

THE POLITICS OF DACA AND TRUMP: SOCIAL CONSTRUCTION AND RHETORIC

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Comprehensive Immigration Reform

In 1986, the U.S. Congress passed the Immigration Reform and Control Act (IRCA). IRCA had both enforcement and service directives, making it the last time comprehensive immigration reform was enacted in the United States. Since then, Congress has made numerous attempts to pass legislation to address unauthorized immigration. However, most policy recommendations for immigration reform focus on enforcement or policing directives, such as more Border Patrol or enhanced border wall security, rather than service directives, such as legalization or naturalization policies.

Congress has also grappled with what to do about the almost eleven million unauthorized immigrants of which 4.4 million are under the age of thirty and were brought to the United States as children through no fault of their own. In 2001, a bi-partisan proposal called the Development, Relief, and Education of Alien Minors, better known as the DREAM Act, was introduced to legalize these young unauthorized immigrants. It did not pass. However, since 2001, different versions of the DREAM Act have been presented that would have provided possible legal and naturalized status. Young individuals who would have received legal status under these types of legislation have since been called “Dreamers.” In 2013, Congress came very close to passing comprehensive immigration legislation, introduced by the “Gang of Eight,” a bi-partisan group of eight U.S. senators, four Democrats and four Republicans: Michael Bennet (D-CO); Dick Durbin (D-IL); Jeff Flake (R-AZ); Lindsey Graham (R-SC); John McCain (R-AZ); Robert Menendez (D-NJ); and Chuck Schumer (D-NY).

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Known as The Border Security, Economic Opportunity, and Immigration Modernization Act, the bill provided the following recommended provisions:

- A pathway to legalization and citizenship for some immigrants who were unlawfully in the country;
- Admissions allocated for science, technology, engineering, math (STEM), and business student and work visas;
- A plan to update the employment verification system; and,
- Visas allocated for low-skilled and agricultural workers.

The bill passed the Senate with strong support (sixty-eight to thirty-two). It then went to the House, where it was left to expire. The legislation failed in the House for several reasons. Some members pushed back on the proposal because it was seen as another form of “amnesty,” a policy passed as part of IRCA that legalized unauthorized immigrants. After the passage of IRCA, recipients would be granted “amnesty or legalization” status if the applicant had lived continuously in the United States before 1982 and had no criminal record. The person’s status would change from unauthorized to temporary legal status and then to permanent legal status. After five years of being a permanent legal resident, the person could apply for naturalization or citizenship. Furthermore, some Republican legislators assumed that if unauthorized immigrants were provided citizenship or naturalized status, they would register as Democrats and defeat Republican candidates in future elections. In 2013, before running for the presidency, Donald Trump said that citizenship should never be provided to these legalized immigrants because they would defeat Republican incumbents.

DACA

On June 15, 2012, Barack Obama issued an executive order, Deferred Action for Childhood Arrivals (DACA). DACA has enabled deserving young immigrants who were brought to the United States through no fault of their own to work and attend school. It also provides temporary protective status from deportation or removal. DACA does not provide permanent legal status or

citizenship and must be renewed every two years. DACA also allows recipients other privileges, such as the ability to apply for a driver's license. However, in Arizona, DACA recipients were initially denied licenses. The courts ultimately ruled that individuals in Arizona with DACA status were recognized as legally present and that there was no real justification for denial of licenses. The following are requirements for DACA applicants:

- Being younger than 31 when DACA was established;
- Having entered the country under the age of 16;
- Having resided in the United States since at least 2007;
- Proving they were in the U.S. when the order was issued;
- Currently not having any lawful status;
- Having a high school or general education degree; and,
- Special consideration will be given for military experience.

DACA is not a permanent solution. Some individuals exist who could have qualified for DACA but may not have applied for fear of being deported. Their decision to not apply may have also been influenced by misinformation or political rhetoric. Of the 4.4 million unauthorized youth, up to 1.7 million were eligible to apply for DACA. Approximately 845 000 individuals ultimately applied for DACA status and around 742 000 were finally accepted.

In 2017, the government announced that it would not accept “new” applications for DACA. Recipients whose status was due to expire before March 2018 could renew their status for two years if they applied by October 2017. If the person did not renew his/her status, he/she would be considered an unauthorized immigrant and could be deported or removed, despite the fact that the United States is the only country that he/she has ever known.

