation. Democrats, meanwhile, had been completely silent since the third reading of bills had begun. As debate on the bills reached the end, however, Sen. John McComish discussed the elephant in the room:

When we started our session, and before our session, I believe everybody in this body would have agreed that the economy, and trying to drive our economy forward, was probably the most important thing that we could do. ... I believe that [the immigration bills] could be, potentially – if we were to continue with them – a detriment to the growth of our economy. ... I got a letter today from a group of business leaders, 60 owners and presidents, CEOs, of our very largest corporations in the state of Arizona. ... I will take their advice before any other group I can think of in terms of what’s going to drive our economy forward, and they say bills such as 1611 are not the answer. ... The Arizona Business

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<sup>41</sup> Barto and Yarbrough moved to the yes column on this bill.

Coalition did a survey, amongst our people, and while they said that illegal immigration was important, it was not listed anywhere near the top. ... Members, like many of you, I supported Senate Bill 1070, and I still do. However, it seems obvious to me that it's time for us to take a time out on immigration, and I vote no.

With McComish joined by the same group of six Republicans in his opposition, the afternoon was amounting to a major defeat for Pearce and his allies. The dissenters were “way more than just two or three people,” as Crandall pointed out, recalling how Pearce “rip[ped] us from the dais like there is no tomorrow... as he gives his vote explanation to close the board:”

Folks, apparently, there ought to be a law about honesty in brochures and honesty in campaigning. I stand on the side of citizens, not a bunch of businessmen that write me a letter. ... Beheadings in Chandler, contract killings in Casa Grande, 12 Phoenix police officers killed and maimed by illegal aliens. ... Fifteen-year-old in Scottsdale raped, fifteen-year-old in Guadalupe kidnapped and raped. Officer Brian Terry, sent to confront armed *bandidos* with beanbags.<sup>42</sup> \$2.7 billion to educate, medicate, and incarcerate. Apparently it's not a big deal. The voters have spoken loud and clear. ... But you know what? It took me a while on 1070, too. I introduced it in '05, '06, '07, '08, '09 and 2010 before we had a governor that would sign it. ... Once they cross that border, it's your neighborhood, your education, your health care, your citizens that are impacted. It's *you* that pay a price. And it's *your* responsibility, who take the oath of office, to defend these laws and protect our citizens! You *can't keep passing the buck* to somebody else! The only impediment to enforcing our laws is the lack of political courage on the part of our elected and appointed officials. *You* bear the burden and responsibility of the costs and the maimings and the death! It's gotta stop, folks. I know you care as much as I care. You've gotta use the tools that are available to you to fix this problem. You have to. Your citizens deserve it. Your nation deserves it. You have an obligation.

With Pearce's bill failing on an 11-19 vote in the chamber he controlled, observers at the time quickly recognised the afternoon a potential turning point. “In an abrupt change of course, Arizona lawmakers rejected new anti-immigration measures on Thursday, in what was widely seen as capitulation to pressure from business executives. ... [But] state politicians and other officials interviewed after the bills' defeat said it was too soon to tell whether the turnabout represented a long-term change” (Oppel 2011).

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<sup>42</sup> A U.S. Border Patrol agent, killed on duty in Arizona in December 2010, whose murder became a pervasive news story and a national conservative *cause celebre*.

Notwithstanding, it seemed that the change had come about due to some major shifts. The mobilisation of business lobbies against the threatening politics of immigration restrictiveness, if not against policies that had a very direct impact on their operations, greatly shaped hesitant Republicans' perceptions of their landscape. This mobilisation, in the eyes of business-friendly Republican legislators with pre-existing preferences for less state-level immigration legislation, constituted a very strong signal that they would find previously lacking political support in taking a position against the border hawks, notwithstanding the popular appeal of restrictive approaches and a febrile party grassroots. They also sensed safety in numbers. "Even today, that far-right, rabid group... want [border-hawk legislation] voted. That's why it still came up" in 2011, Crandall explained. "And to know that you've got some people who have your back – I mean, the fact that there were seven of us meeting every two weeks at the Stockyards – that gave me the courage to say, 'Hey, I'm a no on this.'"

### **They that sow the wind**

Whatever the defeats of 17 March appeared to portend at the time, they did not entail a complete halt in immigration-related legislation. Work progressed on a handful of lesser border-hawk priorities, as well as on bills occupying the now-longstanding consensus on enforcement against human and drug smuggling. Early in the legislative session, Brewer had signed a bill solidifying earlier efforts that (with dubious constitutionality) sidelined the state attorney general from defending SB 1070 in court, and allowed legislative leaders and the governor a much greater role (SB 1117). Additionally, by 17 March, the Senate had already passed a Gould-sponsored measure to prohibit state agencies from accepting as valid ID consular identification cards, by then a long-time border-hawk goal. That measure, SB 1465, eventually passed the House in April and was signed by Brewer. A provision to require proof of citizenship or qualified residency to receive public housing benefits had also already passed the Senate, but was held in the House (SB 1222). HB 2191, sponsored by Rep. Jim Weiers, the former House speaker, sought to backdate the prohibition of Arizona state courts from awarding punitive damages in civil trials to unauthorised immigrants, which voters had already passed as Proposition 102 in 2006. This bill intended to help vacate an award made in a 2004 civil judgement

against the border vigilante Roger Barnett (Fischer 2011a). Brewer signed that bill into law.

Indeed, if read based on the number of bills passed alone, the 2011 session could seem relatively productive in terms of immigration-related legislation. SB 1225, a bill which classified as a felony forgery for the purposes of obtaining a dwelling to use as a smuggling drop house, was also signed by Brewer in April, and was an unusual product of the Republican-dominated chamber in that a Democrat, Sen. Kyrsten Sinema, was one of its primary sponsors. SB 1046, which also passed the Legislature and was signed by Brewer, required that the state discharge youths in custody if the federal government enforces a detainer for an immigration proceeding. HB 2102, sponsored by Rep. John Kavanagh, required that a person present photo ID proof of citizenship or lawful status to be issued any state ID, including a fingerprinting clearance card, and was also among the April border bills signed into law. Amid the number of immigration-related bills signed by Brewer in April, the same month, the U.S. Court of Appeals for the Ninth Circuit upheld a lower court's injunction against the most controversial parts of SB 1070 taking effect, signalling the difficult legal terrain ahead for the law as appeals courts began siding with the Obama Administration against Arizona (Markon 2011).

In addition to the previous legislation was one border-related measure sponsored by Sen. Steve Smith, which was not brought to the Senate floor on 17 March: SB 1406, which would allow the governor to enter into an interstate compact to build the border fence that hawks argued the federal government was unwilling to construct, and established a trust fund to gather private donations for that purpose. At an estimated cost of \$2.8 million per mile (Christie 2013), the potential of building a border fence with donated funds seemed remote to many observers, and indeed the trust fund eventually wound down having collected \$220,000 (Rau 2015). Smith saw his proposal as, at the very least, a move in the right direction.

Despite the success of those bills, however, the desire to legislate on the border was clearly waning among Arizona policymakers as a whole, at the same time that SB 1070-inspired efforts in other states foundered (Groff 2011). Generalised fears about the economy had tamped down much of that enthusiasm, narrowing – for the time, being,

at least – border hawks’ room for manoeuvre. “As much as [U.S. Rep.] Raúl Grijalva gets criticized for calling for the boycott of Arizona, it worked!” Gallardo said in an interview. As the legislative session closed, it seemed that a new configuration had emerged, where immigration legislating was hemmed in by a combination of inflamed Hispanic and (latterly) left-wing opposition, along with newly emphatic business objections that had been triggered by activist boycott threats. Indeed, business lobbies sustained their mobilisation beyond 17 March, as they made a point to help those who had stood on their side, even if these groups did not exactly stand against the Republican border hawks whose politics they saw as damaging. As Crandall recalled:

They finally started, the chambers [of commerce], playing in political races, raising money for you. That was the biggest one. It was the fundraising. They had a big fundraiser for us – I remember it was several of us and then they had [Democratic legislator] Eric Meyer there also. And we got about 25 grand each at this big fundraiser. And that was the first time they had really stepped up to say, “No, we’re gonna support the pragmatic Republicans.” ... And so [opponents] started, instead of calling us the “Sanctuary Six,” they started calling us the “Country Club Republicans.”

As the “Country Club Republican” barb may suggest, despite vocal opposition from the left, minority groups, and business elites, it was not evident that the border hawks had lost support among either the right-wing grassroots or the political centre. Thus it was unclear that threats to resort to popular pressure and ballot initiatives – invoked directly on the Senate floor during the 17 March debates – had truly lost their menace.

In June, however, the newly active opposition succeeded in lodging enough voter signatures to recall Pearce from the Senate and force him to defend his seat in a special election. Allies considered the threat to be weak, and even most sympathisers viewed the effort as a longshot. “Pearce won his previous contests by wide margins, and his political allies dismiss the recall as little more than an annoyance for such a proven campaigner,” a press report said at the time, quoting Kavanaugh characterising the recall effort as “a gnat on the rump of an elephant” (Marc Lacey 2011a). Still, the leaders of the recall effort believed that Pearce was potentially vulnerable given the form of a recall election under state law, in which all candidates would compete on the same ballot in what resembled a “jungle primary” election, without partisan primaries ordaining a single nominee beforehand. From the beginning, Parraz, the labour organiser

orchestrating the recall petition drive, had envisioned that after recalling Pearce successfully, Democrats would refrain from nominating a candidate in Pearce's heavily Republican Mesa district, gambling that a more moderate Republican primary opponent would emerge to challenge him (McMullen 2011).

This prospect became more and more possible as anti-Pearce activists gathered their signatures and the legislative session wore on. The business community had already stood up against immigration legislating in an uncomfortable development for the Republican Party coalition, but Pearce was also becoming a figure of controversy within the Mormon community, which is politically important in statewide Republican politics and particularly in Pearce's home city of Mesa, which was founded by Mormon pioneers. In 2011, working with business groups, the Church of Jesus Christ of Latter-day Saints successfully watered down an SB 1070-inspired bill in the state where it has the most political influence, Utah. The church was also beginning to promote to a more openly humanitarian position on immigration in Arizona, partially because church leaders believed that Pearce, a Mormon, was affecting the church's image among Hispanic Americans and people in Latin America (Montero 2011). This development represented a potentially potent threat to the energetic evangelisation efforts that characterise mainstream Mormonism. Following the controversy over SB 1070, Mormon leaders in Arizona and at the church's headquarters in Salt Lake City, Utah had begun to privately urge a shift on the issue among border-hawk Mormon policymakers. Crandall recalls a pre-legislative session social meeting of Mormon politicians – including himself, Pearce, Biggs, Driggs, and former House speaker Kirk Adams, among others – convened by church leaders. While a normal part of the annual political calendar for Mormon policymakers, the meeting in 2011 turned fractious:

The conversation was to be around, “Hey, guys, remember these are human beings, children of God,” things like that. ... And it's just heated and contested. ... So, fast forward about three or four months. All of us Mormons get a letter from Salt Lake, just saying, “Guys, remember, these are human beings you're talking about.” You know, Russell and the whole conversation's around these “lesser” people, and just trashing on them. ... You've got five Hispanic congregations in Mesa that have lots of illegals that are Mormon. We don't ask, “What's your citizenship status?” when you get baptized, you know. ... So, it was really heated and the Church just divided, to where the final straw for me

was when a bunch of Hispanics went and protested against Russell Pearce at the [Mesa] Temple.

The divisions that had opened up within a number of normally conservative blocs – Republicans, business, the Mormon community – created a potential opportunity in the Pearce recall for a more moderate business-oriented Mesa Republican, particularly a Mormon. The dreams of Pearce’s left-wing opponents were fulfilled later that summer, when a local businessman, Jerry Lewis, announced he would run in the November recall election. Lewis, as a media report said at the time, “fits to a T the profile that recall organizers have said they wanted. He’s a Republican, active in the Church of Jesus Christ of Latter-day Saints, conservative, family-oriented (seven children) and a stalwart in grass-roots causes as Boy Scouts and Little League” (Nelson 2011a). Lewis sought to avoid a direct confrontation on immigration issues, and usually argued in more general terms for the necessity of a change in tone and priorities:

For the last several years many of my neighbors and I have been concerned about the actions of some of our state political leaders. ... [W]e haven’t felt that the tone and priorities of our senator have accurately reflected who we are. ... We can work with our wonderful city leaders to bring sustained economic growth to Mesa. We can work with our school administrators to improve the quality of our education and we can work with all people to solve problems without constantly bickering, name calling, and law suits. (Quoted in Lemons 2011)

*The Economist*, in a lengthy article on the race, captured the recall election’s domination by questions of tone:

It has become a bizarre contest. Like Mr Pearce, Mr Lewis is a Mormon and a conservative Republican. “This is a Mormon family feud,” says Dave Richins, a Mesa councilman (and also Mormon and Republican, like most local leaders). What makes it odd is that “I don’t disagree with Pearce on much,” Mr Lewis insists. ... Yes, he would have opposed SB1070, but for the parts of it that are excessive, not because it is wrong in principle. ... So tone and style have become substance in this race.... Next to Mr Pearce’s aggression, Mr Lewis embodies niceness and politeness. ... Mr Lewis is “a way of getting Pearce’s policies without the asshole”, as one Mormon Republican says. (*The Economist* 2011)

As summer turned to autumn, Pearce’s supporters began to take seriously the threat from Lewis. Pearce’s backers, including Tea Party groups, generally touted their

candidate's immigration record and accused Lewis of being a pawn of left-wing activists. A third entrant into the race, Olivia Cortes, was later revealed to be a "sham" candidate recruited by Pearce's supporters and meant to siphon the district's Latino voters away from supporting Lewis. Cortes eventually withdrew from the race (though too late for her name to be removed from the ballot) in what ended up being an embarrassment for Pearce that seemed to typify the bare-knuckled style for which he had been criticised (Rau 2011b; Fischer 2011b). Just a year after Republicans across Arizona rode to victory on the back of his biggest legislative accomplishment, Pearce's political future seemed in trouble. The results of the recall election on 8 November confirmed this.

