

Deportation by Design:
How Political Entrepreneurs Engineered Crime-Based Deportation in the United States

Abstract

Starting in the 1980s, the U.S. federal government considerably expanded criminal grounds for deportation, laying the foundation for today's enforcement regime. Yet, the policymaking dynamics behind this shift remain unclear, given the country's long history of using criminality to exclude, detain, and remove immigrants. I argue that modern crime-based deportation originated with an underexplored provision of the Immigration Reform and Control Act of 1986, followed by key expansions in 1988 and 1990. Using a reactive sequences framework, I trace how macroscopic forces converged to produce a contingent event—the insertion of Section 701 into IRCA—triggering a backlash-driven sequence of reforms that reshaped U.S. immigration enforcement. Analyzing congressional debates from 1986 to 1990, I reveal how a bipartisan coalition of political entrepreneurs, many from Florida, embedded crime-based deportation within the broader institutional crackdown on drugs and crime. Substantively, my findings clarify how deportation laws evolve through national policymaking, often in response to local pressures. Theoretically, I extend the reactive sequences approach to a novel case, demonstrating how political actors exploit contingent moments to drive institutional change.

Keywords—Crime-based deportation; crimmigration; political entrepreneurs; reactive sequences

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1 Introduction

On January 29, 2025, President Donald Trump signed into law the Laken Riley Act (S.5), the first piece of legislation enacted from the 119th United States Congress. The Act mandates that the Department of Homeland Security detain non-citizens who are unlawfully present and have been charged with, arrested for, convicted of, or admit to committing a wide range of crimes, including theft, assaulting a police officer, or offenses resulting in serious injury or death. The law may be new in its provisions, but it follows a recognizable blueprint that uses criminal acts as grounds for the detention and deportation of non-citizens.

Crime-based deportation has evolved into the cornerstone of the modern U.S. immigration enforcement system, as 81,312 of the 113,431 arrests (71.7%) and 88,763 of the 271,484 removals (32.7%) made by Immigration and Customs Enforcement (ICE) in Fiscal Year 2024 were of non-citizens with criminal convictions or pending charges (Immigration and Customs Enforcement 2024). Yet, the roots of this system stretch back at least four decades, when immigration enforcement merged with the criminal legal system in ways that may have seemed incidental at the time but ultimately redefined the trajectory of U.S. immigration policy.

Why did Congress begin to expand criminal grounds for the detention and deportation of non-citizens in the 1980s? Criminal records have long been used to exclude, detain, and remove immigrants, dating back to the first federal laws restricting immigration (Collins 2013, 2154–58; Das 2018). During nineteenth and twentieth centuries, however, the federal government rarely exercised its deportation powers (Kaufman 2019; Ngai 2014), as race-based exclusion barred marginalized groups from entering the country. In general, immigration enforcement operated independently of the criminal legal system—until the 1980s. During this period, an unprecedented merger of criminal and immigration law developed, often referred to as “crimmigration” (Stumpf

2006; 2013; 2014; García Hernández 2013; 2017; 2018). There was a dramatic shift toward internal immigration enforcement, with non-citizens suspected of engaging in an ever-expanding list of criminal offenses—so-called ‘criminal aliens’—becoming the primary targets of detention and deportation (Inda 2013; Warner 2005). Congress empowered the federal government to wield its deportation powers not on a case-by-case basis, as was common during the era of race-based exclusions (Goodman 2020; Simon-Kerr 2012), but on a group basis, removing non-citizens deemed dangerous according to longstanding racial and class hierarchies, now cloaked in race-neutral language (Das 2020).

The emergence of these sweeping changes to immigration enforcement in the 1980s, rather than earlier, has often been analyzed through the lens of mass incarceration. Migration (Loyd and Mountz 2018; Macías-Rojas 2016; Shull 2022) and penology (Miller 2002; 2003; 2005; Simon 1998; 2007) scholars emphasize how the punitive logic and practices of the criminal legal system penetrated immigration policy, converting detention and deportation into tools of social control. First among the group of racialized undesirables for removal were those non-citizens involved in drug crimes and violent crime, as the War on Drugs provided the “legislative foundation” for what would become the modern crime-based deportation system (Das 2020, 67). From the late 1980s, deportable offenses expanded greatly, including ‘crimes involving moral turpitude’ (Legomsky 2007; Miller 2003) and the newly created ‘aggravated felony’ category (Tosh 2019). Initially limited to murder, drug trafficking, and firearms trafficking, the latter category has since grown to include 26 deportable offenses (Goodman 2020; Inda 2013).¹ It is therefore crucial to examine the policy changes that catalyzed these historical processes, and identify the human agents who played an instrumental role in engineering crime-based deportation.

¹ An “aggravated felony” is any offense that Congress classifies as such for the sake of immigration law; it need not be “aggravated” nor a “felony” to qualify.

Beginning with Section 701 of the Immigration Reform and Control Act (IRCA) of 1986, Congress made deporting non-citizens convicted of certain crimes an enforcement priority for the first time, classifying a broad range of post-entry criminal acts as deportable offenses. Despite limited scholarly attention, Section 701 laid the groundwork for modern immigration enforcement. It was a watershed moment in the backlash to the “unintended consequences” of the Immigration and Nationality Act of 1965 (Massey and Pren 2012), a Civil Rights-era shift toward formal racial equality. Yet, Section 701 was also incidental, introduced as a last-minute amendment to the House version of IRCA on the final day of debate.

In this study, I investigate the origins of this provision and the ensuing efforts to consolidate a modest policy innovation into the foundation of crime-based deportation. Adopting a historical institutionalist approach, I trace the macro-level forces that led to Congress’ embrace of this system (Hall 2010; 2016; Mahoney, Mohamedali, and Nguyen 2016). Specifically, I analyze the “reactive sequence” (Mahoney 2000) of events from 1986 to 1990 that triggered the process of institutional transformation of interest here. During this period, cultural-demographic and political-economic forces converged to generate a contingent moment—the insertion of Section 701 into IRCA—around which key actors united to push for more significant policy changes. The trajectory that followed was characterized by “backlash politics” (Alter and Zürn 2020), as members of Congress merged the issues of crime, drugs, and immigration to justify and entrench punitive enforcement measures.

Emphasizing the role of human agency in reactive sequences, I incorporate the concept of “political entrepreneurs” (Dahl 1961; Sheingate 2003) to provide micro-foundations for the model. In my sequence of interest, entrepreneurs capitalized on the specific conditions of the mid- to late-1980s, weaving the war on drugs with a crackdown on immigration to convert deportation into a

tool of social control in the post-1965 era. Many of these early congressional actors, including the author of Section 701, came from Florida, a state at the nexus of immigration and drug issues in the 1980s. These legislators, responding to mass migrations of Cubans, Haitians, and Central Americans (Shull 2021), coalesced around crime-based deportation as an ostensibly race-neutral means of removing undesirables. They then built a fast-growing bipartisan coalition that secured key victories, contributing to the “nationalization” of the U.S. immigration debate by shifting it from localized concerns to a broader focus on internal enforcement (Hopkins 2018). Through this iterative process, political entrepreneurs left an indelible mark on the institutionalization of crime-based deportation over the past four decades.

