

MISERY ACQUAINTS A MAN WITH STRANGE BEDFELLOWS:¹ A Plan to Pass Immigration Reform

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ABSTRACT

Immigration reform is one of the critical civil rights issues of our time.² The purpose of this work is to serve as a starting place and strategic map for building a coalition capable of successfully lobbying for the passage of historic comprehensive immigration reform (CIR) legislation. In order to build such a coalition, individuals and organizations with competing interests and ideologies must unite, work in collaboration, and act in strategic concert. This article describes how stakeholders can build such a coalition. To pass CIR, a coalition of strange bedfellows should be built based on Chai Feldblum's "Six Circles Theory of Advocacy."³ Feldblum developed her thesis and expertise as the legislative lawyer on the successful campaign to pass the Americans with Disabilities Act of 1990 (ADA). Her scholarship can teach CIR advocates how to build a coalition to pass significant civil rights legislation. This article calls for stakeholders to build a strategic coalition based on Feldblum's "Six Circles Theory" in order to pass comprehensive immigration reform.

¹ William Shakespeare, *The Tempest*, Act 2, Scene 2, p.2, available at <http://www.bartleby.com/46/5/22.html>.

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² A lengthy discussion of the continuities between immigration reform, mass incarceration, the failed "War on Drugs," and law enforcement-community relations, is reserved for a future work. For a relevant discussion of these continuities, see Rebecca A. Sharpless, *'Immigrants are not Criminals': Respectability, Immigration Reform, and Hyperincarceration*, 53 Hous. L. REV. 691 (2016), available at SSRN: <http://ssrn.com/abstract=2589664>.

³ See Chai Rachel Feldblum, *The Art of Legislative Lawyering and the Six Circles Theory of Advocacy*, 34 MCGEORGE L. REV. 785 (2003).

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INTRODUCTION

The purpose of this work is to build upon Feldblum’s theory of advocacy to provoke dialogue around building a coalition to pass comprehensive immigration reform (CIR). This work’s first assumption is that the current state of U.S. immigration policy is untenable and must be addressed through federal legislation. Undocumented immigrants, states, legislators, employers, interest groups, advocates, and the United States electorate, have—for far too long—dealt with an ineffective, irrational,

and broken immigration system. Although state and local reforms may be important, and pursued to the exclusion of federal reforms, this work focuses primarily on building a coalition to advocate for CIR. A coalition of this kind, however, could of course be used to advocate for other reforms.

As the title of this work suggests, a second assumption of this work is that misery acquaints individuals and organizations with strange bedfellows. For the purpose of this article, strange bedfellows are stakeholders with competing interests who unexpectedly work collaboratively in an attempt to accomplish a common goal. The misery caused by the U.S. immigration system makes it possible to unite a coalition of disparate individuals, groups, and sectors, in order to successfully lobby for the passage of comprehensive immigration reform (CIR) legislation.

Third, this work does not address the myriad of issues associated with CIR proposals. It is not possible to address best practices for CIR law and policy in a work of this size. Neither can the author conclusively discuss the socio-political, legal, nor advocacy context surrounding CIR. Instead, this work concentrates on how to build a strategic coalition to pass CIR. Past and present CIR coalitions can learn from Feldblum's advocacy theory, and coalitions such as Campaign for an Accountable, Moral and Balanced Immigration Overhaul (CAMBIO), Fair Immigration Reform Movement (FIRM), and Reform Immigration For America (RIFA) are discussed when applicable. This article is meant to continue the conversation about passing CIR, and to propose a new framework for organizing a coalition to accomplish this goal.

Part I of this work discusses the socio-political context of U.S. immigration reform. Political and policy actors are identified. Legal and social developments are discussed. Statistics are provided on immigrant populations, entry into the U.S., and government spending on immigration. Finally, a brief literature review is provided, and the narrow issue of this work is explained.

In Part II, Feldblum's "Six Circles Theory of Advocacy" is introduced. A case study discusses the passage of the Americans with Disability Act ("ADA") of 1990, along with the preceding two years of advocacy, to demonstrate how significant civil rights legislation has been enacted. Feldblum's advocacy theory is examined, including a discussion of each of her "Six Circles."

In Part III, this work concludes by applying Feldblum's "Six Circles Theory" to the CIR advocacy context. CIR allies and opponents are identified. Recommendations are made for the continuation of CIR advocacy through the building of a coalition based on Feldblum's advocacy framework. A call to action is included, recommending the convening of an annual CIR conference to take place in Washington, D.C. to establish the coalition advocated for in this work.

THE SOCIO-POLITICAL CLIMATE OF COMPREHENSIVE IMMIGRATION REFORM (CIR)

Immigration policy in the United States is broken.⁴ There are nearly 12 million undocumented immigrants⁵ living in the U.S.; a population larger than many states in the union.⁶ Individuals, organizations, and legislators across the political spectrum agree that immigration policy must change, with many calling for CIR legislation. What constitutes true *comprehensive* immigration reform, and sound immigration policy, is a topic beyond the scope of this article. Instead, this work argues for the creation of an advocacy coalition to negotiate for the passage of CIR. A strategic coalition of strange bedfellows, modeled after Feldblum's "Six

⁴ *Issues: Immigration*, THE WHITE HOUSE, <https://www.whitehouse.gov/issues/immigration> (last visited April 6, 2016).

⁵ The term "undocumented immigrant" is utilized throughout this work to refer to any person in the U.S. with unauthorized, illegal, or noncitizen status. This term, however, is imprecise. The term "undocumented" assumes that an individual has a presence in the U.S. that has not been, or is not currently, documented through visas or other valid entry documents. When, in fact, valid documentation may only recently have expired. "Immigrant" assumes that the noncitizen has an intention to remain in the U.S., while it remains unclear how many of the noncitizen population indeed has this intention. The term "undocumented immigrant," will be utilized due to its colloquial, nontechnical, and non-pejorative nature. See D. Carolina Núñez, *War of the Words: Aliens, Immigrants, Citizens, and the Language of Exclusion*, BYU L. REV. 1517 (2014). See also Richard A. Boswell, *Crafting an Amnesty with Traditional Tools: Registration and Cancellation*, 47 HARV. J. ON LEGIS. 175, (2010). The term "foreign national" or "noncitizen" may also be suitable terms.