Political experts will spend years analyzing how a political novice emerged from obscurity in west Mesa to knock off Arizona's most powerful lawmaker in Tuesday's unprecedented recall election. But analysts and people involved in the fierce campaign pointed Wednesday to an array of factors in Jerry Lewis' improbable upset victory over Senate President Russell Pearce. Those factors include: The nature of the recall itself, which allowed Democrats and independents to vote in what amounted to an "open primary" election pitting two Republicans against each other. The influence of outside groups, some aligned with liberal causes, that allied with the conservative Lewis to knock off the even more conservative Pearce. Political blunders by Pearce and, more spectacularly, by his supporters. Dissatisfaction with Pearce's tone, style and priorities. Unhappiness among Mormon voters over the image that Pearce, a Mormon, had cast on their religion. Lewis himself, described by backers as the "perfect" candidate to challenge a politician of his own religion and party. (Nelson 2011b)

Notwithstanding what factor was most significant in Pearce's loss of his seat by an 11.6 percent margin (about 2,700 votes), the development seemed to make it clear that the defeat of his five immigration bills that March had been more than a temporary setback for the border-hawk movement. Pearce, who had long been driven in his political career by his identification with a cause, appeared to have few regrets. "If being recalled is the price for keeping one's promises," he said on election night, "so be it" (Thomason, Walsh, and D'Anna 2011).

## The end of an era

With the benefit of retrospect, those who participated in the height of Arizona's immigration politics have come to see the defeats of 2011 as no passing blip, but rather the moment that a major shift started to become clear. Jonathan Paton, the Republican legislative sponsor of many smuggling-related bills, reflected in an interview on what "marks the beginning and the end of where I think you can look at it as a distinct era in Arizona politics:"

There's a kind of a beginning date, and an end date. ... So, 2004, I was running for the Legislature ... and that was the year that Prop 200 was on the ballot. I think that really – there were things that happened before that, but that really, at least for me and I think for a lot of people, that sort of signaled the beginning of that. It reached its climax with the Rob Krentz murder and Senate Bill 1070, and then I think it, right around the time that Russell Pearce had [five] immigration bills that all failed in the Senate, I think that's kind of when that era ended.

Smith reflected somewhat ruefully on the stillbirth of the expanded border-security agenda he had hoped to bring to the fore in the Senate in the heady aftermath of the 2010 elections.

My first year, with Russell as president, there were five immigration bills introduced. Two or three of them were mine. And it was on the one fateful night where all five were put up at once, and they were, all five, defeated on the same night in the Senate. And that's when the turn started happening, where people said, "Hey, we've had enough. Let's take a break. We've got 1070. Everybody's on fire about this. ..." That's when it started. So, literally, when the ink was barely dry from 1070 passing the session before, the next session, some didn't want to see any more of that happen. And that's why there really hasn't been anything passed since.

What, precisely, had changed? The recall and subsequent election loss of Pearce seemed to serve some kind of confirming role that a real shift had occurred, though the significance of Pearce's political demise to the movement's decline remains, to those involved, somewhat hazy. From one perspective, the loss of Pearce – who had done much more than any other individual to doom the previous elite consensus that the State of Arizona had no role in policymaking on the border and immigration – was a

significant blow to the border-hawk movement on a practical level. As Kavanagh recalled:

There wasn't any kind of a formal anti-illegal immigration caucus. It was very informal. I mean, I worked with Russell Pearce very closely, because he was the main leader of the anti-illegal immigration, you know, movement. But it was a very loose movement. ... I would say 80 percent of the movement was Russell Pearce. Almost all of them were his bills that he pushed through very effectively. And the rest of us either supported his bills, or we ran a few of our own bills, as I did.

The loss of Pearce the legislative ringleader also entailed, to a great extent, the loss of Pearce the perennial media presence. "He was the one that every reporter would go to, and they usually didn't have to, because he'd usually be in front of a microphone somewhere," Jeff Flake, a Mormon Republican with moderate inclinations on immigration who was elected to the U.S. Senate in 2012, recalled of Pearce in a 2013 media interview. "There were a lot of people who listened to him on this. Not having him at the tip of newscasts, criticizing, or organizing events and press conferences – it just makes for a different environment" (Weigel 2013). At the same time, some, including Kavanagh and Smith, see Pearce's removal as an isolated incident that reflects little on the legitimacy of their movement, in large part because of the unique form of recall elections.

John Kavanagh: The Pearce recall wasn't a backlash against illegal immigration legislation. I think it was a backlash against Russell Pearce's style – you know, a good friend of mine, still a good friend of mine, but he was pretty outspoken in many ways. And they basically turned their sights on him, and they looked for every little thing, things which were innocent that could be twisted. I mean, it became a real character assassination campaign against him. And then they found a successful candidate who was willing – in his own community – who was willing to run against him. And that was the end of it all. And the other big thing was that it was done as a recall. Had it been a regular election, then it would have been a Republican primary, and only Republicans would have voted, and he would not have been voted out of office. But it was a recall, so it goes right to a general. And the Democrats, of course, did their part by not fielding a candidate, so it was just Republican against Republican and they found a Republican who would go against him.

Interviewer: Yeah. But there wasn't any concern that the general kind of mood was –

JK: Not at all. I'm not concerned about it today. I think my district is still solidly anti-illegal immigration.

Indeed, despite opponents' success at driving Pearce from office in 2011, recall elections did not emerge as a successful general tactic against other border hawks, albeit perhaps in part because the issue began to decline on the agenda. Political defeats in Arizona due to alleged border extremism, even after 2011, have been only sporadic. With a phalanx of likeminded lawmakers by then also in office, why did no one else seem to pick up Pearce's border-hawk banner? Partially, Pearce's removal from office in November also occurred amidst a string of legal developments that eviscerated the most controversial parts of SB 1070. This culminated in the U.S. Supreme Court's decision in *Arizona v. United States*, handed down on 25 June 2012, which permanently ruled out that most of the law would ever be implemented. Pearce himself, in an interview for this project, reflected on his removal from office and the decline of the border-hawk movement in Arizona:

Interviewer: 1070 happened, but after that, things seemed to have dropped off. What's behind that?

Russell Pearce: Well, I blame the courts and the Obama Administration in general. And our Congress and others. Talk is cheap. They continue to talk about it and do nothing. The courts continue to make unconstitutional rulings. ... So people throw up their hands and say, "You can't win! You can't win!" And it is hard. It is hard. You think, where do you go from here? ...

I: Do you think that what happened with your recall dissuaded people from doing this kind of thing?

RP: I think it did, but they didn't understand the recall, the fact that it's a jungle election, there's no primary. They refused to recruit a Democrat. They recruited a liberal Republican with no record. They did all kinds of games and they paid people to go around and get people illegally registered. We know that. So anyway, a lot of shenanigans took place, but it cost me the election. And I think it had an impact on folks. The governor got elected because of 1070, and I got recalled because of 1070 – it makes you kind of wonder about it, you know? ... And, again, the misinformation was so rampant out there. It was pretty shameful. But you know what? I respect the will of the people, right or wrong. What happened happened and it doesn't change what I believe, and it won't change my efforts.

Still, Pearce's failure by a similar margin to recapture a Senate seat in the 2012

Republican primary elections against the entrepreneur Bob Worsley (Nelson 2012) suggests his political difficulties in fact extended beyond the particular conditions of recall elections.

The new political dynamic limiting action on border- and immigration-related issues has held in the time since. Relative moderates among Republicans have consistently denied border-hawk revivals in the years following – including attempts by Smith to revive similar measures to those that failed in 2011 as recently as 2016 (Giles and Grado 2016). Indeed, for Democrats and generally those who oppose the right wing in Arizona, the episode seemed to reveal a magic formula of sorts for defeating right-wing legislation on contentious, national media-friendly social policy controversies. The experience of SB 1070 and the five 2011 bills was used in 2014 by Democrats and opposition groups to secure Brewer’s veto of SB 1062, a “religious liberty” measure that had previously passed the Legislature with Republican support, and aimed to shield business owners who refused to provide services related to same-sex marriages (Rau, Wingett Sanchez, and Pitzl 2014). Chad Campbell, a Democrat in the state House during the time of both bills, commented:

If we knew what we know now, I think we would have seen in the days following the passage of 1070, you would have seen the business community come out against it, you would have seen a better-organized and larger-scale protest. You would have seen a much more concerted effort from not just the Latino community, but a diverse group of people, communities coming together opposing it. That’s what happened with [SB] 1062. And you would have gotten that veto, I think. I really do believe that. I think we learned from that. And the one good thing, I think, out of 1070 was what we did learn: how to really highlight these very destructive pieces of legislation that come out of the Legislature, and use the media and the national exposure to our advantage in certain situations to kill that legislation.

The lack of legislative traction for immigration measures after 2011 has not equated to the utter disappearance of the border from Arizona politics. The U.S. Department of Homeland Security, under Napolitano, rescinded many of Arizona’s 287(g) local-enforcement agreements in June 2012 following the Supreme Court’s decision in *Arizona v. United States*. “The Obama administration has fought the people of Arizona at every turn – downplaying the threat that a porous border poses to our citizens, filing suit in order to block our State from protecting itself, unilaterally granting immunity to

tens of thousands of illegal aliens living in our midst, and now this,” Brewer retorted (Valdez 2012). After the Obama Administration also in June 2012 announced the programme Deferred Action for Childhood Arrivals, granting a form of contingent leave to some people brought to the United States without authorisation as children, Brewer signed an executive order interpreting Arizona law as prohibiting those affected from being issued state driver’s licenses, positioning Arizona as much more hard-line than other states (Peralta 2012). Indeed, Brewer maintained a combative stance on the border, if more often in tone than in policy. Despite the reassertion of business concerns in Arizona when it came to immigration policymaking, Chuck Coughlin, a consultant and close confidante of Brewer’s, characterised the possibility of leading politics more openly back toward a trade-oriented view of the Arizona-Mexico border as entailing political risks that seemed too steep to the governor.

I don’t think she was willing to risk that political capital. ... I mean, think about the fights that she went through, the political fights that she went through on the budget, on Medicaid restoration,<sup>43</sup> and still remains a hugely popular Republican figure. I think she worried. I think she worried, despite polling numbers which I continued to show her, that her popularity amongst Republicans would suffer as a result of that. I could assure her that it would be tough, tough to go look at your friends in the eye and say, “We’re wrong about this; we need to go here.” But she’d done that on multiple occasions.... Somebody’s who’s shown that kind of political courage I can’t ask to do any more.

Indeed, in internal Arizona Republican Party politics, the border and unauthorised immigration continue to be signal issues, particularly when it comes to the party grassroots. Amid the 2014 “crisis” of unauthorised Central American minors arriving at the U.S.-Mexico frontier, border issues again became the major issue in the Republican gubernatorial primary. Candidates rushed to the right (Christie 2014). The newfound quiescence of Arizona’s politics of immigration, then, might best be taken with a grain of salt. “The governor’s race [in 2014] ... it was still polled as the number-one issue, border security,” Smith said. However, as Dennis Burke, Napolitano’s former gubernatorial chief of staff, reflected in an interview in early 2015 on the Republican

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<sup>43</sup> In 2014, Brewer subverted Republican leadership in the Legislature, with Democratic help, securing passage of a budget that expanded Medicaid enrolment in Arizona – controversial among Republicans because it utilised Medicaid-expansion provisions of Obama’s Affordable Care Act. See Cheney and Millman 2014.

governor elected from that contest, “He literally ran TV ads about how he was gonna secure the border, and then he gets into office, and he gives his State of the State speech yesterday [in 2015], and barely mentioned it.”

For years, the shadow of public opinion, and the apparently unassailable popularity of immigration restriction and border-security measures, seemed to guide policymakers in one overall direction. However, while a new elite consensus cool on dealing with immigration seems to have developed, it is much more questionable the extent to which basic public attitudes toward the issue of unauthorised immigration have really changed. “I would just again highlight that it is not the people that have said we’ve had enough of this,” says Smith. “It’s all politics.”

### **Analysis: A new settlement**

In 2010, immigration – and SB 1070 in particular – dominated the Arizona political agenda completely and delivered huge victories to those who had positioned themselves on the hawkish side of the issue. By the end of 2011, the issue was tremendously diminished, if not gone entirely from the agenda, despite the plans of the issue’s newly powerful champions – the most prominent of whom suffered a sudden end to his career in office. The passage of SB 1070, and its subsequently broad popularity despite loud accusations that it was racist and violated civil rights, seemed to constitute an apothecic moment for the securitization of the border and unauthorised migration in Arizona politics. Quickly, however, the political heavens began realigning to pull the border hawks back to earth. What from the outside had seemed like a powerful new consensus about the border and immigration had never really existed on the level of political elites. A new, quickly emerging political configuration on immigration policy conveniently mined previous contention on the issue to offer fresh opposition.

In two ways, the border hawks might be understood as, paradoxically, victims of their own success. The first works upon the contrast between the period of interparty security-politics competition (Chapter Five), and the period of one-party rule where intraparty dynamics paved the way to their SB 1070 success (Chapter Six). While the

period of interparty competition featured – as a result of the interlocking political logics involved in dealing with the issue – a creeping securitization of immigration, it also effectively meant broader inclusion in making these policies. Periods of open contestation with Democrats over the issue had generally produced outcomes where the border hawks were either subverted completely (sometimes with the help of opponents within the Republican Party) or their goals were significantly tempered. These results had the effect of keeping border politics in a type of stasis, where even groups that disliked the resulting compromises were hesitant to undermine their allies in office and decided they could live with the results. During this time, Democrats, Hispanics, left-wing groups, and business muddled on, and Republican border hawks continued to press their agenda forward against these foils. The great political victims at this time were Republicans who were targeted as soft on the border. Transitioning into a period of one-party control, with SB 1070, the border hawks succeeded politically on what were largely their own terms. This roused groups who had previously accepted (albeit coolly) negotiated compromises, but saw SB 1070 and its effects as unacceptable. First among these newly mobilised opponents were Hispanics, left-wing groups, and Democrats, followed later by business lobbies and the Church of Jesus Christ of Latter-day Saints. The breaking open of the issue agitated potential opposition that previous patterns of contestation had held in check.