In support of my arguments, I survey congressional policy debates from 1986 to 1990, a period marked by intense debates on drugs, crime, and immigration. Drawing on the Congressional Record, I analyze the legislative processes behind key acts, including the Immigration Reform and Control Act of 1986, the Anti-Drug Abuse Act of 1988, and the Immigration Act of 1990. By dissecting statements from key political entrepreneurs, I uncover the rhetorical strategies that shaped these policy shifts and demonstrate how congressional deliberations entrenched crime-based deportation within the broader immigration enforcement regime. I further explore the motivations of certain actors, particularly those from Florida, who championed these legislative provisions. Nearly 40 years after the passage of IRCA, the present study reflects on the lessons of history as a new wave of crime-based deportation measures is enacted.

2 Crimmigration and Crime-Based Deportation

Crimmigration law has two central components: (1) the transformation of civil immigration offenses, such as unauthorized entry, into criminal offenses (Chacón 2012; Stumpf 2014); and (2) the incorporation of the civil, administrative practices of immigration law into the criminal legal

system (Legomsky 2007; Miller 2003). Scholars stress the importance of the merger of criminal and immigration law as a central part of modern U.S. immigration enforcement (García Hernández 2013; 2017; 2018; Gil-Vasquez 2020; Stumpf 2006; 2013; 2014). These two types of law were, historically speaking, discrete and largely unrelated, but since the 1980s, the line that once divided them has grown indistinct (García Hernández 2013; Legomsky 2007; Stumpf 2006). These transformations have been examined using criminological (Bosworth and Guild 2008; Aas and Bosworth 2013; Menjívar, Gómez Cervantes, and Alvord 2018) and legal (García Hernández 2013; Legomsky 2007; Stumpf 2006; 2013) frameworks. I contribute to the literature by employing an institutionalist framework to explain the advent of crime-based deportation.

I define crime-based deportation as formal institution, meaning “generally written standards for conduct produced according to specified procedures by authorities legally invested with the power to do so” (Brinks 2003, 4). This term has been used to refer to the expansion of both criminal grounds for removal and immigration status-based crimes (Das 2018). I employ it more narrowly. In this paper, “crime-based deportation” refers to those sections of federal law that provide for the removal of non-citizens based on criminal activity that occurred within the U.S. (i.e., post-entry). Since 1893, the Supreme Court has classified deportation as a civil penalty, not a punishment *per se*.² Yet, since the 1980s, deportation has become a frequent consequence of criminal convictions, even as non-citizens facing removal lack the constitutional rights afforded to criminal defendants.

The “punitive turn” in immigration enforcement, with crime-based deportation as a central feature, emerged in the 1980s due to both structural and proximate causes (see also Macías-Rojas 2016, 19–22). Two decades prior, the Immigration and Nationality Act of 1965 phased out race-based national origins quotas, bringing an end to a 44-year period when formal exclusion served

² In *Fong Yue Ting v. United States*, 149 U.S. 698, 730 (1893), the U.S. Supreme Court ruled for the first time that “the order of deportation is not a punishment for crime.”

as the primary tool of racialized social control in U.S. immigration policy (FitzGerald and Cook-Martín 2014; Ngai 2014). The “unintended consequences” (Massey and Pren 2012) of the reform included a sharp increase in immigration, particularly from Asia and Latin America. These demographic changes, which sparked a “reinvigorated fear of noncitizens” (García Hernández 2013, 1457), were epitomized by mass migrations from Latin America. The racialized image of the ‘criminal alien’ emerged as a response to the long-term incarceration of Cuban, Haitian, and Central American migrants during the 1970s and 80s (Loyd and Mountz 2018, 117–43; Cházaro 2016; Stephens 2021). While these developments set the stage for crime-based deportation, broader shifts in the criminal legal system provided the catalyst.

As explicit racism became politically untenable in the post-Civil Rights era (Bonilla-Silva 2013), criminality became a race-neutral proxy for determining who deserved punishment and, by extension, which non-citizens were deemed undesirable. Neoliberal austerity and declining trust in government reinforced punitive attitudes (Garland 2001; Tosh 2019; Wacquant 2008). “Governing through crime” (Simon 2007) became the dominant framework for policymaking. The War on Crime and the escalating War on Drugs, which fueled mass incarceration (Alexander 2010), extended into immigration enforcement. Public officials increasingly used the ‘criminal alien’ trope to justify punitive federal responses to prison unrest and over-crowding (Loyd and Mountz 2018, 1229–131; Shull 2022, 189–93). These forces, together with new legal measures, triggered a moral panic about immigrant criminality distinct from prior waves of anti-immigrant sentiment.

I study how these structural and more proximate causes interacted to institutionalize crime-based deportation. My analysis focuses on Section 701 of IRCA, a “relatively uncontroversial” provision (Das 2020, 70), that has gone largely understudied yet set the trajectory of institutional

development. By surveying congressional debates from 1986 to 1990, I uncover how political entrepreneurs propelled immigrant criminality onto the national agenda, driving the formative years of crime-based deportation in the U.S.

3 Methodology

The analysis I present below follows a historical institutionalist approach to policy change (Daugbjerg 2009; Howlett 2009; Mawhinney 2013; Thelen 2003). This approach emphasizes temporality in political analysis, focusing on how key events unfold in sequence (Pierson 2004; Thelen 2004). I examine the macroscopic forces that produced a contingent moment leading to the shift toward crime-based deportation in the 1980s, with particular attention to how human agency shaped this institutional trajectory (Mahoney and Thelen 2009; Streeck and Thelen 2005).

I frame the development of crime-based deportation as a reactive sequence, where “each event in the sequence is both a reaction to antecedent events and a cause of subsequent events” (Mahoney 2000, 509, 526). These sequences are defined by backlash processes that “*transform* and perhaps *reverse* early events” (Mahoney 2000, 526; Mahoney, Mohamedali, and Nguyen 2016). They are thus distinct from self-reinforcing sequences, a form of path dependence whereby increasing returns reproduce early events (Arthur 1994; Hall 2016; Pierson 2000; 2004; Rixen and Viola 2015). Some scholars argue that self-reinforcing approaches have less explanatory power when used to study major policy change over time (Daugbjerg 2009; Kay 2005; Mawhinney 2013).

The “reactive sequences” approach provides a more capacious framework for explaining complex chains of events, including those that led to crime-based deportation. This method “leaves more room for policy evolution within the path than the notion of self-reinforcing sequencing because it also allows counter-reactions” (Daugbjerg 2009, 398). The intersection of two or more once separate sequences produces a contingent early event, known as a conjuncture, followed by

a causal reactive chain defined by backlash dynamics. According to Alter and Kürn (2020, 566), backlash politics merge “a retrograde objective, extraordinary claims, demands and tactics, and a threshold of influencing public discourse so that the movement’s objectives and/or tactics become normalized features of politics.”