⁶ In recent years, the undocumented immigrant population has vacillated between 11-12 million people, and thus different statistics will be cited in this work within this range. See Julia Preston, *Number of Illegal Immigrants in U.S. May Be on Rise Again, Estimates Say*, N.Y. TIMES (SEPT. 23, 2013) <http://www.nytimes.com/2013/09/24/us/immigrant-population-shows-signs-of-growth-estimates-show.html?r=0>; See also U.S. CENSUS BUREAU, *Population Estimates*, <http://www.census.gov/popest/data/state/totals/2014/index.html> (last visited APR. 6, 2016).

Circles Theory of Advocacy,”⁷ should be created in order to lobby for the passage of historic CIR legislation in the U.S.

Literature Review

A majority of the public in the United States supports Congressional action to reform U.S. immigration policy.⁸ Some support reforming immigration law and policy through a piecemeal approach.⁹ Many others hope Congress will strike a grand bargain, addressing many of the issues confronting immigrants, families, states, employers, advocates, and the international community. After the refusal of the House of Representatives in 2013 to vote on the Border Security, Economic Opportunity, and Immigration Modernization Act,¹⁰ or S.B. 744, which passed the Senate with a margin of 17 votes,¹¹ meaningful CIR legislation has remained stagnant. Public officials from President Obama to Senator Lindsey Graham (R-S.C.) have expressed displeasure with the failure of Congress to pass CIR legislation.¹² In the absence of federal policy, the executive branch has taken action to address the U.S.’s flawed immigration policy.

In November 2014, President Obama asked the Department of Homeland Security (DHS) Secretary Jeh Johnson to issue a memorandum setting forth immigration enforcement priorities with the potential

⁷ See generally, Feldblum, *supra* note 4.

⁸ David McCabe, *Poll: Majority want Congress to pass immigration reform*, THE HILL (DEC. 16, 2014, 5:27 PM), <http://thehill.com/blogs/blog-briefing-room/news/227328-poll-majority-want-congress-to-pass-immigration-reform>. See also Immigration, POLLINGREPORT.COM (2016, last updated May 19, 2016), <http://www.pollingreport.com/immigration.htm>.

⁹ Andrew Stiles, *The GOP’s ‘Piecemeal’ Immigration Strategy Could Be Comprehensive After All*, NATIONAL REVIEW (JAN. 15, 2014, 11:33 AM), <http://www.nationalreview.com/corner/368530/gops-piecemeal-immigration-strategy-could-be-comprehensive-after-all-andrew-stiles>.

¹⁰ For a description of S.B. 744, see Marc R. Rosenblum and Ruth Ellen Wasem, *Comprehensive Immigration Reform in the 113th Congress: Short Summary of Senate-Passed S. 744*, 3, CONGRESSIONAL RESEARCH SERVICE (2013) http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/R43099_07102013.pdf.

¹¹ See *Senate Vote 168 - Passes Comprehensive Immigration Overhaul Bill*, N.Y. TIMES (JUNE 27, 2013), <http://politics.nytimes.com/congress/votes/113/senate/1/168>.

¹² Rebecca Shabad, *Shame on us’ for not passing immigration reform, Graham says*, THE HILL (NOV. 23, 2014, 11:14 AM), <http://thehill.com/blogs/blog-briefing-room/news/225130-shame-on-us-for-not-passing-immigration-reform-gop-lawmaker>. See also Paul Waldman, *Why GOP won’t pass real immigration reform anytime soon*, WASH. POST (DEC. 31, 2014), <http://www.washingtonpost.com/blogs/plum-line/wp/2014/12/31/why-gop-wont-pass-real-immigration-reform-anytime-soon/>.

to shield millions of noncitizens from deportation.¹³ The “Deferred Action for Parents of Americans and Lawful Permanent Residents” (DAPA) expanded the Deferred Action for Childhood Arrivals (DACA) program. DACA grants prosecutorial discretion, temporary relief from deportation, and work authorization to undocumented immigrants brought to the U.S. as children.¹⁴ These children and young adults are often called “DREAMers.”¹⁵ DREAMers are undocumented immigrants who came to the U.S. before reaching 16 years of age, have resided continuously since June 15, 2007, and who were under the age of 31 as of June 15, 2012, among other requirements.¹⁶ The DAPA program would expand DACA to include the parents of lawful permanent residents in the U.S.¹⁷ Taken together, these two executive branch actions have the potential to shield 5.2 million undocumented immigrants from removal.¹⁸

While studies indicate that DAPA may positively contribute to states’ local economics,¹⁹ many public officials are strongly opposed to DAPA, and have encouraged their states to join a lawsuit challenging DAPA in court.²⁰ At the time of publication of this article, the Supreme

¹³ Jeh Johnson, *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents*, U.S. DEP. OF HOMELAND SECURITY (NOV. 20, 2014), http://www.dhs.gov/sites/default/files/publications/14_1120_memo_deferred_action.pdf; See also *A Guide to Immigration Accountability Executive Action*, AMERICAN IMMIGRATION COUNCIL (MAR. 13, 2015), <http://www.immigrationpolicy.org/special-reports/guide-immigration-accountability-executive-action>.

¹⁴ *Id.* at How was DACA expanded.

¹⁵ *Id.*

¹⁶ See *Consideration of Deferred Action for Childhood Arrivals (DACA)*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (JAN. 4, 2016), <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>.

¹⁷ See *DAPA Matters: The Growing Electorate Directly Affected by Executive Action on Immigration*, CENTER FOR AMERICAN PROGRESS (NOV. 19, 2015), <https://www.americanprogress.org/issues/immigration/report/2015/11/19/125787/dapa-matters/>.

¹⁸ *Id.* Support for DAPA has been mixed, however, among supporters Senator Patrick Leahy’s (D-Vt.) comments as former chair of the Senate Judiciary Committee summarize one strain of thought: “I applaud the President’s action to keep families together[.]” *Statement Of Senator Patrick Leahy (D-Vt.), Chairman, Senate Judiciary Committee, Hearing on “Keeping Families Together: The President’s Executive Action On Immigration And The Need To Pass Comprehensive Reform”* (DEC. 10, 2014) <http://www.judiciary.senate.gov/imo/media/doc/12-10-14pmLeahyStatement.pdf>.

¹⁹ See *DAPA Matters: The Growing Electorate Directly Affected by Executive Action on Immigration*, CENTER FOR AMERICAN PROGRESS (NOV. 19, 2015), <https://www.americanprogress.org/issues/immigration/report/2015/11/19/125787/dapa-matters/>.