Second, the “nationalisation” of SB 1070, which helped Arizona Republicans (especially Jan Brewer) to sweeping victories in 2010, also helped to undo the border hawk movement not long after. If the submersion of SB 1070 in intense and highly visible national politics in the short run seemed to leave border hawks’ opponents with few workable political strategies to outmanoeuvre their opponents, in the slightly longer run, it was this critical national gaze that unnerved elements within the Republican coalition, including business interests and many Mormon voters. In many respects, the intense activist response to SB 1070 fed the coverage by national political media, which moved the business community to mobilise based on its previously loosely held preference for a more lax immigration policy, and in turn strengthened the spines of business’s office-holding allies. Business-oriented Republican immigration moderates had previously stood down lest they seemed isolated. Now they were encouraged to adopt their more natural stances on the issue by a mobilised business lobby, which succeeded

tremendously at reshaping these moderates' understanding of political accountability in this context – away from a fear of right-wing activists, and toward safety in numbers under the newly assertive protection of the business community. The sudden defeat of a seemingly successful securitization is, in itself, an unexpected development in the view of Copenhagen School securitization theory. Furthermore, this specific type of opposition to it also seems to be a particular species. How this opposition might be understood is explored at length in the following chapter.

## **Conclusion**

In both its rise and fall, the securitization of immigration in Arizona, just as Smith noted, was “all politics.” This chapter charts the contextual developments that prompted policymakers – especially business-minded Republicans – to develop new understandings of their political landscape, which encouraged action against the border hawks that was unthinkable just a year before. The activation of business interests in the aftermath of the SB 1070 controversy caused these relatively moderate Republicans to re-understand the implications of political accountability for them, such that it made more sense to them to stand with business against border hawks than to continue to securitize immigration. SB 1070 had seemed poised to usher in a new era, and it did – but the opposite of what had appeared most likely.

The ability of somewhat hazy economic arguments to swiftly trump a securitized way of dealing with the border which had just reached its apparent apogee is, on face, a surprising development – both in view of the powerful political dynamics that in previous years seemed to have driven the security approach forward, and in view of traditional securitization theory. Examined empirically, though, the coherent political rationalities underlying this development come into much sharper view. These have implications for how “security” worked (and did not work) in this case, as a matter of mere politics. These implications are explored fully in discussing this project's main contributions to theory, which are the subject of the next chapter.

## *Chapter Eight*

# *The life and death of Arizona's securitized immigration politics*

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Why do policymakers choose to treat an issue such as immigration as a matter of security, when other interpretations are available? This research began with that question, looking to the case of border security politics in Arizona to shed light upon this phenomenon. This research aimed to help offer explanation in two senses. First, it would help decipher, as a matter of political rationalities, the phenomenon of the securitization of migration. The migration-politics literature has identified this as one of field's clearest and starkest trends, but the process by which this security approach seems to take hold across the political spectrum, often seen as a "contagion" emanating from the far right (Norris 2005; van Spanje 2010; Kallis 2013), remains opaque. Second, the depth of this inductive single-case study would aid toward a developing concept of "security politics." This move would help security studies to grasp the classically observed symptoms of securitization – including the narrowed field of contestation around issues of "security," and the acceptance of measures that would have previously been considered extreme – as products of political moves that are, rather than the stuff of exceptionalism, ontologically "normal" politics.

This chapter synthesises the observations of the previous four chapters toward the development of a more holistic conceptualisation of "security politics" in these senses, which aids in understanding the choice of security. The previous four chapters have examined Arizona's border-security politics from the perspectives of policymakers – grasping policy developments in terms of their understandings of, and ways of politically navigating, these political issues. An arc comes into view. In 2004 and 2005, a new apparent political consensus emerged that Arizona was facing a security problem at the border; from 2006 to 2008, securitization crept, as parties competed intensely on this issue within the new paradigm; in 2009 and 2010, securitization reached an apex amid the contextual circumstances of one-party Republican rule; and in 2011, this trend was abruptly halted by newly assertive opposition. In the birth and consolidation of

Arizona's securitized border politics, securitization is clearly discernible a political choice: policymakers found agreeing to, or pursuing, securitization to be politically compelling, resulting in the symptoms that securitization theory notes. In the surprising death of this securitization trend, though, a particular species of opposition to security comes to light. Describing it also helps to paint the portrait of "security politics," from the other, less elaborated end of the arc.

This chapter presents the main theoretical contributions of this research in both of those two veins. The first examines how securitization emerged and consolidated – the securitization of immigration in Arizona as a matter of political rationality. It then identifies the particular form of counter-security that emerged, with political success, in 2011, toward starting to answer another looming question: how, through changing political rationalities, securitization might end.

### **Securitizing immigration: Political rationality and responsibility**

From this project's research question emerges a puzzle. The distinctive qualities of "securitization" have, in the security studies scholarship, often been attributed to security's status as "exceptional" from normal politics. These are attributes that have, from the beginning, driven interest in the securitization concept: the rapid unsettling of previously established policy settlements, the apparent evaporation of major contestation over securitized policies, and the new acceptance of measures that would have previously been considered beyond the pale. All three of these things seemed to happen in the Arizona case. As Chapter Two discusses, however, the centrality of "exceptionalism" to the definition of the security concept does not appear theoretically or empirically sustainable. If those political attributes are not the consequences of exceptionalism, then what are they the products of? Viewed in political terms, the question becomes about the predominance of one problem conception (security) over others, and the implications of the prevailing version. The type of problem which an issue is seen to be – in this case, security – has crucial implications for how political actors perceive the issue to "work" politically, and what types of political strategies for dealing with it are viable.

The preceding four empirical chapters sketched securitization as emerging from the political strategies and political tactics adopted toward an ambiguous political competition. Here, securitization is a product of policymakers' political rationalities. To understand why these approaches that produced securitized policy were the ones that seemed to make the most sense to the actors who chose them, it is worth considering, in broad terms drawn from literature on the party politics of immigration, three classical ideal types when it comes to modes of navigating political issues (see Bale et al. 2010). The first – and perhaps the likeliest to spring to mind when imagining “typical” politics – is to hold to one's preferred position in an issue debate and try to win it (or at least not lose). The second is to try to suppress the issue's salience, shifting debate to different terrain. It is the third – to change one's position in the direction of one's competitor's – that resonates with the migration politics literature's “contagion” hypothesis and that seems most evoked by “securitization.” In Arizona, the diversion of immigration politics away from “typical” confrontation, where all sides advocate their naturally preferred stance, and toward a securitized mode, depended upon a significantly narrowed scope of seemingly possible political action. Such strategies followed from several political rationalities that – significantly – are not exclusive to security issues, but seem to provide some explanation for the distinct politics of “securitization.”

Implicitly, the concept of security as having a kind of retarded politics, with timid opposition, is most contrasted against the first ideal type of open competition. This type of opposition, sometimes in tandem with efforts of the second type to downplay the issue, was indeed the first resort of Arizona policymakers who opposed the securitization of immigration when the issue started to appear. Following the success of Proposition 200 in 2004, though, opposing politicians quickly came to believe that this strategy was not working, and sought an alternative that “resonated” (Chapter Four). To discern this new political strategy is to identify a number of beliefs among elites about how the issue worked politically, which moved political energies away from trying to openly contest the issue or downplay it.

The failure to defeat Proposition 200 foreshadowed a lasting difficulty opponents of the border hawks saw themselves as encountering in trying to characterise the border problem and its extent. An initial attempt to combat the idea of a compelling problem

seemed not to work. Policymakers attributed the futility of a downplaying strategy to a few major factors. First was the extent to which fearfulness or anxiety seemed to pervade public debate about immigration. In the eyes of elites, this sense gave popular conceptions about the existence of a problem a fixed quality. Policymakers began to believe that the argument the problem was overblown was falling flat against indelible feelings of anxiety. The difficulty of trying to dismiss what were seemingly visceral feelings appeared to limit the range of possible elite responses. The acceptance of this public angst on immigration issues as a fact of the political landscape meant, as an opening principle, that the issue had to be at least addressed sympathetically. As Kyrsten Sinema, a former Democratic member of the Arizona Legislature, argued:

What you have to say is, “I see that you’re worried, it makes sense that you’re worried, of course you’re worried, that’s normal and valid to be worried, and here are some ideas that could work better than the proposal that you’ve been offered.” ... Don’t criticize it, ‘cause it’s valid and real. Be kind about it, because it’s real. And then try to offer a better solution.

As Sinema’s emphasis on a “solution” implies, this was not merely a matter of sympathetic words. A second aspect that even opposing policymakers began to accept as a basic fact was the perceived public “demand” to act on the immigration issue. Media coverage constituted a major indicator for this in policymakers’ eyes, but for many of them, these impressions also came from voter interactions where immigration and the border emerged as the overwhelmingly dominant issues. Amidst these conditions, downplaying the need to respond seemed not to work. As Tim Nelson, general legal counsel in the Governor’s Office, recalled: “When there’s a real sentiment, you’ve gotta be responsive to the sentiment in some fashion. ... [A] ‘veto, veto, veto, no, no, no’ approach would be perceived as not responsive to the sentiment.” Immigration thus transformed from the pet issue of a small number of elected border hawks into an issue where all sides were trying to develop an active strategy.

Still, it is conceivable that a new stance could have been sympathetic to public worry and active without relying heavily on security interpretations of the problem, or, while admitting there was a problem, could still have contested its essence, preserving as an option something more like the first ideal-type of open contestation. Yet, the alternative stance that did develop traded heavily on security concepts of the problem, within a

narrowed field of debate. To explain why, it is essential to grasp how difficult policymakers regarded it, in a competitive situation, to convincingly articulate the superiority of a clearly alternative path when pitted against intuitive border-hawk arguments that resonated within the media ecosystem and with the apparent sense of the public. As the border hard-liner Steve Smith reflected in an interview, “The security things are commonsensical. You would hope that your nation is secured. Why do you have a fence around your back yard? ... Whereas now you talk about amnesty, it’s like, ‘Woah, we’re gonna do what, for who, and why?’ It’s this so much more confounding argument.” Opposing lawmakers came to see things the same way.

The border hawks’ perceived advantage was in two parts. First, their messages about enforcing the law or the logic of barriers came across as intuitive and soundbite-ready. Second, both refuting those points and offering alternatives comprised arguments that were significantly nuanced and were seen to strain the limitations of the media and the public. It was easy, within these perceived limitations, for border hawks to make an initial, resonant statement about a dire security problem; it was much more complex to rebut this successfully. This reading of the situation presented anti-border-hawk politicians with a quandary when it came to articulating an alternative against common border-hawk refrains like “Illegal means illegal.” Indeed, among policymakers, there was a firmly internalised concept of political messaging dynamics bearing great resemblance to the competitive framework laid out by Hilgartner and Bosk (1988), where public problems compete among one another for salience, while problem conceptions compete to become the dominant account of a problem. The success of problem formulations depends in large part on the suitability of these conceptions for certain arenas, such as the media. The extent to which policymakers’ internalised concepts of politics resembled this is captured in many of their reflections. Terry Goddard, the Democratic state attorney general who lost the 2010 gubernatorial election in a wave year for border hawks, offered a typical and telling account:

One of the things that was going on was master messaging. I mean, I still remember with great pain [Russell] Pearce’s repeated question: “What part of illegal don’t you understand?” ... I ask you: What’s more compelling? A six-part fundamental immigration reform answer that says we’re eventually going to provide a path to citizenship for 11 million people who broke the law when they came in this country, or, “What part of illegal don’t you understand?”

In Arizona, media-friendly border-hawk positions were thus seen as powerfully positioned to shape general public opinion, even against contestation. Once this is accepted, it is clear how an apparent consensus emerges that the border problem was, in fact, a security problem. And if one needs a sympathetic and active policy stance, the only viable versions are ones premised on a security characterisation of the problem.

One implication is that what might be mistaken for an anti-politics of security consensus actually comprises deep political competition. Opponents of the border hawks attempted to distinguish themselves politically on the issue, rather than meld into a depoliticised consensus. Indeed, as Holian argues (2004) regarding this kind of issue-ownership manoeuvre, this strategy is designed to work for those playing catch-up through a double act of agreeing while also disagreeing, distinguishing their own positions. The search for an active, enforcement-oriented approach in Arizona meant in part emphasising security measures that non-hawkish officials found genuinely comfortable, minimising true “movement” on the issue by not simply adopting border-hawk stances. The result was a security-oriented approach that emphasised using typical law enforcement resources to combat what opponents of the border hawks felt were legitimate problems, including smuggling and “border crime.” In doing this, border hawks’ opponents co-opted the intuitiveness of enforcement logics, remained acceptable to allies who viewed the security push with suspicion, and put a new “spin” on the issue to distinguish their appeal to the electorate while attempting to steer debate away from the border hawks. This moderate faction argued for the prudence of their own proposals against alleged extremism while also clearly seeking to steal some of the hard-liners’ rhetorical thunder. This way, it was seen as possible to oppose many other parts of the border-hawk agenda from a position of relative political safety – supporting some measures while nixing others portrayed as going too far. The fault line in the debate shifted away from the question of whether the security emphasis on the problem was misplaced, and toward questions of prudence and focus.

Indeed, this was a strategy to play political offense as much as it was to stall opponents. It sought to recapture “control” of immigration issues from the border hawks by centring discussion on a different, more moderate position. Rather than tightly controlling securitization, however, this strategy created political opportunities for

further securitization of the issue beyond what this moderate side desired. This was underscored in particular during the debate over introducing state-level employer sanctions (Chapter Five). Even though they were unenthusiastic about employer sanctions as policy, Democrats initially championed the issue in 2005. Aiming to cleave border-hawk Republicans and the party's business constituency, Democrats also sought to demonstrate their willingness to act on the issue in a way that contrasted with their partisan opponents. In 2007, however, border hawks called this bluff by using the broad popularity of sanctions proposals, the threat of a draconian employer-sanctions ballot measure, and compromises with nervous business-aligned Republicans to win passage of a state-level employer-sanctions bill, despite the fact that few political elites actually wanted one. The aggressive strategy had led to a significant number of policymakers feeling painted into a corner, which they viewed as limiting their politically viable options when it came to opposing the policy. The constant need amid this ownership manoeuvre to win credibility in line with the dominant problem conception allows securitization to creep forward, even after moderates have successfully "captured" the issue.