These are essential features of the reactive sequence behind the institutional development of crime-based deportation from 1986 to 1990. This chain of reactions to the cultural-demographic and political-economic circumstances of the mid-to-late 1980s led to a transformation in the scale and structure of crime-based deportation. These changes also marked a reversal in institutional direction, deviating from the more liberal immigration regime established by the Immigration and Nationality Act of 1965.

Path dependent frameworks, however, may understate the role of individual agency when explaining institutional outcomes (Pierson 2004; Thelen 2003). Human actors are particularly important when policy elements are situated in a ‘nested’ relationship where the micro-level—policymaker behavior—is inseparable from the macro-level—institutions (Hall 1993). Political institutions themselves are the product of coalitions (Hall 2016; Thelen 2003), whereby actors reinterpret their interests and jointly pursue some institutional project (Hall 2016; Offe and Wiesensthal 1980). Some actors lead coalition building and shape the path of development, while others play supporting roles (Korpi 2006). Interest re-interpretation thus depends on the ability of actors to react to changing circumstances and influence other possible stakeholders.

I leverage the longstanding concept of political entrepreneurs (Dahl 1961; Kingdon 1984; Sheingate 2003) to establish the micro-foundations of the reactive sequences framework. Political entrepreneurs respond to conjunctures where multiple sequences intersect, forging coalitions around shared interests to advance institutional reforms. Their ability to drive policy change hinges

on institutional complementarities, aligning their proposals with existing policy frameworks to maximize political traction (Hall and Soskice 2001). Of course, not all entrepreneurs are successful. Though, when they are, they activate latent dimensions of conflict and frame reforms as the logical extension of another policy program (Sheingate 2003). In reactive sequences, these actors “etch” their political imagination into long-term institutional development (Hall 2016, 15) in a series of episodes where they invite coalitional stakeholders from connected policy domains. Through this process, political entrepreneurs transformed crime-based deportation from a last-minute add-on to IRCA into the foundation of contemporary U.S. immigration enforcement.

To trace this process, I conduct a discourse analysis of congressional debates from 1986 to 1990—a period of intense deliberation on drugs, crime, and immigration. I focus on discussions surrounding the Immigration Reform and Control Act of 1986, the Anti-Drug Abuse Act of 1988, and the Immigration Act of 1990, drawing on an extensive review of the Congressional Record. I systematically examine debates from both the House of Representatives and the Senate, identifying references to the deportation of non-citizens involved in criminal activity. I used a diverse set of search terms, including: alien, criminal alien, deportability, deportation, illegal alien, removal, and summary deportation. I map the discursive landscape within Congress, uncovering how political entrepreneurs framed crime-based deportation and negotiated policy responses.

Congress is my primary institutional arena of interest. I acknowledge that actors often went to great lengths to disseminate their ideas on the immigration-crime nexus—through media institutions, for example. These efforts, however, largely fall outside the scope of my study. I trace the formation of a new coalition within the chambers of Congress and the evolution of the reactive sequence behind crime-based deportation. I unpack how new ideas and discourses gained traction

among a powerful alliance that achieved tangible policy outcomes. Below I consider the sequences of events that drove their push for crime-based deportation reforms.

4.1 A Conjunction of Sequences

The insertion of Section 701 into the Immigration Reform and Control Act (IRCA) of 1986 marked the conjunctural event that set crime-based deportation into motion. IRCA is best known for penalizing employers who hired undocumented workers, increasing funding for the Immigration and Naturalization Service (INS)³, and granting legal status to 2.7 million undocumented immigrants. However, the law also included a lesser-known provision—Section 701. This section required that in the case of any non-citizen found guilty of a deportable offense, “the Attorney General shall begin any deportation proceeding *as expeditiously as possible* after the date of the conviction” [emphasis added].⁴ For the first time in the history of U.S. immigration policy, Congress made deporting immigrants convicted of certain crimes an explicit enforcement priority. I examine the cultural-demographic and political-economic sequences that converged in 1986 to produce this shift, launching the reactive sequence that shaped the modern crime-based deportation system.

First, there is the “cultural” sequence that is implicit in the crimmigration literature. Racial animus has contributed to the association between crime and immigration in federal policy as far back as the Page Act of 1875—the first federal law to restrict immigration, which targeted Chinese women (Collins 2013, 2154–58; Das 2018; Abrams 2005, 648). By the 1980s, racist prejudices among the public had not subsided but had assumed new forms. A “symbolic” racism emerged

³ The INS was the precursor to Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP), which today comprise the Department of Homeland Security (DHS).

⁴ Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, Sec. 701, 100 Stat. 3445 (1986).

among the white majority (Sniderman and Tetlock 1986; Sniderman et al. 1991). Unlike “old-fashioned” racism, this new racism manifested in subtler ways, rooted in the belief that people of color, particularly Black people, violated conventional U.S. values such as individualism and self-reliance (Tesler 2013). Racial prejudices continued to play a fundamental role in national politics in the post-Civil Rights era, though often expressed in colorblind terms (Bonilla-Silva 2013).

These cultural forces extended into the realm of immigration. As García Hernández (2013, 1515) observes, “the cultural and legislative successes of the civil rights era made it culturally, politically, and legally unacceptable or impermissible to repeat the overt racism that dominated law and law enforcement for much of the nation’s history.” Legislative successes, however, did not dispel the racist notions that people of color, including immigrants, were undesirable. Anti-immigrant attitudes surged during the economic recession of the early 1980s, as high inflation and unemployment fueled public anxiety. In 1984 and 1985, a sizeable majority of Americans (61-62%, depending on the poll) believed that immigrants took away jobs from U.S. workers (Lapinski et al. 1997). By 1986, nearly half of the public (49%) believed that immigration should be reduced (Lapinski et al. 1997).

Public sentiment toward immigrants was inseparable from popular beliefs about race. The perception of an immigration crisis in the 1980s was driven largely by “recurrent spectacles of mass migrations” by Cubans, Haitians, and Central Americans (Shull 2021, 6). Florida became the epicenter of these events in the years preceding IRCA. As Haitians fled the dictatorship of Jean-Claude Duvalier and arrived by boat, the prospect of a large influx of impoverished Black refugees scared many South Florida residents (Lindskoog 2018, 17). These arrivals coincided with the 1980 Mariel Boatlift, which saw nearly 125,000 Cubans arrive in Miami in a mass exodus sanctioned by Fidel Castro. These migrants, alongside another 15,000 Haitians, were portrayed in local and

national media as drug dealers, welfare-seekers, and, of course, criminals (García Hernández 2013, 1504; Stephens 2021, 6). Together, these events intensified the narrative of an immigration crisis, elevating the figure of the ‘criminal alien’ to the national stage (Stephens 2021).