²⁰ *State of Texas, et al. v. United States of America, et al.*, Civil No. B-14-254 (U.S. DIST. CT. S. DIST. TX, BROWNSVILLE DIV.), available at: <http://www.txs.uscourts.gov/sites/txs/>

Court recently affirmed the judgment of the lower court, halting DAPA, by an equally divided court.²¹ Twenty-six states challenged DAPA under the Administrative Procedure Act (APA) and the Take Care Clause of the U.S. Constitution.²² After the Fifth Circuit Court of Appeals denied a motion to stay the preliminary injunction issued against DAPA by the District Court, Petitioners appealed to the Supreme Court with the support of approximately 200 immigrant rights organizations which filed an *Amici Curiae* in support of DAPA.²³ The appendix of this brief provides an excellent starting place for immigrant rights organizations that could be engaged to build a CIR coalition.²⁴ Executive branch actions like DAPA, however, can present a problem: the program may be challenged in court and effectively halted for the remainder of a chief executive's term. In the absence of DAPA's implementation and a lack of federal CIR legislation, states have adopted a variety of policies with regard to undocumented immigrants.²⁵

This work enters into a rich literature of immigration law and policy scholarship. Many articles have been written on suggested reforms to immigration law and policy on a local, state, and federal level, and many more have been written on CIR legislation—both proposed and

files/1-14-cv-254_145X20977588_0.pdf.

²¹ *Id.* A more lengthy discussion of this lawsuit must be reserved for another work.

²² *Id.*

²³ See *Brief of American Immigration Council, National Immigration Law Center, Service Employees International Union, American Federation of Labor and Congress of Industrial Organizations, Advancement Project, Latinojustice Prldef, The Leadership Conference on Civil and Human Rights, and Others as Amici Curiae In Support Of Petitioners*, United States of America, *et al.* v. State of Texas, *et al.*, No. 15-674 (5th Cir. Nov. 30, 2015), available at <http://www.scotusblog.com/wp-content/uploads/2015/12/US-v-TX-amicus-scotus-2015-12-01.pdf>.

²⁴ *Id.* at 23.

²⁵ For instance, in October 2015, California under Gov. Brown (D) opted to reform drug laws as they apply to immigrants and enhanced humanitarian relief for immigrant children, among other measures. See Angie Junck, *On Immigration Reform, California Issues a Bold Message*, HUFFINGTON POST (OCT. 21 2015), http://www.huffingtonpost.com/angie-junck/on-immigration-reform-cal_b_8341600.html. Other states, however, have been far less welcoming. See, e.g., *The Scrambled States of Immigration*, N.Y. TIMES (APR. 1, 2015), http://www.nytimes.com/2015/04/02/opinion/the-scrambled-states-of-immigration.html?emc=edit_tnt_20150401&nid=55254288&ntemail0=y&r=0. See also Haeyoun Park, *Which States Make Life Easier or Harder for Illegal Immigrants*, N.Y. TIMES (MAR. 29, 2015), <http://www.nytimes.com/interactive/2015/03/30/us/laws-affecting-unauthorized-immigrants.html>; Encarnacion Pyle, *Ohio rated worst in immigrant policy*, THE COLUMBUS DISPATCH (APR. 16, 2015), <http://www.dispatch.com/content/stories/local/2015/04/16/ohio-rated-worst-in-immigrant-policy.html>.

enacted.²⁶ Of the articles that discuss the importance of building a coalition to pass CIR legislation, few if any describe *how* to build such a coalition. The works cited in this article provide recommendations for CIR, state and local immigration reforms, and immigration law and policy reforms. This work focuses on the narrow issue of *how* to build a coalition to pass CIR.

Criticism may be levied against the thesis of this work. Perhaps one believes that needed change in the immigrant-rights community is more likely to occur on a local level. As scholars point out, coalitions like FIRM and RIFA have been prevented from achieving CIR in the past — even with the same funders as local immigrant-rights organizations that have achieved much.²⁷ These scholars note that “local-level integration policies” have been successfully lobbied for by local immigrant-rights organizations.²⁸ These “integration policies” included advocacy against anti-immigrant ordinances, and advocacy in favor of local initiatives intended to help immigrants secure housing, jobs, or avoid interactions with local law enforcement.²⁹ Coalitions like FIRM and RIFA, however, have “failed to achieve change in immigration policy, [while] political change at the local scale was both feasible and directly relevant to [an] organization’s constituency.”³⁰ While this criticism is well taken, this work makes the argument that federal CIR is both necessary and possible. The U.S. Senate’s passage of S.B. 744 in 2013, the passage of Im-

²⁶ For law review articles addressing CIR, and particularly legalization legislation, see Boswell, *Crafting an Amnesty*, *supra* note 6; Richard Boswell, *Crafting True Immigration Reform*, 35 WM. MITCHELL L. REV. 7, 33-34 (2008); Ragini Shah, *Sharing the American Dream: Towards Formalizing the Status of Long-Term Resident Undocumented Children in the United States*, 29 COLUM. HUM. RIGHTS L. REV. 637, 657 (2008); Hiroshi Motomura, *What is ‘Comprehensive Immigration Reform?’ Taking the Long View*, 63 ARK. L. REV. 225, 228 (2010); Kris W. Kobach, *Administrative Law: Immigration, Amnesty, and the Rule of Law*, 2007 National Lawyers Convention of the Federalist Society, HOFSTRA L. REV., Vol. 36, Iss. 4, 1323, 1330 (2008); Kevin R. Johnson, *The Struggle for Civil Rights: The Need for, and Impediments to, Political Coalitions Among and Within Minority Groups*, 63 LA. L. REV. 759 (2003). See also Robert Gittelsohn, *A Plan To Influence And Convince: Strategic Advice For The Legislative Passage Of CIR In 2009*, IMMIGRATION DAILY, <http://www.ilw.com/articles/2009,0408-gittelsohn.shtm>.

²⁷ For an example see Patricia Vanderkooy and Stephanie Nawyn, *Identifying the Battle Lines: Local-National Tensions in Organizing for Comprehensive Immigration Reform*, AMERICAN BEHAVIORAL SCIENTIST 1267, 1283 (2011), available at http://www.academia.edu/7744243/Comprehensive_Immigration_Reform_Identifying_the_Battle_Lines_Local-National_Tensions_in_Organizing_for.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

migration Reform and Control Act (IRCA) during President Reagan's Administration in 1986, and other landmark civil rights legislation like the Americans with Disabilities Act (ADA) of 1990, demonstrate that federal comprehensive immigration reform and other civil rights legislation can be passed on a federal level.³¹

This article enters into the socio-political context of U.S. immigration law, policy, and politics, to propose a strategy for successfully passing CIR legislation. Although the specifics of CIR must be thoroughly negotiated between legislators, the executive branch, and interested stakeholders, this article proposes the construction of a coalition to help steer this policy negotiation. For meaningful CIR legislation to be passed in Congress, significant political will must be created. To do so, a lobbying coalition must be formed uniting strange bedfellows with the capability to advocate, and apply political pressure from multiple sectors, for the passage of CIR legislation. A solution to U.S. immigration policy must arise out of a coalition with strange bedfellows with a clear purpose: to pass comprehensive immigration reform.