On the other hand, hesitant Republicans, rather than seeking to distinguish their own position, increasingly followed a strategy of visibly falling in line behind the border-hawk vanguard. Republican officials who opposed the border hawks were often conservatives aligned with business who inhabited much different political contexts than Democrats, especially in having to deal with a party grassroots that was enthusiastic about hard-line policy and more interested in ideological purity than party unity. Some Republicans who were cool on the securitization of migration did, for a time, similarly attempt co-optation or resonance theft, sometimes by introducing "counter-bills" to the border hawks – measures dealing with similar issues but in ways that Republican "closet moderates" found more acceptable (Chapter Five). However, elected Republicans who opposed the border-security push increasingly saw more open forms of opposition as politically unworkable, and limited themselves to tactics that were passive or behind-the-scenes. Eventually, though, they began to see even that as politically risky, especially after 2009's "Sanctuary Six" episode (Chapter Six). The political possibilities now severely constricted in their eyes, hesitant Republicans stood down – a necessary

condition for the passage of the centrepiece border-hawk law, SB 1070.

The overarching impression emerging here is not of the dominance of a logic of security necessity, but rather of interlocking logics of political expediency. While these developments seem to resonate with the issue trajectory that the securitization concept imagines, this kind of lopsidedness in contestation due to the perceived limitations of political messaging is not unique to security. For instance, in fiscal policy, the logic of budget-balancing and reducing public debt has similar properties (see Plotkin and Scheuerman 1994), since the logic of fiscal laxity is much more difficult to articulate successfully than the logic of fiscal tightening. Similar things might be said about arguments of welfare dependency, or crime-and-punishment discourses. At the same time, even this collapse of political messages around intuitive logics seems not to capture the entire reason behind securitization in this case, especially the aspect of enduring, intense activity surrounding immigration issues. Indeed, even if one feels boxed in to altering one's positioning on an issue, there are many possible ways to go about it. One might accept defeat and attempt to move on by agreeing to a settlement, or change positions while also trying to change the topic in the hope the issue will move on, or (especially amid divided government) deadlock policy passive-aggressively – speaking in the same rhetorical tones and co-opting some measures put before you, while initiating little and waiting for the moment to pass. Aggressively adopting a partially co-opted version of your opponent's problem conception, while clearly striving to “own” the issue, is merely one option, but many Arizona political elites saw it as the only workable one.

The particular concepts of political responsibility emerging from the dominance of the security problem conception go far in explaining these strategic political decisions. The resort to an ownership “capture” strategy, rather than another possible strategy that is less active, reflects the perception that a “security” issue is not one that can be stepped away from with political ease. In competitive politics, responsibility implies accountability. Indeed, if securitization is, at base, a matter of an issue becoming seen as one of security from among many possible interpretations, it is important to return to the concept of problem definition to understand the implications this process has for a specifically *political* concept of responsibility. Gusfield (1981) links problem conceptions

with such a concept. In this account, the dimensions of responsibility implied by competing notions of a problem's nature are what give such debates their political character; they might be largely philosophical except that the various positions hold, implicitly or explicitly, that certain people ought to do something about the problem. "In this sense – of responsibility – the structure of public problems has a political dimension to it" (Gusfield 1981, 13). *Political* responsibility is separated from the facts of causation, and instead turns on who is charged with solving or alleviating the problem. "The responsible office or person is the one charged with solving the problem and open to reward or punishment for failure to do so" (Gusfield 1981, 14).

The spectre of accountability thus looms behind issue definition. "Each vision constructs a different political contest, and invokes a different set of rules for resolving the conflict" (D. Stone 1997, 9). Indeed, "Security brings with it deontic powers of usually major significance" (Vuori 2015, 41). These duties are seen here in deep relation with political accountability. In the past, accountability has been conceptualised within securitization on somewhat narrower terms, focused, for instance, on how private actors in security governance might be held accountable democratically (*e.g.* Helgesson and Mörth 2012). It is worth emphasising, though, that acting based on democratic accountability is deeply interpretive. Voters' instructions are muddled, which means acting according to notions of responsibility is a matter of policymakers' interpretations – how they understand and anticipate expectations being placed upon them.

This all is fundamental context for grasping the significance of responsibility and accountability concepts in this case of securitization. In a way, the question of why Arizona policymakers began to feel it was necessary to deal with immigration in the way they did – the birth of the whole phenomenon – is, at the very first instance, a question of responsibility. Arizona policymakers had to accept that what had always been described as a "federal responsibility" was now seen to be the responsibility of state-level political actors, as well. To officials at the subnational level, having a central government to blame for migration-related problems while holding no real responsibility for them might seem a politically optimal arrangement (see Arrighi de Casanova 2014). So why was responsibility accepted?

It is worth distinguishing the political responsibility Gusfield sees as invested in problem conceptions from other notions of responsibility in politics, since Gusfield's concept in particular helps to explain the type of apparent consensus characteristic of the "securitization" process. In the beginning, this idea of state-level responsibility for dealing with immigration emerged from the ideological commitments of border hawks. These concepts lean hard on the realist-philosophical concept of security as the first responsibility of government. This raised the question of whether the federal government's failure to perform this responsibility – which was loudly accepted as a fact by all sides of the debate in Arizona – implied that *any* government authority, therefore, possessed a duty to step into the void to help address the problem. At first, few political figures in Arizona had an interest in pursuing more aggressive immigration policy as a matter of duty. It was only after the issue burst onto the agenda that it became a relevant question.

Here, for some policymakers, a rise in the issue's salience activated a sense of responsibility to devote attention to it. Some representatives felt a duty to respond to what seemed to be both a major political issue in their constituency and a real problem. Others felt the need, amidst the issue's salience, to safeguard the interests of a given community in a climate of policy change. Those with more liberal sensibilities felt a need to address real problems while suppressing scapegoating and overheated politics. Some policymakers believed that acting "responsibly" would bring political success, others believed it would not affect their personal political fortunes, and still more believed that to act most responsibly on the issue would risk political danger. If policymakers, then, sought to "take responsibility" according to their own individual conceptions of it, then this would have meant a continued basic clash of ideas: political debate would seem primed to proceed as "normal." However, the sense of "*political* responsibility" that loomed over Arizona immigration politics seemed to enforce a consensus on what "taking responsibility" meant politically – a certain homogenisation and outward lack of pluralism that is a hallmark of securitised politics. This settlement can only emerge with the intervention of an apparently exogenous factor in structuring the response. In this case, that factor was one of the corollaries of Gusfield's responsibility notion: an idea of a shared *accountability* to a single body politic with broad characteristics. It is in this sense that the notion, taken from Gusfield, of *political*

responsibility – which is drawn less from one’s own beliefs than it is imposed in ways that emerge from the prevalent conceptualisation of a given problem – is crucial.

Here, the analysis touches on problem conceptions (such as immigration being a security issue versus, perhaps, an economic one) carrying implicit modes of resolution that, politically, threaten to paint certain political actors as “responsible” and therefore open them to accountability. For a time, even after the acknowledgement that there was a problem at the border and it was (at least partially) one of security, a significant portion of Arizona’s political elite continued to assert that fixing the problem was the responsibility of someone else (federal officials). Any success that this strategy initially met was short-lived. While this claim never really went away, over time, it clearly fell into the background as the debate shifted to what the state would do, and action became the most important facet of strategy. Where security went, responsibility surely followed.

In most political issues, the argument that one has no real control over something that has always been someone else’s problem is usually effective at avoiding taking responsibility for it, even where, like in security, discussion tends to centre upon intuitive logics. Take again, for instance, government debt: it may be common for politicians at any level to rail against it, but even if the problem was allegedly huge, for the issue to spill the banks of settled responsibility – for a state governor, for instance, to accept imposed responsibility to reduce the ignored federal deficit – would be bizarre. Security seems different in the capacity of a sense of responsibility for it to diffuse throughout the political system and cast a shadow of accountability that is unusually long. It is here, in regard to the responsibility politics of the border, that the Arizona case seems to hold some resonance with concepts of diffusing insecurity, in particular when it comes to migration (Huysmans 2006; 2014; cf. Bigo 2002). It also seems to contradict the premise that securitization focuses responsibility, presumably on the executive – an assumption that has provided the most basic imagined reason a politician may try to securitize (Wæver 1995; cf. Neal 2012c). The possibility for insecurity to manifest anywhere, combined with the basic concept of security as a responsibility of “government” generally, correlates to a perhaps tacit implication that *any* government official has potential responsibility in that area. While peculiar, it is of course

questionable the extent to which this quality is unique to security: such a concept of responsibility also appears possibly reflected in, for instance, political logics of humanitarian assistance, protecting children's welfare, *etc.*

In pinpointing the particular political responsibility concept that is tied to a problem conception's "security" nature, is worth considering precisely what problem political decision-makers saw in resisting the border-hawk idea that policymakers at the state level should take responsibility for the border security problem. After border hawks shook this settlement, reasserting the *status quo ante* came to be seen as a fool's errand. It was seemingly difficult to convince voters that the distinctions between federal and state responsibility for immigration and border policy were very meaningful. Here, the difficulty of complicated messages again came into play. Policymakers often commented that voters' understanding of federalism itself was thin. Mike Haener, a gubernatorial aide, recounted the likely progression of such a conversation: "Why can't you fix the immigration problem? You're the governor.' 'Well, it's federal.' 'Who cares? You're the governor. They're coming across our border – you fix it.' 'But it's not really our border, it's the U.S. border.' You can't explain that!" Still, despite the impression of policymakers that across all policy areas there is general lack of public understanding about the division of powers in American federalism, most political controversies still tend to be mostly contained in settled bounds of responsibility. While Arizona policymakers believed voters were "frustrated" and "wanted something done" on the border, this is also the case for many other issues that do not break loose in the same way.

In the Arizona case, a strong concern emerged about the appearance of dodging what voters assumed (notwithstanding the existing settlement) was officials' responsibility for border security. The response was largely to not challenge this assignment of responsibility, but instead to embrace it, often with considerable reluctance. The mantle was very hard to shake off. Goddard concisely explained the dilemma that policymakers faced:

It's awfully hard to say as an Arizona state official, "This is a federal problem and the federal response has been totally inadequate." ... You start defending an administration that's done a *terrible* job on the immigration side. They ask you,

“What’s your solution?” “Well, we should work with the immigration authorities to fix it.” That’s inherently incredible.

As Goddard says, that “plays into Russell [Pearce]’s hands.” This assigned responsibility was politically very difficult to dodge through any type of more passive action, since any attempt to validate voter frustration about the problem – a move to which, as discussed earlier, there seemed to be no politically workable alternative – only ended up strengthening the border hawks’ basic implication that the broken border had become a state responsibility, at least in part. It is only a short distance from this development to the possibility of being held accountable for the problem. The security nature of the problem diffused the sense of political responsibility for it, while, as Goddard’s reflections imply, taking responsibility further entrenched and validated the securitization of the problem conception.

At the point that state-level responsibility to help address the problem has been accepted, the possible frontiers of restrictive immigration policy quickly expand. Amid the new responsibility for the state government to use its levers of power to confront the border security problem, the boundaries of securitized policy are already weakened, and the possible sites for addressing immigration anxiety become as diffused and abundant as the crevices of state government activity in America. As a result, security understandings are adopted by new levels of government and become a force in new facets of policy – what perhaps we mean most basically by “securitization.” At this point – where the problem conception cannot be rejected because that does not seem politically workable, and the responsibility implicit in the problem conception cannot be dodged without the strong prospect of accountability – the logic of taking control of the issue politically reasserts itself: “ownership” in Holian’s (2004) sense becomes doubly appealing with the impossibility of disownership in the Gusfieldian sense of avoiding being pinned down. With myriad new areas of policy opened to securitization, more hesitant actors seek to seize the imposed responsibility with gusto in order to re-centre the conversation on a more palatable position. But this position already sits on emphatically securitized terrain.

Still, the question remains: What is behind the success of this call for such a total response to this problem, beyond the bounds of how responsibility has traditionally

been assigned, when calls to do so on other issues seem likely to fail? Why do responsibility and accountability require not just a response but rather an active and sustained one, with an all-hands-on-deck logic, where on other issues a press conference might do? Here, it is worth grasping how political actors understand the problem-logic implied by security, and the extent to which it heavily conditions “pitching in” as responsible and politically viable, and “stepping out” as politically risky, nigh lethal. This links the Machiavellian phenomenon of security politics, where political survival is at stake (Neal 2012a), to indelible Hobbesian undertones in the issue, which summon anxiety about survival more fundamentally. Indeed, the undercurrent of anxiety that policymakers viewed as pervading the politics of immigration and the border seemed to invoke a broad sense of responsibility to help address an uncontrolled security problem – a sense of the prioritisation of security as a response to fear and the potential of threat. The vein of fear underlying Arizona immigration politics was a basic observation of policymakers. The logic of addressing this unease implicitly proposed the mobilisation of extra measures outside what had been ordinary in an attempt to confront it, on the premise that at least it was a start to addressing the problem. Of course, the State of Arizona, not traditionally involved in border security, had no ordinary measures to address it anyway, meaning any response would at the very least nudge security beyond where it had been. While not the same as the classical exceptionalist imperative of utterly suspending the normal to address the problem, this problem conception at least implied the necessity of thinking and acting outside the box. The scale of anxiety and anger on the issue was complemented by the sense that voters had no grasp of why it had not been solved. This frustration was seen as politically potent enough to move voters to discard abstract disputation about federal responsibility in favour of their own version of proper accountability. Politicians followed.

To note a Hobbesian undertone in this dominant problem conception and its implications of accountability is, however, not to suggest that politics was ontologically transformed into something Hobbesian. The presence of pluralistic competition throughout shows that this type of transformation did not occur; politics, if unusual, was still “normal.” The securitized policy direction was instead a result of the formal consent provided to this policy path by political elites acting on their beliefs about the

concepts of political responsibility and accountability unfurling from the problem. These political rationalities were seemingly compelling, but were no more logics of necessity than anything else in the contingent setting of politics. The eventual defeat of the border hawks in 2011 demonstrates that however strong these political logics may have seemed, they could be neutralised given certain developments. Border hawks never ceased to mobilise their conceptions of the border problem that had wildly succeeded at relocating political responsibility. Pearce's speech from the dais of the Arizona Senate after five of his favoured enforcement bills died in March 2011 is well remembered:

Once they cross that border, it's your neighborhood, your education, your health care, your citizens that are impacted. It's *you* that pay a price. And it's *your* responsibility, who take the oath of office, to defend these laws and protect our citizens! You *can't keep passing the buck* to somebody else! The only impediment to enforcing our laws is the lack of political courage on the part of our elected and appointed officials. *You* bear the burden and responsibility of the costs and the maimings and the death!