The concerns of South Florida constituents quickly translated into political action, paving the way for crime-based deportation reforms. In response to growing pressure from “members of south Florida’s political elite—including Democratic party members, elected officials and some Cubans” local members of Congress urged the INS to take action (Stepick 1982, 179). The solution, which later became part of the problem, was to detain refugees in Florida’s jails and prisons prior to their removal (Lindskoog 2018, 17). The response to the “Long Mariel Crisis” expanded these measures considerably, providing the basis for the Reagan administration’s revival of immigration detention (Loyd and Mountz 2018; Shull 2021; 2022). Hundreds of Cubans with criminal records, whom the federal government refused to release and Cuba refused to accept, were held in a growing network of INS facilities, local jails, and state prisons (Lindskoog 2018, 74). One of these sites, the Krome Avenue Detention Center outside Miami, was infamous for its horrendous living conditions endured by the Cubans and Haitians detained there (Lindskoog 2018, 43; Lipman 2013). In response to these mass migrations, public officials made a “distinctly racialized effort” to link urban decay to crime, drugs, and immigration (Loyd and Mountz 2018, 129; Miller 2003; Simon 1998). Under these conditions, deportation emerged as a go-to tool of racialized social control, with crime serving as the race-neutral mechanism for identifying targets.

The cultural-demographic sequence must be examined alongside the political-economic sequence preceding IRCA. During the 1970s, public attitudes toward the state shifted from the postwar welfare model to a neoliberal framework centered on individualism and free-market economics (Inda 2013; Tosh 2019). As support for state-led rehabilitation waned, the federal

government embraced a punitive approach to crime (Garland 2001). Though crime rates had been rising since the 1960s, shifting perceptions of the ‘criminal,’ rather than crime itself, drove this transformation (Wacquant 2008). This ideological shift culminated in Ronald Reagan’s election in 1980 and his landslide reelection in 1984, solidifying the neoliberal turn in U.S. policy.

The Reagan administration dismantled government-funded social programs and offender rehabilitation, replacing them with a social control approach (Miller 2005). This retributive framework shifted blame for crime from structural problems to individual offenders (Mauer 1999). At the same time, the U.S. federal government centralized criminal justice policy (Brickey 1994). Reagan’s “new federalism” was Janus-faced, devolving some policy control to state and local governments while consolidating federal power in other areas, particularly criminal justice (Zimmerman 1991). In immigration policy, his administration expanded federal authority by making detention its primary response to unauthorized immigration (Shull 2014; 2021; 2022). However, during Reagan’s second term, the administration ceded some control to Congress, “punting” on immigration reform due to prolonged inertia and limited payoff (Kaplowitz 2018, 647). As the executive branch stepped back, local interests, especially from states with non-citizen populations such as Florida and New York, pressed national politicians to confront the so-called “criminal-alien problem” (Schuck and Williams 1999, 458).

These efforts became entangled in a wider congressional push by conservative Democrats and Republicans for notoriously harsh crime-control and drug policies, despite negligible evidence that these measures would reduce drug consumption, drug trafficking, and violent crime (Bertram et al. 1996; Tonry 1994). Within a few years, the “tough-on-crime” paradigm became hegemonic in crime control, driving aggressive enforcement, record incarceration rates, and severe sentencing measures (Lusane and Desmond 1991). Policing intensified significantly in poor Black and Latinx

communities, leading to disproportionate rates of imprisonment (Alexander 2010). As state and local prisons struggled with overcrowding, some public officials such began targeting non-citizens with criminal records for deportation. In 1981, Florida Governor Bob Graham (D), who would later emerge a key congressional entrepreneur on the issue, sued the Reagan administration to take custody of Cubans and Haitians “of a criminal character” from overcrowded Dade County jails (Loyd and Mountz 2018, 129). His efforts were echoed by New York Senator Alfonse D’Amato (R), who, in the midst of the early IRCA debates in 1983, published a law review article blaming “criminal aliens” for the apparent prison overcrowding crisis (D’Amato 1983, 1167).

In tandem with ideological changes during the 1980s, significant economic transformations occurred. Peck and Tickell (2002, 388) describe the decade as the era of “roll-back neoliberalism,” as “state power was mobilized behind marketization and deregulation projects, aimed particularly at the central institutions of the Keynesian-welfarist settlement.” President Reagan and his allies in Congress dismantled government social programs and pushed relentlessly for the deregulation of financial markets as well as wage labor.

Neoliberal economic policies have contributed to the growing precarity of life in the U.S. since the 1980s with regard to employment instability, economic inequality, and job atomization (Garland 2001; Wacquant 2010). Garland (2001) argues that it is precisely the economic anxieties and insecurities generated by neoliberal economic policies that fueled punitive sentiment. During the 1980s, the General Social Survey asked the following question: “In general, do you think the courts in [the criminal justice system] deal too harshly or not harshly enough with criminals?” The percentage of respondents that believed courts were “not harsh enough” peaked in 1982 at 87% (up from 65.5% in 1972), fluctuating between 80-85% for the remainder of the decade (Cullen, Fisher, and Applegate 2000).

These changes also impacted the federal government's economic approach to immigration. In liberal democracies such as the U.S., market forces have long shaped restrictive immigration laws (Hollifield, Martin, and Orrenius 2014). Immigrants historically have been treated as a source of labor—valued when economically useful, discarded when politically inconvenient (Hollifield 1992). The rise of neoliberalism in the 1980s reinforced this logic, but new considerations shaped the cost-benefit analysis. As welfare policies unraveled, “migrant workers expanded the pool of people who were underserved by the market” (Gil-Vasquez 2020, 574). Criminality, in turn, became a proxy for determining which immigrants were expendable.

Neoliberal immigration policy in the 1980s thus embodied a dual logic. It embraced legal immigration as a flexible source of labor, catering to market demands for low-wage workers, while simultaneously reinforcing the ‘criminal alien’ stereotype to justify exclusionary enforcement. Criminalization and commodification worked in tandem: by heightening precarity, the state ensured non-citizen workers remained disposable when no longer economically useful. This logic shaped IRCA, which granted amnesty to millions of undocumented immigrants while laying the foundation for crime-based deportation as a tool of social control. These shifts mirrored neoliberal welfare retrenchment, as Reagan-era rhetoric not only justified rollbacks but also redefined the very notion of deservingness. The “controlling image” of the welfare mother (Hill Collins 1995) served as a racialized archetype of dependency, paralleling the construction of the ‘criminal alien’ as a threat to economic stability and social order.

In sum, two primary streams—cultural-demographic and political-economic—converged in 1986, creating a window of opportunity for the shift toward crime-based deportation. Crime-control rhetoric rebranded racial animus, making non-citizens, especially those labeled criminals, prime targets of punitive policymaking. Meanwhile, neoliberalism eroded public faith in the

welfare state, promoting individualism and market-driven governance. This ideological shift empowered President Reagan and his congressional allies to advance retributive crime-control policies that deepened racial disparities and exacerbated inequality through deregulation and social spending cuts. Rather than addressing structural failures, these crises were scapegoated onto an undeserving ‘other’ through immigration policy: the so-called ‘criminal alien.’