According to the Pew Research Center, public support for DACA recipients is very high: researchers there found that 74 percent of U.S. Americans favor granting them permanent legal status. Significant partisan differences exist regarding the program: A whopping 92 percent of Democrats and those who lean Democratic-independent maintain that DACA recipients should be granted permanent legal status, whereas only 50 percent of Republicans and those leaning Republican-independent think they should. The survey also showed that 40 percent of Republicans and Republican-independents are opposed to any legal status for DACA recipients. Within the Republican Party,

those younger than fifty support permanent legal status, while older party members do not support these policies. Finally, Republican women and Republicans with a college degree are also more supportive of permanent legal status for DACA recipients or those individuals who have been brought into the country as children and through no fault of their own (Tysons, 2018).

Social Construction

Social construction theory is important to consider for understanding the influence that rhetoric can have on unauthorized immigrants (Gergen, 1999). Social construction theory refers to how groups of individuals or even social movements are characterized and understood by the culture at large. The characterizations may have either positive or negative attributes. Social constructions are dynamic and fluctuate with the cultural “spirit of the times.” Unrealistic social constructions shape and inform the views of the public and become long-held beliefs that are taken for granted (Gergen, 1999). For instance, Quiroga (1997) maintains that a correlation exists between political mobilization and Latino communities who receive positive constructions by political candidates in the press. He argues that when political candidates pay little attention in the press, or worse, pay only negative attention toward the community, the result is lower levels of political participation or apathy.

The social constructions of groups also shape and inform their political and policy needs (Hunter, 1991). Cook (1999) maintains, for instance, that policy makers respond to issues as their prominence in the media increases. He goes on to say that politicians eager to please constituents base their platforms on the amount of positive or negative coverage on a particular issue. Kern and Just (1999) maintain that at election time, constituents are also quick to accept candidates’ social constructions, and rhetoric is very powerful in swaying electoral turn-out.

Social construction theory has been used to help explain why some target groups obtain better resources and attention from their government while others are scapegoated for social problems. According to Schneider and Ingram (1993), politicians portray senior citizens positively and studies indicate that senior citizens are powerful constituents because they vote. It makes sense, then, that candidates would rally around issues of preserving social

security, a senior-citizen resource. How does this theory explain why politicians rally around anti-immigrant rhetoric? According to Schneider and Ingram, immigrant populations that cannot vote would probably be subjected to political scapegoating because they have little or no voting power. Conversely, immigrant groups who may have more political constituent power will be less likely to be targeted as social problems. These researchers also suggest that public officials are aware of the power of positively or negatively constructing groups and can influence who can be winners or losers in political initiatives. In other words, by constructing immigrant groups in a particular light, politicians can link them to their own agendas, such as blaming immigrants for social problems or high crime rates (Magaña and Short, 2002).

In 2009, Schneider and Sidney argued that social construction theory refers to understanding social realities, rules, norms, identities, concepts, and institutions. In 2013, the theory showed how groups of individuals are perceived and how it may be used to explain why some groups receive more resources and positive attention from the government, while others are neglected and blamed for social problems (Magaña, 2013). More recently, this theory can be used to create research-based and testable hypotheses concerned with investigating normative ideas of justice, citizenship, political outcomes, and democracy (Schneider, Ingram, and Deleon, 2014).

Methodology

The research shows that groups that are “positively” constructed and are politically “powerful” will receive benefits from their government. A good example of this group is senior citizens. Senior citizens are powerful constituents because they vote and hold their elected officials accountable. The research shows that groups that are “negatively” constructed and are politically “weak” will be blamed and scapegoated. A good example of this group is gang members, especially immigrant gang members, such as MS13. It is not surprising that politicians can attribute crime and other terrible outcomes to negatively constructed groups that cannot vote (Magaña, 2013).

Finally, Schneider, Ingram, and Deleon find groups that are “positively” constructed but may have “limited” political power result in rhetoric that both supports and opposes the socially constructed group, or the political

rhetoric is both positive and negative. A good example of this type of socially constructed group may be children. That is, children have a high level of support but lack any political power. As a result, the political rhetoric about them is both positive and negative (Schneider, Ingram, and Deleon, 2014).

Implications for DACA

As noted, DACA recipients are overwhelmingly “positively” constructed. According to the non-partisan Pew Research Center, DACA recipients have an overall 74-percent favorability rating. That is, most U.S. Americans overwhelmingly support young immigrants who were brought to the United States through no fault of their own. They also support giving these DACA recipients some form of permanent legal status. And support increases based on Democratic partisanship, gender, and college education. However, DACA recipients have “limited” political power because they cannot vote (Tysons, 2018).

The following four variables are considered in the social construction framework:

Is the socially constructed group DACA recipients **politically weak**?