This incendiary call to take up responsibility, though, ended up being the border-hawk movement's last gasp. To explain why points to the dimension of political responsibility not as an ontologically firm structure for political action, but rather as something embedded in shared understandings of competitive politics, and what politicians perceive publics to demand of them in a situation. By 2011, it seemed possible to resist this call for responsibility amidst the charge that the border hawks were legislating with reckless disregard for the consequences, particularly those for Arizona's economy. As uneasy constituencies began to signal their willingness to stand openly against the securitized direction of state-level immigration policy, their usual allies among policy elites saw the prospect of being held responsible for thwarting this approach recede. Having before moved even dedicated foes into action, in new political conditions, Pearce's exhortation of responsibility fell on deaf ears; the juggernaut of securitization ground to a halt.

## **Cosmopolitan counter-security: Economy, rationality, and others**

The securitization of migration and the border in Arizona grew from seemingly compelling – though ultimately contingent – political logics. The sense in which they were compelling is apparent in the ways these perceived realities about the political workings of security dominated policymakers’ strategies on immigration for a number of years. These developments’ contingent nature, however, emerges clearly in these political logics’ sudden loss of their former pull. A complete accounting of “security politics” in the Arizona case means examining these countervailing political forces that eventually successfully relocated political accountability dramatically and halted the securitization trend. The most pivotal force behind the death of securitized border politics in Arizona was a form of counter-security contestation based upon broad cosmopolitan ideals and concerns.

Following SB 1070, and in the aftermath of the national political firestorm provoked by the bill, Arizona’s business lobbies became much more assertive, calling for a “time out” on the issue and providing political cover to natural allies in the Republican Party who had been subjects of earlier border-hawk arm-twisting. Business-aligned Republicans were the pivotal bloc in the legislative defeat of the border hawks’ major agenda items in March 2011. Left-wing opponents successfully recalled Pearce from the Senate that summer, and elements within the Republican Party and the Church of Jesus Christ of Latter-day Saints supported Pearce’s more moderate Republican opponent that November. Pearce’s defeat helped make clear that the period of border-hawk lawmaking had come to a close (Chapter Seven).

This type of opposition is difficult to pinpoint in existing literatures on both security politics and migration politics. In the view of classic securitization theory, of course, it is a surprise that such a political reversal of an apparently successful “securitization” could occur at all. Even moving into the newer theoretical ground opened for conceptualising “security politics,” however, this mode of opposition is still difficult to characterise. Balzacq’s taxonomy (2015a) identifies four logics of opposing the legitimacy of securitization: resilience and emancipation (see Aradau 2004) logics, which do not much

resemble the case, as well as resistance and desecuritization logics, which might bear closer scrutiny.

Empirically identifying desecuritization has been troubled by competing definitions of it (Balzacq, Depauw, and Léonard 2015). In Wæver's original formulation (1995), desecuritization means a return to "normal" politics, though this project's view of "security politics" as thoroughly "normal" (ontologically unexceptional) obviates such a concept. Huysmans's more transformative notion of desecuritization (1995; 1998b) – where the term refers to reformulating social relations conditioned by security practices – is possibly in greater accord with this project's stance toward security, but is also not really in evidence here. The eventually successful opposition to securitization in Arizona did not seek a move away from any deeper social relations of security, or even to repeal securitized policies. Rather, this opposition sought merely to halt securitization as a political trend. In this sense, the opposition resembles not so much any form of desecuritization as it does a thinner "counter-securitization" (Aradau 2004, 399). This type of counter-securitization does not fit easily within established readings of resistance to security, either, as resistance is analytically bound up with subalternity. In Vuori's useful formulation, security "can be contested among top dogs, and resisted by underdogs" (2015, 31). Resistance to security has been gainfully theorised, but the enduring image of securitization's domineering implications over political life has perhaps limited the conceptualisation of how security may be a matter of open elite political contest. It is entirely appropriate, though, to see resistance and contestation as "two interacting poles" (Balzacq 2015b, 12). Indeed, in Arizona, it is impossible to imagine the eventually successful elite opposition to the securitization of immigration without previous resistance to it.

Likewise, the successful counter-securitization in Arizona does not sit easily within the immigration politics literature, and specifically the political-economy literature that would seem to have the most to say about it. In that literature, business lobbies' success in opposing immigration restriction is a central prediction. In Freeman's classic formulation (1995; 2006), working from the regulatory costs-benefits typologies of Wilson (1973; 1980) and Lowi (1964), the benefits of immigration are concentrated upon businesses, which have incentives to lobby against immigration restrictiveness and

are also easy to organise. The costs of immigration are spread diffusely among a general public that is difficult to organise into any influential lobby. These facts explain the “expansionary bias” of liberal-democratic immigration policymaking (G. P. Freeman 1995, 882) where the desires of general publics for greater restriction are systematically trumped. It is clear in Arizona that – eventually – businesses engaged in elite politics to push back successfully against restrictive demands seen to emanate from public opinion. Their role, however, was quite different from the one predicted by a political-economy model, where businesses lobby against restriction in order to ensure their supply of workers. In this regard, there is a puzzling disparity between the efforts of business amid the debate over employer-sanctions proposals (Chapter Five) and in the aftermath of SB 1070 (Chapter Seven). HB 2779, the employer-sanctions bill, posed an apparently direct threat to businesses’ supply of labour, with direct and potentially great costs to enterprises that did not comply with the law. Business was clearly cool to this idea, but policymakers recall business lobbying on it as wishy-washy. After the bill passed, business mounted no effort to push back against border hawks or the larger securitization trend. SB 1070, on the other hand, posed no direct threat to businesses’ operations or labour supply. Likewise, the 2011 proposals’ direct effects on the operations of private enterprises were smaller than in HB 2779. Yet these pieces of legislation spurred a major business mobilisation that quickly effected a political shift.

Explaining these developments is enabled by a more interpretivist turn in characterising “interests” (Hay 2010). To begin with, it is useful to examine the legislative effort in 2007 to protect what were seen as “business interests” against the border-hawk push for an employer-sanctions bill. Anti-border-hawk policymakers from both parties were frustrated that business lobbies did not engage more directly in this debate. Business seemed concerned about the prospect of a draconian ballot initiative – a threat that moved centre-right legislators to negotiate with border hawks – but still never advocated a clear legislative strategy. Business’ legislative allies, however, continued trying to safeguard what they regarded as private-sector interests during their negotiations over the bill, even under what they perceived as significant political strain. Still, that effort was a relative success. Even though business groups privately expressed a preference that the governor veto HB 2779, the result could be lived with.

This underscores the extent to which pro-business legislators acted on behalf of business not primarily as a response to lobbying. Rather, in many quarters of Arizona politics (and especially in much of the Republican Party), creating “pro-business” policy resembled a more philosophically rooted programmatic idea (Schmidt 2011). On a salient issue with clear stakes like employer sanctions, coherent lobbying by business was unnecessary for the production of what they would regard as a tolerable result, since crucial policymaking roles were occupied by committed advocates of similarly conceptualised business interests. In the sense that policymakers actively sought to guard business interests – and border hawks perceived political advantage in accommodating these – one essential observation is that there is no necessary conflict between populist immigration restrictionism and business expansionism, since business opposition can be mollified within the context of public opinion-driven restrictive policy (Slaven 2012). Indeed, if low-regulation “pro-business” policymaking serves as a prominent programmatic idea, then the representation of some broadly shared concept of “business interests” is assured on issues where it is clear to participants that businesses have a stake, even if there is a simultaneous concern about security.

This contrasts with the effort by businesses to campaign against the further securitization of immigration in 2011. Pro-business Republicans had not thought of SB 1070 as having especially much to do with business, and were satisfied it did not do the other troubling things its opponents claimed. Business lobbies themselves did not decisively intervene on the bill, despite some concerns. At first glance, the five major immigration bills on the agenda in 2011 were similar, with the possible exception of the bill regarding hospital reporting (and about which the hospital industry never became a primary player). The threats those bills were eventually regarded as posing were of a completely different sort than the threats of HB 2779, and emerged from the shadow of the fiery and uncomfortable context of SB 1070.

The contrast between these two episodes is illuminating. In 2007’s employer-sanctions episode, there was a concern about the possible consequences of a popular ballot measure, and for business interests, elite politics was a realm of safety: within elite policymaking settings, developments are easily monitored, the terrain is familiar, and the environment already plays host to a sympathetic programmatic idea that views

constricting regulations upon business unfavourably. This is a realm where – notwithstanding political winds, or even a powerful push for securitization – outcomes are seen as controllable. In the post-SB 1070 episode, events played out in a very different arena. The problem was not the policy outcome *per se*, but the resulting political tempest. The battle was in the national media. The phenomenon was both too big and too nebulous for its outcomes to be controlled easily. Here, the possible damage was not to businesses' operations or to their particular brands. Instead, the damage was indirect, threatening the reputation of Arizona. In a context where negative repercussions are difficult to rein in through narrow interventions, the only political action apparently able to meet the challenge is to counter the securitization trend as a whole. This is what business ended up advocating in Arizona. Sympathetic lawmakers quickly grasped this expanded notion of business interest after observing the political fallout and hearing business's case directly. Policymakers acted upon this preference when business took actions to help them feel it was more politically safe than before to do so.

In a political-economy view, this might be a narrow matter of self-interest – a dollars-and-cents insurance move against the risk of bottom-line damage. While it is certainly correct to see this as a matter of self-interest, it is essential to pinpoint the concept of self-interest at work here, and how it relates to the conceptualisation of security. Questions of security – so intertwined in their development with the very notion of sovereign power – axiomatically evoke the anxiety that the state, in its power, eternally hazards doing harm to individuals or to society. This anxiety is, of course, at the heart of the liberal tradition, and the liberal response to limit the state has long been closely associated with the political advocacy of business and industry. Therefore those who hold this philosophy might variously be wary of security practices that they see as overbearing, or support security as enabling civil society. The idea of security being modulated due to economic considerations that coexist alongside security logics is strange in the traditional view where security is supposed to be characterised by necessity and the suffocation of choice. This modulation regardless seems strongly present in empirical instances of “security politics” (Neal, forthcoming). Neal identifies the concept of security operating in such instances not as the realist-descended one that has dominated security studies, but as an alternative concept akin to security as

genealogised by Foucault (2009 [1978]). In this account, with the advent of liberal philosophy that conceptually separated the state from other social domains such as the economy, security accepts the organic variability of these distinct domains and, in a crucial way, “lets things happen” (Foucault 2009, 45). The primary concern about the state is no longer that it could go beyond what is necessary to secure itself, to the injury of civil society. Rather, the functioning of these other domains, and particularly the market, becomes regarded as what “tell[s] the truth” (Foucault 2008 [1979], 32) about the quality of state policy, rendering a verdict quite separately from the question of state “necessity.” This notion bears a noted resemblance to concepts of security as risk (Bigo 2008, 110–14). A similar concept of security seemed to be operating among the business-aligned Republicans who became the most pivotal opponents of Arizona’s border hawks. Their support for securitization, already tepid, ended as discussions of possible damage to the market rose to new prominence. Pearce’s calls for responsibility, argued from a premise of necessity, were rebutted successfully with the contention that other economic and social developments were revealing border-hawk politics to be irresponsible. As these opponents took pains to express, however, their newfound opposition was not to “security” *per se*, but to the negative relation of this particular securitization to the economic domain. This further cements such opposition as a type of counter-security.

This opposition was premised not upon a clear interest in how the proposed or enacted policies would concretely affect businesses’ affairs, but rather on a broader sense of the market telling the truth about policy (in Foucault’s term, the market’s *veridiction*). Counter-securitization in Arizona emerged, then, not from a quantified or strictly grounded sense of self-interest, but from an anticipatory reading of a nebulous “market.” Described in terms of policymaker attention, impressions of market response – as read and translated by business leaders – functioned as a critical indicator to centre-right policymakers of both the needed direction of policy, and of how the politics of the issue were likely to unfold. Indeed, in 2011, the common refrain was not that the boycotts had caused much damage to businesses individually, since there seemed to be little evidence of this, but that there was the possibility of future damage to Arizona on a more holistic level. (This seems to accord with the apparent feeling of many “resisters,” reflected in media coverage, that the anti-SB 1070 boycotts had been wan.)

This contrast between the concrete and the ethereal mirrors an earlier observation. For business, proposed regulations with direct impacts on their operations are easily disposed to the programmatic ideas of their policymaker allies or (failing that) to the influence of lobbying, and can be dealt with narrowly; however, larger, atmospheric developments, seen to possibly damage the overarching abstract “market,” are altogether more difficult to control and require broader interventions, such as a complete counter-securitization. Indeed, the concern in this case was not just that society could be damaged by state actions, which is a natural tension within political economy. The concern, rather, was also that damage could result from the *politics* of the state and its citizens, apart from the material effect of state intervention as matter of economic policy.

It is in this sense that the counter-security which ultimately succeeded in the Arizona case is here termed “cosmopolitan.” This contextualises the self-interest at play in the case within particular constructions of “interest,” outlooks on society, and understandings of security. It is essential to note that the perceived potential damage to Arizona’s economy or to the market was seen to be happening because the border-hawk politics of the state were branding Arizona in the eyes of *others*: Arizona was being cast as insular, exclusionary, and “crazy.” The paramount concern was with future possibilities that this development seemed to threaten. Crucially, this concern did not belong only to business or to the economic sphere. It resonated clearly within the Church of Jesus Christ of Latter-day Saints, which saw its evangelism threatened by Arizona’s border-security politics. Entities in society that rely on visions of a future of some greater universalism, beyond the borders of the political community – whether to pursue profit, gain enlightenment, or sow salvation – thus mobilised. To put it in the terms of classical securitization theory, these elements wanted to secure something, too – they had a “referent object” – but not one of the cherished underpinnings of things as they are (like the state, society, or the environment) that are normally associated with a conservative, realist “logic of security.” Rather, what these elements sought to secure was the possibility of some yet unrealised future of greater universalism.