4.2 1986: Section 701 and the Passage of IRCA

The IRCA provision that required the Attorney General to deport non-citizens convicted of removable offenses “as expeditiously as possible” was quintessentially contingent. It was not included in the original version, or any previous versions, of the House of Representatives version of the 1986 immigration reform bill (H.R.3810). Rather, the provision was added on the final day of debate when the House passed the bill. On October 9, 1986, Kenneth Hood “Buddy” MacKay, Jr. (D), from Florida’s 6th district, presented Amendment 1293 (H.Amdt.1293) titled “Federal Responsibility for Deportable and Excludable Aliens Convicted of Crimes.” The Amendment had three sections: (1) expeditious deportation of convicted aliens; (2) transfer of certain deportable aliens from state and local penal facilities to federal penal facilities; and (3) identification of facilities to incarcerate deportable or excludable aliens.

MacKay, a moderate Democrat, showed some interest, albeit limited, in immigration issues before IRCA. In March 1983, less than two months into his first term in Congress, he and fellow Florida representative Bill McCollum (R) introduced H.R. 2356, a bill co-sponsored by all but one member of Florida’s House delegation, proposing the creation of a specialized immigration court system. The bill failed to advance beyond committee. MacKay’s legislative priorities were focused more consistently on federal budgetary reform, foreign policy, environmental protection, and, most importantly, drug policy (MacKay and Edmonds 2010). As a well-connected member of Florida’s

political elite, he maintained close ties to the state's key power brokers, having previously served in both the Florida House and Senate. MacKay had a particularly close relationship with Lawton Chiles (D), who at the time represented Florida in the U.S. Senate and later served as the state's governor (MacKay 1998). In 1981, Chiles publicly called for stricter immigration controls in response to Florida's refugee crisis (Lindskoog 2018, 53).

MacKay's engagement with immigration, particularly through his amendment to IRCA, appears to have been driven by concerns over drug-related and violent crime in Florida. In late August 1986, during the final months of debate on IRCA, local Florida media reported Mackay's intention to introduce an amendment to the bill that would later become H.Amdt.1293 (Lystad 1986). He emphasized that "of particular concern are the hordes of illegal aliens who deal drugs, most notably crack cocaine, but are not put in jail because Immigration and Naturalization is undermanned and underfunded" (Lystad 1986, 9A). MacKay's critiques of the INS extend back at least to earlier that year, when he pressured the agency to inspect a construction site for unauthorized workers at the request of a local sheriff (Cassil 1986).

When introducing H.Amdt.1293, Congressman MacKay's remarks again framed the issue of immigrant criminality within the broader context of the federal government's drug-related crime-control efforts. He stated:

Let me tell you what is happening in California; 63 percent of the narcotics arrests in southern California are illegal aliens. These people are going into a system [the state and local penal system] that is already overfilled, they are being released; they are committing further crimes and we have got a revolving door effect there; we have got that same effect in New York; in a very exaggerated fashion we have got it in Florida; in Texas, and every place where the drug problem and the immigration problem coincide.⁵

MacKay links drug-related crime and immigration, connecting the experience of his home state to similar trends across the country. His rhetoric reflects the political and demographic sequences

⁵ 132 Cong. Rec. H30,069 (Oct. 9, 1986) (statement of Rep. MacKay).

discussed above, particularly the turn toward social control measures and the growing concern over unauthorized immigration. By framing “illegal aliens” as the primary culprits, he shifts blame for drugs and crime away from structural causes and onto a specific group. He also underscores the apparent burden that immigrants place on state and local jails, advocating for their transfer to federal facilities—a move that reinforced federal preemption in criminal justice policy.

Mackay proceeds to argue that his amendments to H.R.3810 are necessary to force the INS to change its institutional priorities and address the issue of immigrant criminality.⁶ H.Amdt.1293 was well-received by MacKay’s colleagues, especially other members of the Florida delegation. Representatives Dante Fascell (D-FL), Lawrence Smith (D-FL) and Bill McCollum (R-FL) all rose to laud the Amendment for tackling the issue of immigrant criminality.⁷ At the end of debate, the full version of H.Amdt.1293 was passed by a voice vote. However, the latter two provisions did not survive the resolution of differences between the House and Senate versions of IRCA. The “expeditious deportation” provision became Section 701 of IRCA, which was signed into law on November 6, 1986.

The fact that H.Amdt.1293 was advocated by a bipartisan group of Florida legislators has gone largely unnoticed. These public officials interwove crime, drugs, and the “growing sense of crisis” (Miller 2003, 8) in immigration policy in response to events at home, such as the Haitian refugee crisis and Mariel Boatlift, and then transported them to Congress. This phenomenon has clear historical precedents, as various aspects of U.S. immigration enforcement have percolated up from state and local levels to the federal government. On the West Coast, vicious anti-Chinese ordinances in California that sought to restrict Chinese labor and bar Chinese women from entry

⁶ Ibid.

⁷ 132 Cong. Rec. H30,069-30,070 (Oct. 9, 1986).

led to the Page Act of 1875 and the Chinese Exclusion Act of 1882, the first federal restrictions on immigration (Lee 2010). On the East Coast, state officials in Massachusetts and New York, driven by nativist fears and economic concerns over destitute Irish immigrants, implemented aggressive removal practices that culminated in the Immigration Act of 1882 (Hirota 2017). On the southern border, informal vigilante groups and local law enforcement had long targeted Mexican migrants through racialized policing, laying the groundwork for the creation of the Border Patrol in 1924 (Hernández 2010). The efforts of the Florida delegation should also be examined through this lens, demonstrating how state and local initiatives have continued to shape the origins and evolution of immigration law well into the post-Civil Rights era (see also Stephens 2021).

Florida legislators responded to shifting state-level conditions, which fueled the process of interest reinterpretation central to coalition formation and institutional innovation (Hall 2016). Once united behind a certain institutional approach—the crime-based deportation model embodied by H.Amdt.1293—they assumed the role of *political entrepreneurs* (Dahl 1961; Sheingate 2003). First, these actors identify and frame issues “in a way that engages a new or latent dimension of conflict,” which is precisely what MacKay and his Florida colleagues did by linking drug-related and immigration issues (Sheingate 2003, 188; Baumgartner and Jones 2009). Second, they act as policy innovators, investing resources into new initiatives (Sheingate 2003) such as H.Amdt.1293, the first immigration provision to shift INS enforcement priorities toward crime-based deportation. Third, entrepreneurs consolidate policy innovations into enduring institutional change (Sheingate 2003), a process I examine at length below.