Immigration Statistics

To understand the scope of the problem that Congressional inaction on immigration reform reaps on a local, state, and federal level, it is important to delve into U.S. immigration statistics. The bipartisan Migration Policy Institute (MPI) provides excellent statistics regarding documented and undocumented immigration into the U.S. In 2013, MPI noted, "the U.S. immigrant population stood at more than 41.3 million, or 13 percent, of the total U.S. population of 316.1 million."³² Assessing the data on a country-by-country basis, it is clear that 10 countries compose nearly 60% of the total U.S. immigrant population. These countries are: Mexico, India, China (including Hong Kong, but excluding Taiwan), the Philippines, Vietnam, El Salvador, Cuba, Korea, the Dominican Republic, and, Guatemala.³³

MPI notes that "Mexican-born immigrants accounted for approximately 28[%] of the 41.3 million foreign born in the United States,

³¹ A discussion of Congress' plenary power regarding immigration is excluded for space.

³² See Jie Zong and Jeanne Batalova, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, MIGRATION POLICY INSTITUTE (FEB. 26, 2015), <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-4>.

³³ *Id.* at Current and Historical Numbers and Shares.

making them by far the largest immigrant group in the country.”³⁴ When analyzing unauthorized entry or undocumented presence into the U.S., MPI estimates that about 8.1 million (71% of unauthorized immigrants in the U.S. using data from 2008-12) were born in Mexico and other Central America countries.³⁵ About 1.5 million (13%) were from Asia; 817,000 (7%) from South America; 455,000 (4%) from Europe, Canada, or Oceania; 317,000 (3 %) from Africa; and 225,000 (2%) from the Caribbean.³⁶ Unauthorized immigrants live throughout the U.S., with most residing in California (28%), Texas (13%), New York (8%), and Florida (6%).³⁷ Taken together, these top four states accounted for about 55% of all unauthorized immigrants in the U.S.³⁸ With these population statistics in mind, we can turn to the causes of undocumented immigration, and the public policy problems that result.

Immigration “Push” and “Pull” Factors

It is clear that Latin American countries, and to a lesser extent countries in Asia, contribute high rates of immigration to the U.S. Domestic conditions in these countries result in the “push” factors that provide incentives for undocumented immigrants to emigrate from their home countries to the U.S.³⁹ These factors include crime, violence, economic conditions, and restrictions on political or social liberties, among others.⁴⁰ Conditions in the U.S. — including economic opportunities, political or social liberties, a relative reduction in crime and violence, desire to live near family and friends, and proximity by land and sea to Latin American countries — contribute to the “pull” factors that incentivize immigration to the U.S.⁴¹ For CIR to be “successful,” legislation must cope with these “push” and “pull” factors.

³⁴ *Id.* at Current and Historical Numbers and Shares.

³⁵ *Id.* at Unauthorized Immigration.

³⁶ *Id.* at Unauthorized Immigration.

³⁷ *Id.* at Unauthorized Immigration.

³⁸ *Id.* In fact, MPI notes that “two-thirds of unauthorized immigrants resided in 94 counties, with the top five counties—Los Angeles, CA; Harris, TX; Cook, IL; Orange, CA; and Queens, NY—accounting for close to 20 percent of all unauthorized immigrants.”

³⁹ Sharpless, *‘Immigrants are not Criminals’: Respectability, Immigration Reform, and Hyperincarceration*, Sharpless, *supra* note 3 (citing ANNE-MEIKE FECHTER & KATIE WALSH, *Examining ‘Expatriate’ Continuities: Postcolonial Approaches to Mobile Professionals*, 36 J. ETHNIC & MIGRATION STUD. 8 (2010)), available at http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1114542.

⁴⁰ *Id.* at 756-758.

⁴¹ *Id.*

U.S. interventions in Latin America are one cause of immigration “push” factors. U.S. interventions in Latin America have often resulted in unintended consequences, or as some scholars term it, “blowback.”⁴² These interventions exacerbate existing problems of violence, political corruption, and economic uncertainty in the region.⁴³ Rebecca Sharpless persuasively argues that the “push” and “pull” factors influencing undocumented immigration into the U.S. must be understood in “the context of post-colonialism and U.S. political and economic interventions.”⁴⁴ She describes how U.S. foreign policy in Latin America — for instance the funding and training of military regimes battling guerrilla groups in El Salvador and Guatemala⁴⁵ — led to “protracted violence that claimed the lives of 200,000 people...[and] generated a refugee flow of nearly one million” immigrants into the U.S.⁴⁶ Sharpless notes that the political and economic instability generated by these interventions “endures to this day.”⁴⁷

Destabilizing Central American regimes through interventions has also strengthened the power of criminal organizations. When “push” factors like crime and violence are exasperated, the calculus for undocumented immigrants correspondingly intensifies. *New York Times* journalist Wil Hylton reports that gang violence in Central America has become a humanitarian crisis:

Four of the five highest murder rates in the world are in Central American nations. The collapse of these countries is among

⁴² CHALMERS JOHNSON, *BLOWBACK: THE COSTS AND CONSEQUENCES OF AMERICAN EMPIRE* (Jan. 4, 2004).

⁴³ Sharpless, *Immigrants are not Criminals*, *supra* note 3.

⁴⁴ *Id.* at 757.

⁴⁵ Blowback from U.S. foreign policy interventions can have decades-long consequences. In his definitive biography on Ernesto “Che” Guevara, Jon Lee Anderson writes about one such occasion. The U.S.’s intervention in Guatemala to overthrow the democratically elected Arbenz regime in 1954 - to prevent land reforms that would have negatively impacted U.S. banana companies—was a turning point in the life of the young Guevara. Che Guevara was in Guatemala City when the Arbenz regime was overthrown. Anderson documents Guevara’s travels during this tumultuous period—noting that the day after Guevara’s twenty-sixth birthday, on June 14, President Eisenhower approved Operation Success. Two days later, American mercenaries began bombing Guatemala. Regarding perhaps the most decisive and rarely discussed moment in Guevara’s life, Anderson writes, “the invasion had begun, and with it so did Ernesto Guevara’s future.” Not long thereafter, Guevara joined the Cuban Revolution. See JON LEE ANDERSON, *CHE GUEVARA: A REVOLUTIONARY LIFE*, 147 (Grove Press, 9th ed. 1997).