Securitization threatens such possibility with the encroachment of a Hobbesian worldview that strengthens boundaries – literally or figuratively – around the political

community, effecting exclusion (Aradau 2015, 92). To discuss this in more constructivist and empirically grounded terms: while, to Arizona's eventual counter-securitizers, this exclusionary politics was never ideal, it became intolerable when this exclusion reached a point where it appeared to transgress the sensibilities of others beyond Arizona's borders. Discord resulted. The central importance of outside audiences in this debate may be clarified through Meyer's view of world society – one where views of what it means to be “modern” are notably universal, within which the disinterested “other” serves the role of clarifying what it means to be rational (Meyer 2000; 2010). Given a universalised sense of rationality, actors – whether governments or businesses – derive much of their legitimacy from being similar to others. Amid this “extreme dependence of modern actors on wider legitimating models” (Meyer 2000, 238), the disinterested “other,” standing apart from separate actors' particular context, serves to “reflect the wider truths of the law” (Meyer 2000, 240) governing the world. Locally, “[t]oo much uniqueness... violates the principles of rational actorhood” that disinterested others serve to clarify (Meyer 2000, 245).

A political fault line in 2011 deepened over whether outside objections to SB 1070 were important or not. Connecting this to a discussion of the legitimation of securitization where security practices “remain socially binding so long as they respond to commonly accepted values” (Balzacq 2015a, 3), this divide largely mirrored two competing wells of purported legitimacy, one universal and rationalist, and the other particular and realist. These models of legitimacy summoned two imagined roles of the police and of state coercion generally. One is to “secure and guarantee the daily routines of general order... that makes the governance of the territory possible” (Loader and Walker 2001, 15), which is connected to “community policing” concepts with transnational expert currency and also to a concept of security that “lets things happen” in organic social processes. The other position, supporting SB 1070, drew on the simultaneous role of law enforcement as, in its actions, symbolising “the prevailing cultural characteristics of particular political communities” (Loader and Walker 2001, 20; see also Walker 1996), which in Arizona stood in apparent conflict with prevailing notions of universalised reason. Those advocating a counter-securitization fretted about what others outside the state – late-night comedians, Mexican businesses, national activist groups, Barack Obama – said and thought about SB 1070 and Arizona. Border hawks, pointedly, did

not: they discounted these figures as interlopers without Arizonans' best interests at heart. To cosmopolitan elements attuned to outsider "others," hearing heated assertions that Arizona had transgressed shared values delegitimised those efforts. In the rumblings of these outsiders was the beginning of the truth-telling of this wider world – the universal setting in which social domains like the market operate. At stake was Arizona's broad acceptability, which the *Sturm und Drang* of Arizona's parochial security politics imperilled regardless whether the charges, at the level of policy effect, were actually true. This reprised the historical experiences of Arizona as a pariah – in its allegedly "uncivilised" pre-statehood days and, within the memory of many Arizonans in the 2010s, in the King holiday controversy of the 1980s and 1990s (Chapter Four). These experiences very likely helped these particular accounts of interests and legitimacy to resonate politically.

Having identified this form of opposition, how did it so successfully operate in Arizona politically, especially given the compelling security-politics logics described above? The implication of this opposition's cosmopolitan nature is that it arises when the behaviour of the political community in question has drawn a voiced judgement by others that it has transgressed shared standards of acceptability or reasonableness. While the underlying policy is a source of unease, in the context of a securitization trend that is difficult to oppose politically, tolerating this unease is less costly than trying to cure it when the crucial delegitimising influence – the negative judgement of disinterested "others" – is absent. That is, until heated conflicts break into the open and gain a wider audience beyond the community's borders – in Arizona, thanks in great part to activist "resisters" who acted in response to SB 1070 in ways that helped win it broad attention. Before 2009, however, this potential of the "resistance" was, in effect, held in check as a result of the particular security-politics strategies of the resisters' most natural elite allies. These allies worked to undercut or temper border-hawk initiatives while more broadly accepting the security "problem." Border-hawk proposals thus saw success largely in the form of negotiated compromises. These compromises, in the eyes of many would-be opponents, were designed to be able to be lived with, allowing many politicians to pursue other priorities while *de facto* limiting the fuel for the resisters' fire. Border hawks were frustrated in achieving their larger goals, but securitization still crept forward in policy, while the border-hawk movement was nourished politically by a mixed diet of

success and frustration. Only when the border hawks later resoundingly won a political battle they picked did long-simmering unease finally reach a boil and new resources for delegitimation become available.

Still, how, exactly, did the counter-securitizers eventually prevail politically? The previous section noted their success at reformulating responsibility when it came to border and immigration policy, rebutting the border hawks' Hobbesian responsibility logic with the contention that the market, as reflecting universalised reason, was proving that group unwise. It is questionable the extent to which the counter-securitizers actually convinced the public of this. Indeed, no one in this saga ever seemed able to crack completely the apparent complexity of public opinion in this case (Chapter One); the counter-securitizers' victory was narrower. At the very least, this intervention appears to have used the scepticism of rational "others" to cast a shadow of doubt over the reasonableness of continuing down the securitized policy path. Most broadly, this delegitimising move succeeded at relocating political *accountability* when it came to border and immigration policymaking. Business and Mormon constituencies rich in varieties of political capital that were valuable within Arizona Republican Party politics backed this effort to reshape the terrain of accountability for Republican would-be allies, promising to stand with elected officials who advocated this counter-security position. In the aftermath of the SB 1070 tempest, this cosmopolitan counter-security argument was victorious at least on its own narrow terms: its delegitimation was plausible enough to work for the political purpose of counterbalancing the political threats of the border-hawk movement in the eyes of some Republican elites.

Importantly, however, this "counter-security" move can be seen as a subset of a broader type of case. As discussed earlier, this cosmopolitan position is not against "security" *per se*, as it draws from a liberal tradition with a stance toward security that is not hostile but rather ambivalent. The rationalised "other" is not seen to scowl at security itself. The most basic question was not whether Arizona politics was too security-focused, but rather whether this meant the state's politics was *extremist* and *exclusionary*. It is telling that forces which had opposed SB 1070 drew heavily from that episode to defeat the 2014 "religious liberty" law that they saw as exclusionary toward LGBT people (Rau, Wingett Sanchez, and Pitzl 2014). Likewise, opposition in 2016 to a "religious liberty"

law passed in the state of Mississippi, and to a North Carolina law restricting what public bathrooms transgender people can use, engendered a familiar political response: activist outrage, national media focus, boycott announcements, performance and conference cancelations, and business opposition (Chokshi 2016). Cosmopolitan opposition arises only out of some sense of shared values or right conduct, and in 21<sup>st</sup> century America, this third rail seems to be exclusion – a value perceived as opposite to being progressive and modern. Security is only one of many forces seen to exclude, which can spark a common set of cosmopolitan concerns about damaging reputations, harming economic exchange, and appearing crazy or rogue. This opposition is less about security than it is about exclusion and extremism – and, inherently, the mirror-image cosmopolitan values of inclusion and reasonableness. Thus the cosmopolitan counter-securitization that took place in Arizona might be seen as a particular application of a larger mode of opposition against such a form of exclusionary and extreme politics, awakened to the costly stigmatisation this politics augurs. Security is one of many possible types of exclusionary approach that might be opposed by the same interests, with the same tactics, and for the same reasons.

Since this phenomenon in Arizona emerged after securitization in a reactionary fashion, it may make sense to see these phenomena as in a relationship of co-constitution (Balzacq 2015b, 12). This is underscored by the extent that the border-hawk movement and counter-securitizers drew from, respectively, realist and liberal political philosophies that have often served as each other's foils. Whether all security politics sows the seeds of its own demise, however, is slightly apart from this study's concern with contingent political rationalities. Indeed, the success, or even the existence, of this form of contestation against securitization is contextual. Those who were ideologically primed to espouse this counter-security position happened to occupy a pivot point in Arizona politics, permitted by the contextual condition that business has long occupied a central place in Arizona's political culture. Furthermore, business-aligned conservatives in 2011 held the keys to the passage or failure of border-hawk bills due to the ideological composition of the Arizona Senate – just as they long had, including in previous years when they had declined to turn those keys. The fact that the ideology behind this counter-securitization often holds a prominent place within the centre-right suggests that it could be important in many Western political contexts. In another political

configuration, however, this opposition might not have an opportunity to emerge, or it might find itself entangled in debates lasting much longer than the year that the assertion of counter-security took in Arizona. While this research has identified a mode of politics where business constituencies take a chief role alongside other cosmopolitan interests in countering the securitization and restriction of immigration, in a different political situation, business might not perceive these developments as problems, or even if it does, it might not be able to pursue its preferences with success. The reassertion of business interests over populist, security-driven, and restrictive immigration policy is by no means assured.

## **Conclusion**

Echoing the classical observations of the securitization literature, the securitization of immigration in Arizona had seemed to have remarkable staying power. However, viewed from the perspective of the political rationalities of those involved in making policy decisions, the hold of security over policy looks quite different. It is in many ways similar to the politics of other issues in that, amid a competitive situation, politicians resort to crowding around intuitive logics that seem primed for messaging success. However, the progress of securitization seems powered by a particular security-related concept of responsibility that appears to render “stepping out” of the issue politically unworkable, pushing the political strategies of opponents of securitization to “ownership” efforts that risk further advancing the phenomenon. Nonetheless, the swift defeat of Arizona’s border hawks in 2011 suggests that what seems politically workable when it comes to security, even against such apparently compelling logics, changes with context. While the defeat of Arizona’s border hawks might be considered a mere example of business reasserting its power over an anomalous period of populist policymaking, an examination of the case reveals something more complex. Instead, what halted the securitization trend in Arizona was the mobilisation of a broader form of opposition, rooted in cosmopolitan concepts, against what these opponents saw as Arizona’s stigmatization for excessively exclusionary behaviour in the context of more broadly held values and sources of legitimation.

While the securitization of immigration and the border in Arizona seemed to follow from powerful political dynamics, the fact that this trend was ultimately arrested suggests that contestation over security issues always remains possible. In this sense, understanding securitization as emerging from actors' political rationalities is key to grasping the success of securitization as momentary, as merely contingent rather than ontologically transformational. The two categories of theoretical insight drawn from this case help to establish what we mean by "security politics" – a form of politics that is both unusual or distinctive in some of its patterns and forms and, ontologically, resolutely "normal." This thesis concludes in the following chapter by considering these theoretical observations in light of the aims and limitations of this research, and by suggesting areas for further investigation.

## *Chapter Nine*

# *Conclusion: Understanding security politics*

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This research has sought to understand why policymakers choose a security approach to immigration, when other interpretations are available. To work toward answering this question, it has engaged in a detailed case study of one extended instance of securitization in the politics of immigration, in the U.S. state of Arizona from 2003 to 2011. This research has examined policymaker beliefs about the political nature of the issue that led to an apparent consensus that the issue should be treated as one of security (Chapter Four). It has explored the strategies and dynamics of interparty competition that occurred upon that basis, explaining how even amid relative moderates' political victories, securitization crept forward beyond what they desired (Chapter Five). This research has examined the intraparty dynamics that led to particularly stark manifestations of the securitization trend and, specifically, Senate Bill 1070 (Chapter Six). As part of a full examination of the case's "security politics," it has also explored the sudden reversal of this trend, and why pivotal policymakers made the choice that the securitization of migration should be brought to an end (Chapter Seven). Synthesising these contributions, this thesis has sought to begin to explain particular attributes of "security politics," as they relate to perceived political dilemmas and to senses of responsibility that seem strongly associated with the politics of security, while identifying a cosmopolitan form of counter-security that played a crucial role in Arizona, and also may be significant to political developments in other locales (Chapter Eight).

This chapter brings this project to a conclusion by reflecting further on what it has, hopefully, contributed to knowledge, as well as its shortcomings. The first section of this chapter assesses some implications of the findings of this research for visions of security within democratic societies. This chapter's second section evaluates the limits of this research, and identifies possible directions for future efforts. A third section with final thoughts concludes.

## Security, politics, and democracy

The relationship of security to democracy – and particularly democratic values – has been a major concern within constructivist security studies, and particularly within its critical strand. Copenhagen School theory's clear implications for democratic rights and procedures, pregnant with Schmittian insinuations (Williams 2003; Huysmans 2006), has helped to generate a “shared discomfort among security analysts about the proliferation of security issues” (Aradau 2004, 389). Wæver's interest in a desecuritization concept, clearly signalled alongside his theorisation of the securitization process (1995), has spurred from the very beginning a considerable critical response oriented toward grasping the implications of security for democracy in order to protect democracy from securitization. Within constructivist security studies, this has been the main vector through which the relationship between security and democracy has been considered.

Amid the crises and emergencies of the early 21<sup>st</sup> century, and responses ranging from the Patriot Act in the United States to the state of emergency in France, that vision of security has significant intuitive appeal. It contrasts, though, with an assertion often related to development literatures, about security as a necessary condition for democratic development. However resonant the vision of a menacing security seems to be, the question remains about whether security inevitably deserves the negative reputation it has developed among many democrats. In particular the negativity of this view makes it quite beside the point to consider the possibility of a democratically positive security, one that might advance emancipation or solidarity. Indeed, maintaining that the meaning of security can vary contextually between locations and times – therefore introducing the possibility of such manifestations of security – seems to be a necessary corollary of taking a fully constructivist view of the concept (McDonald 2015). Beyond characterising security as indispensable, which might simply prompt the acceptance of all its implications as necessary evils, it might be possible to envision a concept of security that is a source of democratic renewal and possibility, rather than inherent reactionism. Loader and Walker connect this potential of security to a version of the concept that is “‘deep’ and ‘narrow’” (2007, 168): deep through a recognition of security's ontological (and not just physical) nature, seeing security as depending upon “‘ease with and acceptance within one's social environment’” (Loader and Walker 2007,

166), but narrow in the sense that this concept does not reorient all areas of policy around achieving security. This stands against various “wide” conceptualisations of security that spin security into a constant bugaboo – whether a shallower concept of security that obsesses diffusely over physical peril, or deeper “human security” understandings that invest security’s urgency in a myriad of matters. In such cases, the solidaristic potential of security is frittered by a pervasive fretting that makes for bad democratic citizenship (Loader and Walker 2007, 7–8). A certain narrowness of security, then, is necessary for it to be democratically virtuous.