In historical institutionalist terms, these actors responded to a specific conjuncture by forming a new coalition aimed at shaping institutional development within their policy domain of interest. Some of the earliest members included Florida representatives Buddy MacKay, Dante

Fascell, Lawrence Smith, and Bill McCollum, whose ambition to expand their influence was evident from the outset. In the early stages of institutional development—particularly with Section 701 of IRCA—members of the Florida delegation exemplified the first two features of political entrepreneurship. As Representative Dante Fascell (D-FL) stated:

The MacKay amendment complements our efforts on the drug bill and gives the Federal Government some of the tools it needs to have a positive effect on both the immigration and drug problems. This amendment requires Federal cooperation in incarcerating Mariels and other illegal aliens who have been convicted of drug crimes and requires that these individuals be deported in an expedited manner.⁸

By focusing on “Mariels,” a derogatory nickname for Cubans on the Mariel boatlift, and “other illegal aliens who have been convicted of drug crimes,” he activates a complementary dimension of the tough-on-crime crusade. His approach represents a targeted policy maneuver with ultimately outsized consequences by strategically “joining problems, policies, and politics” (Kingdon 1984, 182). In other words, Fascell and his colleagues capitalized on the conjuncture discussed above, selling an interpretive lens that framed “immigrant criminality” as a national crisis requiring an institutional solution. Through this process, the issue diffused well beyond its original context, as members of Congress from other jurisdictions adopted and reinforced crime-based deportation.

[Figure 1 about here]

Figure 1: Timeline of Crime-Based Deportation Laws (1986-1996)

4.3 Post-1986: Larger-Scale Reforms

Beginning in 1986 with Section 701 of IRCA, the institution of crime-based deportation developed along a reactive sequence. This process unfolded throughout the late 1980s, as backlash episodes fueled institutional transformation. A nascent group of political entrepreneurs reinforced

⁸ 132 Cong. Rec. H30,070 (Oct. 9, 1986) (statement of Rep. Fascell).

the link between immigrant criminality and drug-related crime, ensuring that the issue remained a congressional priority. The image of the ‘criminal alien’ became a politically expedient “shifting signifier” with “no specific legal definition” that served as a tool to label undesirables as targets for deportation (Tuck, Damsa, and Kullman 2022, 563).

Through steadfast discursive efforts during a period of heightened legislative activity, the coalition’s objectives became a normalized feature of congressional politics, a core component of the backlash dynamics that define reactive sequences (Alter and Zürn 2020). In 1987, the General Accounting Office (GAO)⁹ released two reports expressing mounting concern about immigrant criminality, one requested by Senator Alfonse D’Amato (R-NY) and the other by Representative Romano Mazzoli (D-NY) (U.S. Government Accountability Office 1987a; 1987b). Both reports framed immigrant involvement in crime as a large-scale and worsening problem, despite limited data and questionable analysis.

For example, the report sent to Congressman Mazzoli relies on arrests data from only five cities (Chicago, Denver, Houston, Los Angeles, and Miami) gathered by the Federal Bureau of Investigations in FY 1985. The statistics indicate that in these cities the percentage of arrests involving non-citizens (when the offender’s country of birth was even identified) ranged from 7% (Denver) to 38% (Miami) (U.S. Government Accountability Office 1987a). The report does not include any data about convictions, nor is there any information related to how these communities were policed. Regardless, political entrepreneurs used what they could as firepower to generate a sense of crisis and push their narrative.

Some of the first post-IRCA efforts came from another Florida legislator, Senator Lawton Chiles (D-FL), a close associate of Buddy MacKay. In April 1987, he introduced a series of five

⁹ The General Accounting Office was later renamed the Government Accountability Office in 2004.

bills to the Senate (S.972-976) targeting “Illegal Alien Felons.”¹⁰ These measures proposed: mandatory detention of immigrants convicted of “aggravated felonies”; harsher criminal penalties for immigrants who re-entered the U.S. after deportation; criminal penalties for failing to appear at immigration court; criminal penalties for assisting undocumented immigrants enter the U.S.; and the creation of an information-sharing system between the INS and local law enforcement to identify deportable non-citizens. When introducing these proposals, Senator Chiles declared:

In Florida, and other regions of the country this banding together of two of the Nation's most difficult domestic problems has created an even more difficult and dangerous problem-expansive drug syndicates established and managed by illegal aliens...Their presence in the United States is so widespread and lucrative that they are attracting other aliens into the United States to join in the illegal enterprises.¹¹

The idea that certain groups of immigrants are responsible for crime and violence is a recurring theme in U.S. history (Kanstroom 2000; Ngai 2014). Upon closer inspection, however, the features of the 1980s are clear. Senator Chiles explicitly links immigrant criminality to drug-related issues, framing this compound problem as a national crisis demanding urgent legislative action. He even suggests that immigrant involvement in drug trafficking is actively *encouraging* unauthorized immigration for criminal purposes.

Such “extraordinary claims” reflect the primary concern of most immigration policymakers during the 1980s: reducing unauthorized border crossings (Schuck and Williams 1999). Yet Chiles shifts the dominant narrative (Alter and Zürn 2020, 567), recasting the immigration debate around the figure of the so-called ‘criminal alien.’ He then proceeds to single out specific nationalities—“illegal Colombians,” “Nigerians,” and “illegal Haitians”—as the alleged leaders of widespread drug operations. These racialized portrayals reify a narrative of otherness conforming to the long history of anti-Black racism in the U.S.

¹⁰ 133 Cong. Rec. S8,771 (Apr. 9, 1987).

¹¹ Ibid (statement of Sen. Chiles).

Six months later, in October 1987, Representative Lawrence Smith (D-FL) introduced a nearly identical set of five House bills under the banner of “Cracking Down on Criminal Aliens.”¹²

When presenting these proposals, Smith stated:

I believe that we are faced with a problem that needs immediate congressional action the problem of criminal aliens. All too often, these aliens—whether here legally or illegally—who are arrested for various felonious crimes, evade deportation, dodge trials, and continue with their recidivist activities...Although the majority of these crimes are drug-related, alien criminals have been connected with money laundering, racketeering, weapons sales, prostitution rings, and a host of other heinous crimes.¹³

Echoing his Florida colleagues Senator Chiles and Buddy MacKay, Representative Smith presents immigrant criminality as inextricably linked to the War on Drugs. He invokes an image of the criminal alien “folk devil”—a personified symbol of drug-related, violent crime (Tosh 2019). His rhetoric also reflects the neoliberal logic of punishment and retribution, advocating for the use of deportation as a state-sanctioned penalty for a litany of “heinous crimes.”

The racial undertones of his comments become even clearer when recounting a story about a criminal organization in New York engaged in drug and firearms trafficking, allegedly run by undocumented Jamaican immigrants.¹⁴ In these ways, the “retrograde politics” of his comments (Alter and Zürn 2020, 566), which reflect the broader coalition’s agenda, come into focus. These actors seek a return to an earlier social order in which ‘law and order’ prevailed and undesirable non-citizens were swiftly removed.

These efforts by Florida legislators are best understood as the formation of an emergent coalition of political entrepreneurs who framed immigration enforcement in ways that reinforced existing policy priorities for other lawmakers. In introducing their proposals, Chiles and Smith

¹² 133 Cong. Rec. H28,840 (Oct. 22, 1987).