⁴⁶ Sharpless, *Immigrants are not Criminals*, *supra* note 3.

⁴⁷ *Id.* at 758.

the greatest humanitarian disasters of our time. While criminal organizations like the 18th Street Gang and Mara Salvatrucha exist as street gangs in the United States, in large parts of Honduras, Guatemala and El Salvador they are so powerful and pervasive that they have supplanted the government altogether. People who run afoul of these gangs — which routinely demand money on threat of death and sometimes kidnap young boys to serve as soldiers and young girls as sexual slaves — may have no recourse to the law and no better option than to flee.”⁴⁸

As these gangs become more powerful, ordinary families have an increasingly urgent incentive to emigrate from their home communities.

In addition to crime, violence, and U.S. foreign policy interventions, Sharpless and other scholars point to global macro-economic agreements as another cause affecting the “push” and “pull” factors causing immigration into the U.S. Sharpless writes that “global capitalism,” and specifically international trade agreements such as the North American Free Trade Agreement (NAFTA), are partially responsible for “displacing people out of their normal labor activities, pushing them to migrate to the United States.”⁴⁹ NAFTA, implemented in 1994, allowed U.S. agricultural businesses to flood the Mexican market with corn, which caused many small Mexican corn farmers to go out of business.⁵⁰ Although it is difficult to measure the macro-economic effects of hemispheric agreements, Sharpless notes that after NAFTA’s implementation, “more people migrated from Mexico to the United States than in any other period of time.”⁵¹ To cope with this rising rate of immigration, the U.S. government devised mechanisms for restricting immigration benefits, and for

⁴⁸ See Wil Hylton, *The Shame of America’s Family Detention Camps*, N.Y. TIMES (Feb. 4, 2015), http://www.nytimes.com/2015/02/08/magazine/the-shame-of-americas-family-detention-camps.html?mwrsm=Email&_r=0.

⁴⁹ DAVID BACON, *THE RIGHT TO STAY HOME: HOW U.S. POLICY DRIVES MEXICAN MIGRATION* (Beacon Press, 2013).

⁵⁰ “Once the [free trade] agreement went into effect it became cheaper for large Mexican corn growers to buy U.S. corn and resell it than to grow corn themselves. For the vast majority, however, like [] small farmers, the price for yellow corn ... simply couldn’t cover the cost of growing it.” DAVID BACON, *ILLEGAL PEOPLE: HOW GLOBALIZATION CREATES MIGRATION AND CRIMINALIZES IMMIGRANTS*, 25 (Beacon Press, 1st ed. 2009).

⁵¹ *Id.*

preventing unauthorized immigration through enforcement and border-security measures.⁵²

A massive, immigration-enforcement complex in the government and private sector has been built in the U.S. to cope with undocumented immigrants.⁵³ For instance, in 2012, the Obama Administration spent nearly \$18 billion on immigration enforcement alone, “significantly more than its spending on all the other major federal law enforcement agencies combined.”⁵⁴ If S.B. 744 had become law, the nonpartisan Congressional Budget Office (CBO) estimated that it would have saved approximately \$135 billion during the first decade of implementation and \$685 billion in the following ten years, a figure that includes the cost of securing the border.⁵⁵ Thus, over twenty years taxpayers would have saved nearly \$1 trillion (\$820 billion).⁵⁶ The Brookings Institute emphasized that S.B. 744 prioritizes “law and order,” and is consistent with “conservative doctrine [that] also requires a commitment to fiscal responsibility.”⁵⁷ Nonetheless, House Republicans refused to allow a vote on S.B. 744.

Despite billions of dollars invested in constructing high-tech fences along the U.S.-Mexico border, drug trafficking and unauthorized immigration has not been deterred. Drug cartels have countered these enforcement mechanisms with investments both innovative and ancient.⁵⁸ *New York Times* reporter Patrick Keefe documents one illustrative example of the ineffectiveness of drug enforcement along the border:

Michael Braun, the former chief of operations for the D.E.A., told me a story about the construction of a high-tech fence along a stretch of border in Arizona. “They erect this fence,” he said, “only to go out there a few days later and discover that these guys have a catapult, and they’re flinging hundred-pound bales of marijuana over to the other side.” He paused and

⁵² DORIS MEISSNER ET AL., *Immigration Enforcement in the United States: The Rise of Formidable Machinery*, MIGRATION POLICY INSTITUTE 2 (Jan. 2013).

⁵³ *Id.*

⁵⁴ Julia Preston, *Huge Amounts Spent on Immigration, Study Finds*, N.Y. TIMES (Jan. 7, 2013), <http://www.nytimes.com/2013/01/08/us/huge-amounts-spent-on-immigration-study-finds.html>.

⁵⁵ Christopher Parker, *The (Real) Reason Why the House Won't Pass Comprehensive Immigration Reform*, BROOKINGS (Aug. 4, 2014), <http://www.brookings.edu/blogs/fixgov/posts/2014/08/04-immigration-tea-party-constituencies-parker>.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Patrick Radden Keefe, *Cocaine Incorporated*, N. Y. TIMES (June 15, 2012), <http://www.nytimes.com/2012/06/17/magazine/how-a-mexican-drug-cartel-makes-its-billions.html>.

looked at me for a second. “A catapult,” he repeated. “We’ve got the best fence money can buy, and they counter us with a 2,500-year-old technology.”⁵⁹

In addition to millennia old technology, drug cartels are diversifying their drug smuggling investments into emerging technologies.⁶⁰ Recently, a drone carrying methamphetamine was found near the U.S.-Mexico border.⁶¹ These and other anecdotes point to the ineffectiveness of drug and immigration enforcement along the U.S.-Mexico border, and the wasteful government spending that accompanies such initiatives.⁶²

As with foreign policy interventions, increased immigration enforcement can have unintended consequences. As a recent story in the *New Yorker* by Sarah Stillman persuasively argues, increased border security can also consolidate and strengthen organized crime — specifically human smugglers, or “coyotes” — the primary organized mechanism for circumventing U.S. border security.⁶³ One such unintended consequence is an increase in death rates for migrants attempting to cross the U.S.-Mexico border.⁶⁴ Stillman reports:

In the aftermath of 9/11, the border with Mexico came to be viewed as the site of three distinct U.S. policy wars—on drugs, on illicit immigration, and on terrorism—all intertwined in the notion of “border security.” The country built some six hundred miles of border fence, and deployed Predator drones and other instruments of aerial surveillance. The ranks of Border Patrol more than doubled, to twenty-one thousand.