This project has, all in all, taken a somewhat different approach to examining the relationship between security and democracy. This study has wondered: How does security “work” within the context of competitive democratic politics? In answering this question as it relates to the Arizona case, this research has therefore identified possible reasons behind the apparent tendency of security to sprawl. Indeed, in Arizona, border-security politics developed a stunning width. This happened even with the security “problem” relatively precisely defined. In part because of the state’s tangential traditional role in border security, the securitization of immigration in Arizona either discursively or institutionally sucked into its orbit abounding facets of state policy: voter identification laws, welfare benefit eligibility, the regulation of local police, the licensing of businesses, higher education policy, state criminal statutes, the state’s language(s) of business, criminal sentencing regulations, the state prison system, rules regarding the acceptance of personal identification, laws on bail eligibility, the use of public money for day labour centres, the hiring practices of state contractors, the National Guard, the serving of criminal warrants, revenue-sharing with municipalities, laws governing punitive damages in civil proceedings, the issuance of birth certificates and marriage licenses, worker’s compensation, gun restrictions, rules on renting property, hospital compensation, and state driver’s licenses. Security found promising soil in these terrains, and certainly would have found further purchase if it were not for ascendant political opposition.

If this “widening” process occurred as the consequence of broadly recognisable political rationalities, then it could be that this phenomenon of diffusing securitization is, in certain circumstances, endemic to democratic political competition itself; the practice of

democracy therefore creates tension with the substantive nourishment of it. This adds another dimension – explicitly rooted in competitive, pluralistic democratic politics – to observations about liberal states’ securitizing tendencies, which have often focused on the “freedom of security,” or the apparent paradox where liberal states’ maintenance of their deliberative and pluralistic orders depends on an ability to transgress these (see Ryan 2011). In the view of building a more “positive” security, though, the news from this case is not all bad. The cosmopolitan counter-security that was eventually asserted in Arizona might demonstrate a path to security’s narrowing, albeit on universalist grounds that are not themselves unimpeachable (see Aradau and Huysmans 2009; Aradau 2015). It is important to note an apparent ambiguity from the previous chapter. The counter-securitizers in Arizona, whether entrepreneurs or Mormons, did indeed have something they wanted to safeguard – in the Copenhagen School’s terms, a referent object. Rather than an existing object that they saw as imperilled, however, this object was some future possibility that they saw security politics as forestalling. In this sense, this counter-securitization might be read as another type of securitization (see also Williams 2011). Beyond such taxonomy, however, it is notable that this move seemed to oppose, and present substitutes for, the kind of logic that appears to dominate securitization as usually recognised. This perspective emphasised slowness and deliberation rather than urgent action, a chosen path rather than present necessities, and a universal or shared future rather than a need for exclusion. The political success of this effort in delegitimising the previously dominant securitization trend suggests the possibility of collective action against sprawling securitization for the safeguarding of some sense of solidarity. This is not to idealise the universalist theoretical presumptions that such a move might inherently contain: indeed, the idea of following some kind of universally applicable rationality may carry teleological implications that sit quite uneasily with a valuing of democratic choice. However, if the securitization of migration in Arizona points to a disturbing democratic tendency for security to widen, then the counter-securitization may suggest some ways in which security can be remade as narrower.

## **Evaluating this research: Limits and directions**

The section on methods (Chapter Three) counselled modesty about research findings. In this thesis's closing pages, the moment for that modesty has arrived. This research has a number of limitations – both as an empirical study of a case, and as a platform for theoretical generalisation – but in distinguishing these, hopefully avenues for future research become clearer.

The first and most notable limitation of this project relates to its research design, in that it is a single-case study. Sometimes too much might be made of the small-N problem – and, indeed, this research was able to gather extensive within-case data on a wide range of policy decisions by different actors amid a changing political context (Flyvbjerg 2006). Nonetheless, that problem still exists, and regardless of this within-case data, it is difficult to generalise authoritatively from observations of a single case. With its inductive theory-building purpose, this thesis therefore has not sought to generalise authoritatively, and instead has aimed to begin sketching an abstracted conceptualisation of “security politics” in its own distinct sense. Hopefully the insights this research presents can be complemented by other case studies of the securitization of migration (or of other domains), which will help to more solidly root the kinds of generalisations that the social sciences can aptly make: models of “soft” regularities that human beings can always in principle act contrary to (G. A. Almond and Genco 1977).

In addition to that limitation, which is part and parcel of the project's research design, there were some weaknesses that also emerged as a result of the particular application of this project's methods. While overall the methods seemed to be apt at gathering significant data related to the major decisions of this period, a few episodes stand out where they did not reveal as much as might be desired. In particular, the Arizona Temporary Workers Program (Chapter Five), as the only viable Arizona state-level immigration policy proposal of this time that was not a security one, stands out as important to study. The outlines of its fate became substantially clear through the project's documentary methods, and in the course of this research, many of this proposal's co-sponsors were interviewed. It was striking, however, that none of them particularly remembered it! While the most salient episodes drew many recollections and

this shortfall overall did not prevent the development of a robust research project, it points to the benefits of, ideally, conducting research on decisions closer to the times at which they were made. Likewise, a few significant players died before the researcher had the opportunity to ask them about their political rationalities. In process-tracing studies as in life itself, time is indeed something precious.

Perhaps this research's greatest lacunae result, unsurprisingly, from what it did not seek to do, but which stand out as promising areas of inquiry. Conducting this research made apparent two major categories of unanswered questions or undone investigation. The first of these relates, seemingly, to an early decision made when situating the project, which was done first in relation to the securitization literature, and then subsequently to migration politics literatures and more generally "political science." In this sense, the project went "through" security studies first, in ways that might have shaped its discussion. This project very consciously attempts to sit between those literatures, and to get security studies and political science into a deeper conversation with each other. From the amount of discussion devoted to each, though, it does seem that security studies ended up as the first among equals; the structure of Chapter Two itself very much demonstrates how security studies is this project's first stop. While it could be argued that some decision regarding this ordering needed to be made, and that either choice was equally legitimate, the flow of insight between security studies and migration politics, envisioned as equal, might have ended up a bit lopsided. Inasmuch as speaking coherently to security literatures became the favoured goal, critical security studies scholars' reflexive concern about "how security methods help to bring forth worlds of (in)security" (Aradau et al. 2015, 10) echo. In having made this a thesis primarily about the "securitization," rather than the "restriction," of migration – which is clear from its title – has security colonised this research? A way of addressing this concern in future research – or, indeed, in future products resulting from this work – might be to reflexively engage with the material using an approach that consciously treats the case primarily as one of migration politics, adding value by looking towards security studies without that task taking up so much intellectual effort. This might open analysis to further insights that come from migration-politics literatures or political science, and help to boost an important claim of this project that, if security is "normal" politics, then "normal" political science should take on a leading role in explaining it.

Indeed, beyond that reflexive concern, this decision seems to have some particular implications for how this research unfolded. Specifically, due to this choice – as well as to the project’s focus and design, and limitations presented by the thesis format – there remains some unexplored potential when it comes to integrating political-science insights into an account of the Arizona case. These represent opportunities for future explorations or research. How Arizona border hawks developed their particular policy proposals is a subject ripe for exploration. Advocacy coalition approaches (Sabatier 1988; Mintrom and Vergari 1996) and epistemic communities approaches (Haas 1992; Balch 2009) have clear potential in explaining the policy content of Arizona border hawks’ proposals, especially how they advanced a concept of “attrition through enforcement” (Kobach 2007; Khimm 2012) and drew ideas from larger networks. The extent to which this thesis has not linked in such perspectives reflects a larger tendency in this project to treat the border hawks as less central objects of study than the non-border hawks whose ideologies would have provided a readier chance to oppose securitization. While the project did take a clear interest in border hawks’ political manoeuvring, their pivotal role as entrepreneurs for the “securitized” approach perhaps deserves more attention than has been provided here, as a matter of fully portraying the case. Greater study of this faction – using tools from political science, especially – could indeed be helpful in fleshing out the Arizona case more fully.

Indeed, when it comes to telling the “complete story” of Arizona – or to theorising securitization or counter-securitization processes generally – it is worth noting whom this research did not fundamentally study. In particular, its focus on political elites, while methodologically justified for the purposes of answering its research questions, left relatively unexamined a couple of groups that seemed to play very important roles. First, and particularly important when it comes to this project’s theoretical contribution about cosmopolitan counter-security, was the business community. From this project’s methodological perspective, it is, of course, reasonable to understand business influence on policy through the recollections, beliefs, and values of the policymakers who produced policy based on their understanding of a context that included these forces. However, it certainly seems that political-science research focusing specifically on the Arizona business community – or, for that matter, on the Arizona Mormon community’s political involvement – could help greatly in fleshing out and theoretically

grounding the counter-security concept that this thesis proposes. Future research might focus more intently on these groups, and, in other case studies, might incorporate a more direct exploration of business into research designs. A greater understanding of the motivations and actions of this lobby could be intellectually very productive in understanding “security politics” writ large.

Second, and just as importantly, this research did not examine the more subaltern “resistance” against SB 1070 and the securitization of migration in Arizona. It is clear that this resistance played an important role in leading to the eventually successful counter-securitization effort. However, like (perhaps ironically) the border hawks, in this study, they are not examined in proportion to their apparent importance to developments in the case. Again, this study’s actor-focused and elite-centred epistemological perspective precluded this. To the extent this resistance’s effects are examined, it is through the eyes of policymakers. Fortunately, this resistance has become a focus of some significant social-science research (Barreto et al. 2009; Galindo 2010; Mohamed 2013; Magaña and Lee 2013). Regardless, as Doty’s studies of border vigilantism in Arizona make clear (2001; 2007; 2009; 2010), a focus on elite decision-making stands to exclude many essential things about both security and politics, including aspects in which decisions are, essentially, made or shaped before they reach the level of conscious elite consideration. This work has attempted to reckon with the importance of popular politics in immigration policy through examining how these understandings are refracted through the decisions of political elites. Such an account, of course, will always be partial to the examination of an entire case. In general, more case studies of this resistance that specifically link it to security-studies debates could enrich the literature on resistance to security (*e.g.* Guillaume 2011; Blanc 2015; Vuori 2015).

Despite these limitations, hopefully this research has pointed toward some promising avenues. One primary hope is that this research has distinguished the explanatory potential of security-studies research that asks, as a basic question, why policymakers might select security (Karyotis 2011; 2012). Another hope is that it has thereby made an effective argument for the fruitfulness of an approach to security as, emphatically,

“normal” democratic politics, connecting security-studies and political-science literatures that have too often grown apart (Neal 2012a; 2012c; forthcoming).

## **Final words**

The ultimate goal of this research has been to offer better understanding of the political process of the securitization of migration, a trend that has swept from the Sonoran Desert to the Mediterranean Sea, and has taken hold in many more sites across the earth. Since 9/11 especially, it has often seemed that a new sense of fear has enveloped the world. A sense of lost control has caused alarm in another way, one that has particularly pervaded critical security studies: that in resorting to what appears necessary to try to instill stability, we have in a way lost a sense of ourselves as liberal democratic societies. Perhaps we, as citizens of these societies, might be able to regain some of this sense through an examination of how our polities have arrived at certain troubling choices. Closely studying a case of the securitization of migration, this research has sought to offer a source of reflection for both citizens and policymakers. First, this research has attempted to gain a grasp of the securitization of migration in a democratic setting, to better understand how this process is related to the larger workings of democratic political systems and what seem, to politicians, to be the “truths” of immigration politics. To policymakers, these “truths” appear to emanate from a body politic that still remains somewhat enigmatic. As democratic citizens, therefore, it is of compelling interest to understand how these policymakers understand the rest of us, and why they reach the conclusions about us that they do. Second, for politicians and decision-makers deeply involved in these very fraught issues, this research has sought to offer material for reflection, by presenting a detailed account of a case where securitization advanced well beyond what many wanted. This research has tried to be true to the activity of doing politics. It therefore has not always portrayed politics in a very flattering light. What has emerged clearly from this research, however, is just how often politicians are purposive and thoughtful in the choices they make. Hopefully, then, this research may help all of us who have a role in our democratic processes to gain new insight into our choice of security. ■



## *Appendix A: Index of referenced policy proposals*

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
01/12/1964	Bracero Program	Guest workers, agriculture	Federal govt.	Terminated	HB 2791
06/11/1986	Immigration Reform and Control Act	Legalisation; employer sanctions	Federal govt.	Enacted	
08/11/1988	Proposition 106	English as official language	Citizens' initiative	Enacted	Proposition 103 (2006)
Late 1994	Operation Safeguard	Border security	Federal govt.	Initiated	
21/03/1996	HB 2154	Driver's licenses, unauthorised immigrants	Legislature	Signed by governor	2012 DACA interpretation
27/07/1997	Chandler Roundup	Local enforcement of immigration law	Chandler PD, US Border Patrol	Conducted	MCSO sweeps
21/01/2003	HB 2243	Local enforcement; university admission; hospital notification	Legislature	Held in committee	
27/02/2003	HB 2246	Voting requirements	Legislature	Failed committee vote	Proposition 200
26/06/2003	HB 2345	ID at the polls	Legislature	Vetoed by governor	Proposition 200
02/02/2004	HB 2448	Employer sanctions	Legislature	Held in committee	HB 2779
02/11/2004	Proposition 200	Voting requirements; public benefits	Citizens' initiative	Enacted	
19/01/2005	HB 2384	Employer sanctions	Legislature	Held in committee	HB 2779
14/03/2005	SB 1372	Human smuggling; human trafficking	Legislature	Signed by governor	
07/04/2005	HCR 2030	English as official language	Legislature	Passed House; held in Senate	Proposition 103 (2006)

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
18/04/2005	HB 2259	Immigration status as factor in sentencing	Legislature	Signed by governor	
02/05/2005	HB 2709	Private prison in Mexico	Legislature	Vetoed by governor	
06/05/2005	SB 1511	Matrícula consular	Legislature	Vetoed by governor	SB 1236; SB 1465
10/05/2005	HB 2389	Bail eligibility	Legislature	Passed House; held on Senate floor	HCR 2028
12/05/2005	HCR 2028	Bail eligibility	Legislature	Referred to voters	Proposition 100
20/05/2005	HB 2030	Welfare benefits; in-state tuition	Legislature	Vetoed by governor	Proposition 300
20/05/2005	HB 2592	Day labour centres	Legislature	Signed by governor	
20/05/2005	SB 1306	Local enforcement	Legislature	Vetoed by governor	HB 2386, HB 2807, SB 1070
11/07/2005	Executive Order 2005-13	Law enforcement summit	Governor's Office	Conducted	
15/08/2005	Declaration of emergency	Emergency in border counties	Governor's Office	Declared	
20/09/2005	ADOC 287(g) agreement	Local enforcement	Governor's Office	Adopted	
20/10/2005	Executive Order 2005-30	State contractors, authorised workers	Governor's Office	Adopted	HB 2779
11/01/2006	HB 2068	In-state tuition	Legislature	Held in committee	HB 2069, HB 2597, HB 2598
11/01/2006	HB 2069	In-state tuition	Legislature	Held in committee	HB 2068, HB 2597, HB 2598
18/01/2006	HB 2599	Job training eligibility	Legislature	Held in committee	
24/01/2006	HB 2597	In-state tuition	Legislature	Held in committee	HB 2069, HB 2069, HB 2598