¹³ Ibid (statement of Rep. Smith).

¹⁴ Ibid.

positioned their nearly identical bills as an institutional complement to the War on Drugs, a strategy that continued to achieve success.

In 1988, the House and Senate passed an omnibus spending bill that became the Anti-Drug Abuse Act (ADAA) of 1988, a legislative milestone in the War on Drugs. Whereas the MacKay Amendment to IRCA had been a last-minute add-on, both the House and Senate versions of the ADAA contained a subtitle (J) dedicated to “Provisions Relating to the Deportation of Aliens Who Commit Aggravated Felonies.” Most significantly, ADAA introduced the “aggravated felony” as a new legal basis for crime-based deportation, which included murder, drug trafficking, and weapons trafficking. The law mandated the Attorney General to detain and deport non-citizens convicted of aggravated felonies using “expedited procedures” under the “presumption of deportability.”¹⁵

With these institutional measures in place and continued legislative attention, the issue of immigrant criminality was not just kept on the agenda, but magnified. Senator D’Amato (R-NY), an early proponent of targeting incarcerated non-citizens for deportation (D’Amato 1983; Loyd and Mountz 2018, 129–31), joined forces with partners like Senator Chiles to vouch for the ADAA “aggravated felony” provisions. In October 1988, Senator D’Amato declared:

Today, a conviction for even the most heinous crime is anything but conclusive evidence of deportability. Instead, a long list of defenses and complicated procedures—and the absence of time limitations to prevent these cases from dragging on for years—make it almost impossible to deport noncitizen drug dealers and violent criminals.¹⁶

D’Amato frames restrictive immigration measures as a necessary response to drug crime, an urgent and interrelated crisis that other legislators can easily grasp. His remarks on the endless timeline of deportation proceedings reflect the core position of his coalition: in the fight against crime, due

¹⁵ Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, Sec. 7347, 102 Stat. 4181 (1988).

¹⁶ 134 Cong. Rec. S27,445 (Oct. 3, 1988) (statement of Sen. D’Amato).

process and judicial review are insufficient safeguards for a federal government overwhelmed by immigrant involvement in drug-related and violent offenses. Notably, D’Amato represented New York, another state where the structural forces driving Florida legislators’ concerns were highly visible. This shared context likely facilitated alignment between Florida and New York lawmakers in shaping federal immigration policy.

The ADAA passed overwhelmingly in both the House and the Senate, including Subtitle J. Shortly thereafter, the institutional restructuring pursued by the new coalition and its political entrepreneurs began to take shape. In 1988, INS established two programs to comply with Section 701 of IRCA (the “MacKay Amendment”) and to pursue the enforcement objectives of Subtitle J of the ADAA: the Institutional Removal Program (IRP) and the Alien Criminal Apprehension Program (ACAP). Through these programs, the INS collaborated with state corrections facilities and law enforcement to identify deportable immigrants convicted of crimes during incarceration and assisted the Executive Office for Immigration Review in initiating deportation proceedings against them (Rosenblum and Kandel 2012). Early enforcement efforts focused on aggravated felons, as defined by the ADAA.

The origins of the IRP date back to a 1980 program used to deport Cuban asylum seekers incarcerated in Atlanta. IRCA and the ADAA then “transformed this early experimentation,” embedding the IRP within federal prisons and detention facilities (Eagly and Shafer 2020, 799). Likewise, the ACAP formalized enforcement strategies that the INS had begun to develop in 1986 (U.S. Government Accountability Office 1989a). In just two years, a seemingly small-scale reform in IRCA and the subsequent expansion of that approach through the ADAA led “very quickly to a changing of priorities in the INS,” exactly as Buddy MacKay had envisioned.¹⁷

¹⁷ Supra note 6.

The last episode in the development of crime-based deportation in the 1980s occurred at the turn of the decade with the Immigration Act of 1990. As during the prelude to the ADAA in 1987, another GAO report, requested by the House Subcommittee on Immigration, Refugees, and International Law, was published in late 1989, finding that immigration court proceedings often lasted five years or more (U.S. Government Accountability Office 1989b) Though, in contrast to 1987, the Congressional Record reveals that in 1989 and 1990, debates and proposals related to crime-based deportation *exploded*. In 1989, House Representatives Gary Ackerman (D-NY) and Bruce Morrison (D-CT), new coalition members, highlighted the problem of ‘criminal aliens’ and their links to drug crimes, per the same playbook as their counterparts from Florida.¹⁸ In November 1989, the Senate Subcommittee on Immigration, Refugees and International Law held an oversight hearing on the topic of criminal aliens.¹⁹ These actions map almost effortlessly onto Kingdon’s (1984) description of “policy entrepreneurs.” They were “rehearsing their act for when they get their moment on the agenda—polishing arguments, conducting studies, building or losing personal credibility and networks” (Greer 2016, 420).

In 1990, several stakeholders, both old and new, offered proposals. In May, Senator Bob Dole (R-KS) introduced the National Drug Control Strategy Implementation Act (S.2652), which contained a provision providing for summary deportation of criminal aliens.²⁰ The same month Senator Phil Gramm (R-TX) introduced an amendment to a crime bill that proposed summary deportation of criminal aliens.²¹ In the House’s June 1990 crime bill (H.R.5055), Representatives Lamar Smith (R-TX) and Clyde Holloway (R-LA) advocated for provisions accelerating the

¹⁸ 135 Cong. Rec. H17,142 (Aug. 1, 1989); 135 Cong. Rec. H25,844-25,845 (Oct. 25, 1989).

¹⁹ 135 Cong. Rec. D 717 (daily ed. Nov. 1, 1989).

²⁰ 136 Cong. Rec. S11,177 (May 18, 1990).

²¹ 136 Cong. Rec. S12,337 (May 24, 1990).

deportation of criminal aliens.²² A month later, Representative Smith introduced a separate bill (H.R.5284), co-sponsored by a bipartisan group of 18 House members—including Bill McCollum (R-FL), a longtime key player—which focused on expediting the removal of criminal aliens.²³ In August 1990, a bill with nearly the identical purpose titled the “Criminal Alien Deportation and Exclusion Act” (S.2957) was introduced by Senators D’Amato (R-NY) and Dole (R-KS) and later co-sponsored by Senator Gramm (R-TX).²⁴ A *third* bill with the same purpose (S.3055) was presented by Senator Alan Simpson (R-WY) in September 1990.²⁵

Finally, a package of amendments that brought together several provisions from these prior legislative efforts was accepted in the final days of resolving the differences between the House and Senate version of the Immigration Act of 1990. Most importantly, these measures included expanding the definition of “aggravated felony” to include offenses such as money laundering and “any crime of violence,” shortening the timeline for judicial review of deportation orders from 60 to 30 days, and eliminating provisions for judicial recommendations against deportation (see *Immigration Act of 1990*). Senator Bob Graham (D-FL), who introduced the amendments, stated:

It is the Federal Government’s responsibility to protect our borders. If the Government fails to prevent dangerous aliens from crossing our borders, it then becomes the responsibility of the Federal Government to help the States cope with the crimes and the costs of prosecuting criminal aliens. Finally, the Federal Government must make sure that dangerous aliens are not on the streets, not allowed to commit new crimes, and not caught in a lengthy deportation process.²⁶

Whereas in the mid-1980s most of Congress was focused on securing the southern border, Senator Graham, and the rising coalition around him, achieved a new consensus. Senator Graham’s long-term commitment to the cause is particularly noteworthy. As mentioned above, he sued the Reagan

²² 136 Cong. Rec. H14,949; 14,993 (June 20, 1990).