Between 1998 and 2012, fatalities [for migrants] nearly doubled, reaching a peak of four hundred and seventy-seven even as Mexican

⁵⁹ *Id.*

⁶⁰ *Drug-laden drone crashes near US-Mexico border*, YAHOO! NEWS (Jan. 21, 2015), <https://www.yahoo.com/news/drug-laden-drone-crashes-near-us-mexico-border-232222670.html?ref=gs>.

⁶¹ *Id.*

⁶² For further discussion of government expenditures on border security and wall construction, see Pratheepan Gulasekaram, *Why a Wall?* UC IRVINE L. REV., Persistent Puzzles in Immigration Law, Vol. 2, Issue 1, Art. 6. See also, Kevin R. Johnson, *Opening the Floodgates: Why American Needs to Rethink its Borders and Immigration Laws*, N.Y. UNIV. PRESS (2007) (advocating for an open-border policy in the U.S. with respect to immigrants).

⁶³ Sarah Stillman, *Where Are The Children?: For extortionists, undocumented migrants have become big business.*, NEW YORKER (Apr. 27, 2015), <http://www.newyorker.com/magazine/2015/04/27/where-are-the-children>.

⁶⁴ *Id.*

migration dipped to its lowest level in four decades. These deaths have started to decline only recently, as border authorities and volunteer groups work to rescue a greater number of stranded migrants.⁶⁵ Problems associated with border security have led some scholars to conclude that CIR legislation should not permit the continued expansion of border-wall construction and other border enforcement mechanisms.⁶⁶

CIR likely would need to address some of the following considerations: (1) legalization; (2) border and national security; (3) family and employment-based visas; (4) the visa quota-system; (5) high-tech workers; (6) farmworker and guest-worker programs, rights, and living conditions; (7) right to legal counsel for noncitizens;⁶⁷ (8) U.S. foreign policy and economic agreements; (9) streamlining the Immigration and Nationality Act (INA), which has not been comprehensively overhauled since 1954; and, (10) employer-sanctions for hiring undocumented workers; among other reforms.

In sum, legal and illegal immigration into the U.S. has reached fiscal and population levels that do not permit maintenance of the status quo. If our nation is to respect the civil and human rights of citizens and noncitizens alike, immigration policy in the U.S. must be comprehensively overhauled.

FELDBLUM'S SIX CIRCLES THEORY OF ADVOCACY

Feldblum largely developed her Six Circles Theory of Advocacy from her intensive experience lobbying for the passage of the ADA of 1990 from 1988 to 1990.⁶⁸ She developed this theory in order to “highlight its potential contribution towards structuring an effective legislative or regulatory effort.”⁶⁹ Little of Feldblum’s theory, however, is original. In fact, she notes that three skillsets identified in her theory “have

⁶⁵ *Id.*

⁶⁶ Keefe, *Cocaine Incorporated*, *supra* note 59.

⁶⁷ For further discussion, see Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. PA. L. REV. (forthcoming Mar. 2015) & UCLA School of Law Research Paper No. 15-10, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2581161 (describing in abstract that in an extensive data sample of over 1.2 million deportation cases decided between 2007 and 2012, the authors found that only 37% of immigrants overall, and a mere 14% of detained immigrants, secured representation).

⁶⁸ Feldblum, *Six Circles Theory*, *supra* note 4 at 786.

⁶⁹ *Id.*

long been recognized as essential in legislative efforts.”⁷⁰ Those roles are the lobbyist, grassroots organizer, and communications person.⁷¹

Feldblum’s contribution lies in shaping a theory that “disaggregate[s]” each role into six separate skillsets that may be utilized to build a lobbying coalition and pass legislation — “when the political dynamics are such that success is possible on a particular issue.”⁷² These six roles, or circles, are: (1) a strategist, (2) a lobby manager, (3) a legislative lawyer, (4) a policy researcher, (5) an outreach strategist, and, (6) a communications director. Each role will be described below, and a seventh circle will be proposed: the funding strategist.

As with the passage of the ADA of 1990, fixing the United States’ broken immigration system requires strategic movement building. The establishment or reunification of a leadership committee modeled after the coalition of 1988-1990 that lobbied for the passage of the ADA of 1990 is a useful model for individuals and organizations advocating for landmark civil rights legislation. As will be described below, Feldblum recommends six distinct roles, or skillsets, be included in any legislative coalition. Feldblum notes, however, that “a serious effort” to build an advocacy coalition requires more than six individuals to serve on a steering committee. She writes that any such effort “probably require[s] one strategist, one lobby manager working with five lobbyists, two legislative lawyers, one policy researcher, one outreach strategist working with three outreach coordinators, and one communications director.” Thus, the sum of these roles requires, at a minimum, fifteen distinct individuals.

Political Feasibility

Before examining the distinct skillsets and their application to building a CIR coalition, we must discern whether the passage of landmark CIR legislation is possible. As with the passage of the ADA in 1990, the author believes that the passage of CIR legislation is politically possible at present. This is demonstrated by the Senate’s passage of S.B. 744 in 2013, and aided by years of groundwork by immigrant-rights organizations.

If one disagrees with this assumption, however, Feldblum proposes a strategy that may be employed to “create the environment in which a

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.* at 786, 792.

future legislative advocacy effort can succeed.”⁷³ She writes, “one must first mount a campaign that will change the landscape in such a manner that future passage of legislation becomes possible.”⁷⁴ Similar to the building of a legislative advocacy effort, Feldblum recommends that such a campaign engage: academics, experts, media, national constituency groups, legislators and staff, lawyers, community leaders, businesses, and individuals directly affected by the public policy problem.⁷⁵ If organized properly, such a coalition can alter the political landscape and create the conditions necessary for reform. To create the requisite political climate to pass CIR legislation, a broad coalition of allies must be brought together.⁷⁶

Overview of Feldblum’s Six Circles

Strategist defined

The strategist is the most important skillset in an advocacy coalition. This individual must have “the talent, persistence, connections, interpersonal skills, [patience] and creativity to implement [a] vision step-by-step. A strategist is a person who identifies and deploys levers of influence others do not even realize exist.”⁷⁷ This individual must coordinate each of the six skillsets to maximum efficiency, prevent friction, and ensure that the coalition’s goals are being achieved.