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
24/01/2006	HB 2598	In-state tuition	Legislature	Held in committee	HB 2068, HB 2069, HB 2597
09/02/2006	HB 2578	Radar and camera funding	Legislature	Held on House floor	
15/02/2006	SB 1216	Employer sanctions	Legislature	Held on Senate floor	HB 2779
08/03/2006	Executive Order 2006-06	National Guard	Governor's Office	Adopted pending appropriation	HB 2701
09/03/2006	HB 2701	National Guard	Legislature	Vetoed by governor	2005 Dec. of Emergency; Executive Order 2006-06
13/03/2006	SB 1158	Apprehension of criminal aliens, funding	Legislature	Passed Senate, held in House	SB 1157
16/03/2006	HCR 2044	Employer sanctions	Legislature	Passed House, held in Senate	HB 2779
16/03/2006	HB 2582	Local enforcement	Legislature	Passed House, held in Senate	
20/03/2006	HB 2837	Local enforcement, revenue sharing	Legislature	Failed in House vote	
11/04/2006	HCM 2018	Agricultural commuters, non-binding resolution	Legislature	Adopted	
17/04/2006	SB 1157	Trespassing offense	Legislature	Vetoed by governor	
20/04/2006	SB 1057	Punitive damages eligibility	Legislature	Held in House	SCR 1001
01/06/2006	Operation Jump Start	National Guard	Federal govt.	Conducted	
06/06/2006	HB 2577	Omnibus enforcement; employer sanctions	Legislature	Vetoed by governor	HB 2779

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
21/06/2006	SCR 1031	In-state tuition	Legislature	Referred to voters	Proposition 300
22/06/2006	SCR 1001	Punitive damages	Legislature	Referred to voters	Proposition 102
28/06/2006	HB 2580	Bail eligibility	Legislature	Signed by governor	Proposition 100
07/11/2006	Proposition 100	Bail eligibility	Referendum	Enacted	
07/11/2006	Proposition 102	Punitive damages	Referendum	Enacted	
07/11/2006	Proposition 103	English as official language	Referendum	Enacted	
07/11/2006	Proposition 300	In-state tuition	Referendum	Enacted	
22/01/2007	HB 2270	Human smuggling; human trafficking	Legislature	Held in committee	SB 1372
22/01/2007	HB 2271	Human smuggling; human trafficking	Legislature	Held in committee	SB 1372
24/01/2007	HB 2471	Benefit eligibility	Legislature	Held in committee	
25/01/2007	HB 2386	Employer sanctions	Legislature	Held in committee	HB 2779
15/02/2007	HCR 2022	Trespassing offense	Legislature	Held in committee	
15/02/2007	HB 2461	Local enforcement, revenue sharing	Legislature	Held in committee	
20/02/2007	HCR 2049	Local enforcement	Legislature	Held in committee	
20/03/2007	HCM 2005	14th amendment, birthright citizenship	Legislature	Held in House	
04/04/2007	HB 2460	Matrícula consular	Legislature	Failed in House vote	SB 1236
01/05/2007	HB 2589	Trespassing offense, day labourers	Legislature	Vetoed by governor	
04/05/2007	HB 2016	Detention of material witnesses	Legislature	Signed by governor	

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
08/05/2007	SB 1236	Matrícula consular	Legislature	Vetoed by governor	HB 2460
02/07/2007	HB 2467	Benefit eligibility	Legislature	Signed by governor	Proposition 200
02/07/2007	HB 2779	Employer sanctions	Legislature	Signed by governor	
02/07/2007	SB 1265	Bail eligibility	Legislature	Signed by governor	Proposition 100
Autumn 2007	MCSO sweeps	Local enforcement	MCSO	Conducted	Executive Order 2008-22
14/02/2008	HCR 2064	Local enforcement	Legislature	Held in House	HB 2807
18/02/2008	HB 2791	Guest workers	Legislature	Held in committee	HB 2863, SB 1508
21/02/2008	HB 2631	Marriage licenses	Legislature	Held in committee	
25/02/2008	HB 2750	Worker's compensation	Legislature	Held in committee	
26/03/2008	HB 2625	Rental of property to unauthorised	Legislature	Held in House	
21/03/2008	HB 2486	Human smuggling; weapons	Legislature	Signed by governor	
08/04/2008	HCR 2039	Trespassing offense	Legislature	Held in House	HB 2807
08/04/2008	HB 2863	Guest workers	Legislature	Held in House	HB 2791, SB 1508
28/04/2008	HB 2807	Local enforcement	Legislature	Vetoed by governor	
01/05/2008	HB 2745	Employer sanctions	Legislature	Signed by governor	HB 2779
05/05/2008	SB 1508	Guest workers	Legislature	Held in Senate	HB 2791, HB 2863
05/05/2008	HB 2842	Human smuggling; drop houses; forgery	Legislature	Signed by governor	
12/05/2008	MCSO funding revocation	Local enforcement	Governor's Office	Adopted	Executive Order 2008-22
12/05/2008	Executive Order 2008-22	Felony fugitives	Governor's Office	Adopted	MCSO funding revocation

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
26/06/2008	HB 2414	Trespassing offense, day labourers	Legislature	Passed House, failed Senate vote	
27/06/2008	HCR 2043	Eligibility for public education	Legislature	Held in committee	
10/01/2009	HB 2561	14th amendment, birth certificates	Legislature	Held in House	SB 1308
10/01/2009	HB 2562	14th amendment, Arizona citizenship	Legislature	Held in House	SB 1309
04/06/2009	SB 1172	School legal status reporting	Legislature	Held in committee	
04/06/2009	SB 1177	Eligibility to work	Legislature	Held in committee	
04/06/2009	SB 1159	Trespassing offense	Legislature	Held in committee	SCR 1010
08/06/2009	SB 1334	Worker's compensation	Legislature	Held in committee	
09/06/2009	SB 1162	Trespassing offense, etc.	Legislature	Held in committee	
17/06/2009	HB 2331	Local enforcement	Legislature	Passed House, held in Senate	
17/06/2009	SB 1280	Concealing aliens	Legislature	Passed Senate, held in House	
25/06/2009	HB 2533	Trespassing offense, day labourers	Legislature	Passed House, held in Senate	
26/06/2009	SB 1175	Local enforcement, sanctuary cities	Legislature	Passed Senate, held in House	HB 2280
29/06/2009	SCR 1010	Trespassing offense	Legislature	Held in committee	
01/07/2009	HB 2280	Local enforcement, sanctuary cities	Legislature	Passed Senate, failed House vote	SB 1175
13/07/2009	HB 2306	Business licensing	Legislature	Signed by governor	HB 2779

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
13/07/2009	HB 2569	Human smuggling	Legislature	Signed by governor	
13/07/2009	HB 1281	Sex trafficking	Legislature	Signed by governor	
13/07/2009	SB 1282	Human smuggling, use of force	Legislature	Signed by governor	
16/04/2010	SB 1027	Seismic sensors	Legislature	Signed by governor	
16/04/2010	SB 1059	Sex trafficking	Legislature	Signed by governor	
23/04/2010	SB 1070	Local enforcement; omnibus	Legislature	Signed by governor	
30/04/2010	HB 2162	Local enforcement, clarifications	Legislature	Signed by governor	SB 1070
11/05/2010	HB 2281	Ethnic studies ban	Legislature	Signed by governor	
07/02/2011	SB 1117	Local enforcement, legal challenges	Legislature	Signed by governor	SB 1070
17/03/2011	SB 1308	14th amendment, birth certificates	Legislature	Failed in Senate vote	
17/03/2011	SB 1309	14th amendment, Arizona citizenship	Legislature	Failed in Senate vote	
17/03/2011	SB 1611	Local enforcement; omnibus	Legislature	Failed in Senate vote	
17/03/2011	SB 1405	Reporting, hospitals	Legislature	Failed in Senate vote	
17/03/2011	SB 1407	Reporting, schools	Legislature	Failed in Senate vote	
04/04/2011	SB 1222	Public housing, proof of citizenship	Legislature	Passed Senate, held in House	
18/04/2011	HB 2191	Punitive damages, backdating	Legislature	Signed by governor	Proposition 102
25/04/2011	SB 1225	Forgery of documents, felony	Legislature	Signed by governor	

<b>Date of last action</b>	<b>Proposal title</b>	<b>Topic</b>	<b>Venue</b>	<b>Disposition</b>	<b>Related</b>
27/04/2011	SB 1046	ICE detainees, minors in state custody	Legislature	Signed by governor	
28/04/2011	HB 2012	State IDs, proof of citizenship	Legislature	Signed by governor	
28/04/2011	SB 1406	Border fencing, private funding	Legislature	Signed by governor	
28/04/2011	SB 1465	Matrícula consular	Legislature	Signed by governor	
15/06/2012	Deferred Action for Childhood Arrivals	Unauthorised minors	Federal govt.	Enacted	
25/06/2012	Rescindment of Arizona 287(g)s	Local enforcement	Federal govt.	Enacted	SB 1070; MCSO sweeps
15/08/2012	Executive Order 2012-06	Driver's licenses, DACA recipients	Governor's Office	Enacted	DACA
09/11/2015	Disbursement of private border fencing funds	Border fencing, private funding	Legislature	Enacted	SB 1406
22/02/2016	SB 1017	Local-issued ID cards	Legislature	Failed in Senate vote	
22/02/2016	SB 1378	Local enforcement, sanctuary cities	Legislature	Failed in Senate vote	

## *Appendix B: List of interviewees*

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Bill Brotherton. Member of the Arizona House of Representatives, 1998-2003; state senator, 2003-2007. Interviewed 28 January 2015, Phoenix.

Dennis Burke. Chief of staff for policy to Governor Janet Napolitano, 2003-2007; chief of staff, 2007-2009. Interviewed 13 January 2015, Phoenix.

Jennifer J. Burns. Member of the Arizona House of Representatives, 2003-2009. Interviewed 24 November 2014, Marana, Arizona.

Chad Campbell. Member of the Arizona House of Representatives, 2007-2015. Interviewed 2 December 2014, Phoenix.

Chuck Coughlin. President, HighGround Public Affairs Consultants, adviser to Governor Jan Brewer. Interviewed 18 December 2014, Phoenix.

Rich Crandall. Member of the Arizona House of Representatives, 2007-2011; state senator, 2011-2013. Interviewed 10 December 2014, Mesa, Arizona.

Tony Estrada. Santa Cruz County sheriff, 1993-present. Interviewed 10 February 2015, Nogales, Arizona.

Steve Gallardo. Member of the Arizona House of Representatives, 2003-2009; state senator, 2011-2015; member of the Maricopa County Board of Supervisors, 2015-present. Interviewed 28 January 2015, Phoenix.

Terry Goddard. Mayor of Phoenix, 1984-1990; attorney general of Arizona, 2003-2011; candidate for governor, 2010. Interviewed 25 June 2015, by phone.

Mike Haener. Deputy chief of staff for legislative affairs to Governor Janet Napolitano, 2003-2009. Interviewed 23 January 2015, Phoenix.

Pete Hershberger. Member of the Arizona House of Representatives, 2001-2009.  
Interviewed 24 November 2014, Tucson.

Russ Jones. Member of the Arizona House of Representatives, 2005-2007, 2009-2013.  
Interviewed 6 February 2015, Yuma, Arizona.

Joe Kanefield. State election director, 2004-2009; general counsel to Governor Jan Brewer, 2009-2011. Interviewed 6 November 2014, Phoenix.

John Kavanagh. Member of the Arizona House of Representatives, 2007-2015; state senator, 2015-present. Interviewed 6 January 2015, Phoenix.

Jeanine L'Ecuyer. Press secretary to Governor Janet Napolitano, 2004-2005; communications director, 2005-2009. Interviewed 11 November 2014, Phoenix.

Phil Lopes. Member of the Arizona House of Representatives, 2003-2011. Interviewed 16 January 2015, Tucson.

Juan Mendez. Member of the Arizona House of Representatives, 2013-present.  
Interviewed 11 December 2014, Phoenix.

Eric Meyer. Member of the Arizona House of Representatives, 2009-present.  
Interviewed 4 December 2014, Phoenix.

Tim Nelson. General counsel to Governor Janet Napolitano, 2003-2008; candidate for Maricopa County attorney, 2008. Interviewed 17 November 2014, Phoenix.

Tom O'Halleran. Member of the Arizona House of Representatives, 2001-2007; state senator, 2007-2009. Interviewed 27 January 2015, Village of Oak Creek, Arizona.

Jonathan Paton. Member of the Arizona House of Representatives, 2005-2009; state senator, 2009-2010; candidate for Congress, 2010. Interviewed 2 February 2015, Scottsdale, Arizona.

Martín Quezada. Research analyst/policy adviser, Democratic caucus, Arizona House of Representatives, 2002-2005; member of the Arizona House of Representatives, 2012-2015; state senator, 2015-present. Interviewed 8 December 2014, Phoenix.

Russell Pearce. Member of the Arizona House of Representatives, 2001-2009; state senator, 2009-2011; Senate president, 2011. Interviewed 11 February 2015, Phoenix.

Ed Rheinheimer. Cochise County attorney, 2005-2015. Interviewed 19 January 2015, Oro Valley, Arizona.

Kyrsten Sinema. Member of the Arizona House of Representatives, 2005-2011; state senator, 2011-2012; member of the United States House of Representatives, 2013-present. Interviewed 5 December 2014, Phoenix.

Steve Smith. State senator, 2011-2013, 2015-present; member of the Arizona House of Representatives, 2013-2015. Interviewed 22 December 2014, Phoenix.

Jim Walsh. Pinal County attorney, 2007-2013. Interviewed 26 January 2015, Oracle, Arizona.



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