Is the socially constructed group DACA recipients **politically powerful**?

Is the socially constructed group DACA recipients **positively constructed**?

Is the socially constructed group DACA recipients **negatively constructed**?

Since DACA recipients are positively constructed and they have a 70-percent approval rating, but have little political power because they cannot vote, **rhetoric targeting them should be both positive and negative.** In a study by *Roll Call*, using sources from the White House, *Time Magazine*, Fox News, ABC News and other media outlets, journalist Sara Wise (2018) found that President Trump’s rhetoric targeting DACA recipients was, in fact, both positive and negative. The study was conducted between 2015 and 2018 and it found the following comments made by Donald Trump regarding DACA.

Donald Trump, Rhetoric, and DACA

June 16, 2015: **Negative**

Candidate Donald Trump kicks off his campaign with a vow to “immediately terminate” President Barack Obama’s executive order on immigration if elected.

August 31, 2016: **Negative**

During a campaign speech in Arizona, Trump repeats his promise to terminate Obama’s immigration executive actions.

December 8, 2016: **Positive**

A month after the election, Trump appears to soften his DACA stance, telling *Time Magazine* he’s committed to ending the orders, but, “We’re going to work something out that’s going to make people happy and proud.”

January 18, 2017: **Positive**

On Fox News’s *Fox & Friends*, Trump says the program is a “very tough situation” but, “They’re going to end up being very happy,” regarding DACA recipients.

January 25, 2017: **Positive**

In an ABC News interview, Trump says DACA recipients shouldn’t be worried because he has a “big heart.” The same day, a draft of an executive order terminating the program is leaked.

February 16, 2017: **Positive**

“DACA is a very, very difficult subject for me,” Trump says at a press conference, “because, you know, I love these kids. I love kids. I have kids and grandkids and I find it very, very hard doing what the law says exactly to do and, you know, the law is rough. It’s rough, very, very rough.”

September 5, 2017: **Negative**

The Trump administration orders an end to DACA while allowing Congress six months to pass a bill to save the policy.

September 6, 2017: Positive

Trump tells members of the press aboard Air Force One he wants compromise: “I’d like to see something where we have good border security and we have a great DACA transaction where everybody is happy.” He says, “We’re going to have great support from both sides of Congress.”

September 13, 2017: Positive

After a White House dinner, congressional Democrats say they have a deal with the president.

September 14, 2017: Negative

Trump tweets that no deal was made. He then tells the press, “We’re working on a plan,” but it will not involve citizenship for DACA recipients. “We’re not looking at citizenship. We’re not looking at amnesty. We’re looking at allowing people to stay here.”

December 29, 2017: Negative

Trump tweets there can be no deal made on DACA “without the desperately needed” Mexico border wall.

January 24, 2018: Positive

After White House Spokeswoman Sarah Huckabee Sanders announces plans to release a “legislative framework” representing a compromise on DACA, the president signals support for a path to citizenship for DACA recipients.

January 25, 2018: Negative

The White House proposes a path to citizenship for DACA recipients, but limiting chain migration and appropriating US\$30 billion for the border wall.

Summary and Future Research

The findings suggest that social construction theory is helpful in understanding the content of political rhetoric. Using social construction theory,

this research shows DACA recipients are “positively” constructed but “politically” weak. Therefore, Donald Trump’s rhetoric was mixed throughout 2015-2018. It is clear that he vacillated between supporting and opposing DACA recipients.

His ability to use DACA as a political negotiating strategy ultimately failed. At the end of 2018, a bi-partisan budget was presented with some monies going toward immigration-related expenses. However, Trump’s political base pushed back on the budget because it did not include any money for a border wall. Trump tried to leverage either ending or extending DACA as part of border wall negotiations. The government eventually shut down for over 35 days because of the lack of funding for a border wall. The shutdown ended and the president did not receive any extra funds for his border wall. He promised to call for a national emergency in order to receive monies for border enforcement and, in particular, the border wall.

In 2018, the courts ruled that DACA cannot be ended and that doing so would be unconstitutional. Currently, DACA recipients are encouraged to renew their status; however, no permanent solution exists as yet.

One obvious implication of the negative political rhetoric regarding DACA is a distorted view of immigration issues in the public eye. While it is virtually impossible to accurately assess attitudes toward immigrants, important social policy implications exist for false statements and inflated misrepresentations concerning Latin American immigrants. It is reasonable to expect that negative characterizations can fan the flames of existing prejudices with ethnic or racial groups linked to salient social phenomena.

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