A strategist must convince organizations in the coalition that he or she provides value-added beyond what the leaders of individual organizations can provide.⁷⁸ Respect must be continually earned throughout a campaign, and can best be earned by one who possesses the skills of each of the other five circles, while also possessing knowledge of legislative process, politics, and law.⁷⁹ Feldblum states that “this includes understanding the electoral dynamics of a member’s legislative district (or an executive’s electoral base),” and one who understands the “levers

⁷³ *Id.* at 793.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Please note that due to limited experience working in the CIR community, the author does not provide comprehensive coverage of individuals or organizations that would contribute valuably to a movement to pass CIR legislation. Rather, this work is meant to provoke dialogue regarding the building of a coalition based on Feldblum’s advocacy theory.

⁷⁷ Feldblum, *Six Circles Theory*, *supra* note 4 at 793-794.

⁷⁸ *Id.* at 794.

⁷⁹ *Id.* at 794-795.

of influence” that can be deployed.⁸⁰ In addition to process knowledge and hard skills, a strategist must possess soft interpersonal skills, including “charisma, cajoling, flattery, and talent.”⁸¹ In her work, Feldblum includes a helpful quote from a strategist explaining how she viewed her role in a lobbying coalition:

I was the one who had the very big picture; knew the politics; understood the interests of all the players; sensed the levers; understood who could play what role; really had a handle on the national public relations aspect and sold stories to the media; knew the legislative and budget processes; could translate among the academics, lawyers, politicians, grassroots groups, and businesses.... In none of these cases was I the direct lobbyist, the academic expert or the legislative lawyer. Nor did I try to get in between these individuals and members of Congress ... I let others have ownership, claim credit, be the experts.”⁸²

The role of the strategist must be carefully selected, cultivated, and utilized throughout a successful lobbying campaign.

Manager of Lobbyists defined

Lobbyists perform an assorted host of roles under Feldblum’s theory of advocacy. A manager of lobbyists, a skillset that may be reflected through several positions on a steering committee, is required to coordinate all lobbying on Capitol Hill. Feldblum describes lobbyists as persuaders and information carriers, who know how to build relationships with legislators and staff.⁸³ Credibility and trustworthiness are a lobbyist’s most important attributes, and a good lobbyist must shape complex messages for diverse audiences in a manner that is clear, simple, and effective.⁸⁴ A lobbyist can never deliberately mislead staff or legislators or provide false information, or else significant damage to both a lobbyist’s

⁸⁰ *Id.* at 794.

⁸¹ *Id.*

⁸² *Id.* (citing note 19 at 794, citing an e-mail from Karen Kornbluh, Director of Work & Family Program, New America Foundation, to Chai Feldblum, Director of Federal Legislation Clinic and Professor, GEORGETOWN UNIVERSITY LAW CENTER (May 15, 2003) (on file with Chai Feldblum) (Kornbluh was describing her role in a classroom internet access provision in a telecommunications bill). See also REED E. HUNDT, YOU SAY YOU WANT A REVOLUTION: A STORY OF INFORMATION AGE POLITICS, 110-IL, 137-40, 167-69, 204-07 (2000) (describing Kornbluh’s role in the FCC effort)).

⁸³ Feldblum, *Six Circles Theory*, *supra* note 4 at 796.

⁸⁴ *Id.*

reputation and the coalition will occur.⁸⁵ Feldblum describes a lobbyist's role thusly:

The lobbyists visited congressional staff people, educated them regarding various issues, and provided them with talking points concerning votes that might be expected to arise. The job of the lobbyist was to persuade, to gather intelligence on how a member of Congress might be expected to vote, and to convey that intelligence back to the strategist for future planning.”⁸⁶

A lobby manager is responsible for organizing the lobbyists and their disparate activities.

A lobby manager must ensure that each lobbyist's work is being done in a coordinated, strategic fashion.⁸⁷ In a parallel passage, Feldblum contrasts the role of the lobbyist with that of the lobby manager, who:

Maintains the massive grid of all legislative offices that require information; sets up visits for the lobbyists with these offices; keeps track of which lobbyists have visited which offices; collects the information reported by the lobbyists subsequent to each visit; and determines, with the strategist, what offices need additional information or visits (for example, a document or a visit by the legislative lawyer or the policy researcher).⁸⁸

Finally, a lobby manager must most importantly have his or her eye trained on a *number*.⁸⁹ A lobby manager should create a vote-chart for the current legislature with each legislator's position, and “the necessary number of votes required to pass a bill, stop a bill, or modify a bill (the three primary games in any legislative arena).”⁹⁰ In sum, for a lobby manager: coordinating both lobbying and legislators' positions is key.

Legislative Lawyer defined

Feldblum explains the role of legislative lawyer, a term she coined, at length in order to highlight an alternative career path that lawyers may pursue. For our purposes, a legislative lawyer for a CIR coalition

⁸⁵ *Id.*

⁸⁶ *Id.* at 789.

⁸⁷ Feldblum, *Six Circles Theory*, *supra* note 4 at 796-797.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

must coordinate all legal functions required in the ordinary course of an advocacy campaign. Legislative lawyers must be familiar with all case law pertaining to the subject matter of the coalition, and must learn the entire “legal landscape” of actual and potential issues that may arise.⁹¹

Feldblum notes that her role required her to read every case applicable to disability anti-discrimination law, and all problematic litigation that existed under federal law.⁹² She developed relationships with lawyers litigating in this arena, and “served as a conduit between the litigation and the political people,” speaking both “the language of law and the language of politics.”⁹³ To be an effective legislative lawyer, Feldblum was required to understand and contribute to decision-making regarding: legislative process, litigation, statutory editions to bill text, and the ever-developing on-the-ground political realities of the campaign.⁹⁴

Policy Researcher defined

Policy researchers have the ability to analyze data, and provide valuable educational resources that lobbyists can utilize in their work. Feldblum confesses that despite the fact that she has “not yet had the opportunity to observe in action” the policy researcher skillset, it nonetheless would be a valuable contribution to an advocacy coalition.⁹⁵ Public policy researchers are able to quantify constituent concerns, provide analytical program evaluation of enacted or proposed legislation, discern the success of program implementation, assess the statistical validity of studies provided by allies and opponents, conduct cost-benefit analyses, and provide economic studies that demonstrate the importance of proposed legislation. Policy researchers provide a valuable skillset.