²³ 136 Cong. Rec. H17,588 (July 16, 1990).

²⁴ 136 Cong. Rec. S21,844 (Aug. 2, 1990).

²⁵ 136 Cong. Rec. S24,597 (Sept. 14, 1990).

²⁶ 136 Congressional Record S35,621 (Oct. 26, 1990) (statement of Sen. Graham).

administration in 1981 to take custody of Cubans and Haitians in Florida jails (Loyd and Mountz 2018, 129). He was also a strong advocate of the crime-based deportation provisions of the ADAA (Loyd and Mountz 2018, 134).

In the Senate, his cohort included familiar figures—Alfonse D’Amato (R-NY), Bob Dole (R-KS), Phil Gramm (R-TX), and Alan Simpson (R-WY). Like his colleagues, Senator Graham, connected unauthorized immigration to the issue of internal immigration enforcement. He argued that if controlling the border was infeasible, the federal government should turn inward and target a specific group: ‘criminal aliens.’ For the growing coalition of political entrepreneurs, deportation became a mechanism of social control to police migrant illegality (Inda 2013; Kanstroom 2000). The borders of immigration enforcement thus shifted inward, paving the way for later institutional changes. Following Graham’s remarks, his proposed amendments received no vocal opposition in the Senate and were approved in full by a decisive roll-call vote of 89-8.

In sum, a bipartisan coalition of political entrepreneurs focusing on immigrant criminality in the mid- to late-1980s initiated a process of institutional evolution through reactive sequencing. The elements of *transformation* through “tightly linked reactions” are clear (Mahoney 2000, 527). From 1986 to 1988 to 1990, crime-based deportation grew from a directive requiring the Attorney General to expeditiously deport immigrants with criminal convictions to a large set of restrictions on non-citizens’ procedural rights and malleable categories of deportable offenses. These measures marked the inward turn of U.S. immigration enforcement in the post-Civil Rights era.

Throughout these legislative episodes, political entrepreneurs repeatedly responded to the conjuncture of sequences in the mid- to late- 1980s, branding immigrant criminality as an urgent policy concern and advancing relevant institutional reforms accessible to other stakeholders. In other words, these actors strategically leveraged institutional complementarities to anchor their

proposals to the dominant policy debates of the time (Hall and Soskice 2001). The statements of some key entrepreneurs reveal that they viewed their reforms as equally instrumental in combating both the War on Drugs and unauthorized immigration, reinforcing the reactive sequence that drove institutional change.

5 Conclusion

In this article, I set out to explain why the U.S. federal government expanded criminal grounds for immigrant deportation beginning in the 1980s. I argue that the origins of crime-based deportation as a formal political institution can be traced back to Section 701 of the Immigration Reform and Control Act of 1986, followed by two subsequent reform episodes in 1988 and 1990. This analysis provides a critical examination of the period prior to the passage of two pivotal 1996 laws—the Illegal Immigration Reform and Immigrant Responsibility Act and the Antiterrorism and Effective Death Penalty Act—which solidified the federal crackdown on ‘criminal aliens’ (Chacón 2013; Coleman 2007).

Methodologically, I apply Mahoney’s (2000) “reactive sequences” framework to analyze institutional change. I identify two sequences—cultural-demographic and political-economic—that converged in 1986, triggering a conjuncture: the incorporation of the MacKay Amendment (Section 701) into IRCA. While this framework focuses on macro-level transformations, I extend it by incorporating micro-foundations, highlighting the role of political actors in driving backlash processes. Viewing institutions as the product of social coalitions (Hall 2016), I argue that small-scale reforms initiated from below can, through reactive sequences, reshape institutions in both arrangement and scale. I conceptualize the relevant actors as political entrepreneurs (Dahl 1961; Kingdon 1984; Sheingate 2003) who respond to conjunctures, rally around institutional reforms, and catalyze interest reinterpretation among new stakeholders, strengthening their coalition.

Through an analysis of the Congressional Record (1986–1990), I reveal how the politicians who advanced crime-based deportation in the 1980s transformed incremental policy shifts into lasting institutional change. Florida legislators such as Congressman MacKay took the initiative, connecting immigrant criminality to anxieties about crime and drugs, securing the incorporation of Section 701 into IRCA. Capitalizing on this early success, they expanded their coalition and reinforced their agenda through later reform episodes in 1988 and 1990. Their efforts redefined the immigration debate for decades, setting the stage for the modern U.S. crime-based deportation system. As Newton (2008) observes, by the mid-1990s, legislators had fully entrenched the “Criminal Alien Narrative,” depicting immigrants as inherently unlawful and undeserving.

By underscoring the instrumental role of congressional actors from states such as Florida, this article contributes to a growing body of research that identifies local and state levels as key sites for understanding the origins of national immigration law and policy (Hernández 2010; Hirota 2017; Lee 2010; Stephens 2021). Yet, one of the lasting legacies of the 1980s was the gradual nationalization of the U.S. immigration debate, as local policymakers increasingly had to operate within the constraints of national political discourse (Hopkins 2018). The political entrepreneurs of the IRCA era strategically leveraged the broad concerns of the War on Drugs to elevate localized interests to the national stage, foreshadowing the deeply nationalized and partisan immigration battles of today. Future research should further explore how local political dynamics continue to shape federal immigration policy, particularly in the context of nationalized partisan conflicts, and examine the conditions under which state and local actors can still exert meaningful influence over immigration enforcement and reform.

These questions are even more pressing today. With the passage of the Laken Riley Act and a presidential administration actively hostile to immigrants, crime-based deportation is poised

to reach new heights. In this sense, the U.S. immigration debate may seem worlds apart from where it stood four decades ago, especially compared to fading moments as Reagan's call to provide undocumented immigrants with work permits during the [April 1980 Republican primary debate](#). Of course, Reagan's business-first approach to immigration was more welcoming, at least on the surface, than the open nativism and restrictionism of the Trump era. Yet these differences should not be seen as a departure from past governance, but rather as an intensified iteration of long-standing strategies that balance economic exploitation with exclusion. Liberal democracies such as the U.S. have long wrestled with this apparent "paradox" (Hollifield 1992), commodifying immigrants when profitable while sustaining their precarity through surveillance, criminalization, and deportability. As the history of crime-based deportation shows, the line between inclusion and exclusion is razor-thin, and for immigrants, it has always been a moving target.

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