Grassroots Outreach Strategist defined

A grassroots outreach strategist must coordinate community organizers situated throughout the nation, working with diverse constituencies, into a cohesive coalition. Feldblum observes that “the reality,” is that an advocacy effort of this kind, “does not need a massive grassroots movement to create a successful campaign.”⁹⁶ Instead, the coalition sim-

⁹¹ *Id.* at 790.

⁹² Feldblum, *Six Circles Theory*, *supra* note 4 at 790.

⁹³ *Id.* at 790-791.

⁹⁴ *Id.* at 798.

⁹⁵ *Id.* at 799.

⁹⁶ *Id.* at 801.

ply needs to create “the perception” for legislators and the executive that there are many constituents who care deeply about a public policy problem—which can be achieved with “a minimal number of active and engaged constituents who will communicate effectively with decision-makers.”⁹⁷ While this perception may be true to Feldblum’s advocacy experience, this observation may understate the importance of grassroots organizing efforts.

Although it is true that one can create the perception of a public policy problem with a limited number of organized individuals, it may nonetheless be important to engage a broad swath of the community directly affected by a public policy problem. This engagement ensures that a coalition identifies problems that actually affect the targeted community, and that proposed solutions address the concerns of those constituents. Feldblum’s example of “disability discrimination diaries” is a good illustration of how constituent concerns can be elevated to demonstrate the impact of a community problem to legislators, staff members, and the press.

Well-designed community organizing empowers individuals directly affected by community problems while simultaneously garnering local, state, or national attention for an issue. Community organizers can effectively apply pressure on public officials through direct action events, rallies, testimonies at political or legislative hearings, and with constituent mailings and fundraising. A good grassroots outreach strategist will have a plan for how to move the needle on issues important to the coalition for legislators and the public.

Communications Director defined

A communications director must aid the coalition by shaping a press strategy for the lobbying and passage of CIR legislation. Feldblum makes clear that “successful passage of the ADA also depended on shaping a message about the bill that made opposing the legislation appear almost mean-spirited and un-American.”⁹⁸ A good communications director should develop extensive media contacts in each national media outlet and strategic local outlets. These contacts should be engaged regularly throughout the campaign to create momentum, educate

⁹⁷ Feldblum, *Six Circles Theory*, *supra* note 4 at 801.

⁹⁸ *Id.* at 790.

the public on issues key to the campaign, and to create political pressure for public officials.

ADA Case Study

Feldblum was the legislative lawyer on the steering committee that successfully lobbied for the passage of the Americans with Disabilities Act (ADA) of 1990 with the goal of creating civil rights law that protects people with disabilities from discrimination on the basis of their disabilities.⁹⁹ The National Council on Disability (NCD) notes that this legislation was passed in order to accomplish “four major goals of the ADA—equality of opportunity, full participation, independent living, and economic self-sufficiency,” for individuals with disabilities.¹⁰⁰ No civil rights legislation is without critics, or internal problems; however, few question the historic nature of the passage of the ADA of 1990.

Feldblum notes that in 1990 the passage of the ADA was politically possible, but to be achieved it required an organized lobbying coalition. The coalition was comprised of individuals from a variety of organizations, and included no paid staff members.¹⁰¹ It was called the Consortium of Citizens with Disabilities (CCD), and the Rights Task Force of the CCD comprised the coalition’s steering committee.¹⁰² During the two-year period preceding the passage of the ADA of 1990, Feldblum notes “approximately thirty to forty lobbyists attended the weekly meetings of the CCD Rights Task Force. The group included representatives from almost all of the major disability groups,” including representatives from the ACLU and AIDS advocates.¹⁰³ With a coalition of this size and diversity, division of labor was key.¹⁰⁴

Feldblum emphasizes the importance of building a broad-based coalition. For the CCD, this included both traditional disability-rights organizations and civil rights advocates more broadly, such as the AIDS community.¹⁰⁵ She makes clear that “the breadth of organizations sup-

⁹⁹ See generally Feldblum, *Six Circles Theory*, *supra*.

¹⁰⁰ The National Council on Disability (NCD), *The Impact of the Americans with Disabilities Act: Assessing the Progress Toward Achieving the Goals of the ADA*, Letter of Transmittal, (July 26, 2007), available at <http://www.ncd.gov/publications/2007/07262007>.

¹⁰¹ Feldblum, *Six Circles Theory*, *supra* note 4 at 787.

¹⁰² *Id.* at 788.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 789.

porting the ADA was a critical element in the successful passage of the law. At the height of the lobbying effort, over fifty organizations were active in supporting passage of the bill.”¹⁰⁶ However, as with any lobbying coalition, it is impossible to ensure that every relevant organization joins in the effort. For the ADA’s passage, two key organizations were skeptical of the legislative and political compromises that were necessary to pass the bill—and so the CCD Task Force simply kept these organizations in the loop as the campaign developed.¹⁰⁷ Although the lobbying effort to pass the ADA of 1990 was, as Feldblum describes it, “largely an ‘inside-the-Beltway’ enterprise, the relationship between Washington, D.C. lobbyists and grassroots disability rights activists was carefully nurtured.”¹⁰⁸ This coordination ensured support for the coalition on the local level. However, maneuvering such a large coalition can also present problems that only an adept strategist can resolve. The CCD’s Task Force was “only as effective as the strategic leadership and direction that Pat Wright provided to the coalition.”¹⁰⁹

Pat Wright, a Rights Task Force co-chair, played the role of strategist for the coalition.¹¹⁰ For the strategist role, it was key to select an individual who had both a creative vision for how to pass the legislation and the ability to be the floor general coordinating the disparate parts of the lobbying campaign into a cohesive whole.¹¹¹ Wright worked closely with the Executive Director of the Leadership Conference on Civil Rights (LCCR), an organization for which she had worked, and that Feldblum emphasizes was a key ally. She writes, “although CCD was the official coalition engaged in the passage of the ADA, no civil rights bill had ever passed Congress without the active support and advocacy of LCCR—the premier coalition of civil rights, labor and religious groups.”¹¹² Thus, a coalition to pass CIR would likely need to engage LCCR.

Wright organized the CCD Rights Task Force into three main groups: (1) lobbying; (2) grassroots organizing; and, (3) a legal team,

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 789-790.

¹⁰⁸ *Id.* at 789.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.* at 788, 793-794.

¹¹² *Id.* at 788-789 (internal citation omitted).

which Feldblum led.¹¹³ These three broad subgroups, however, required six distinct skillsets, each of which contributed to the passage of the ADA.

Lobbyists were utilized to connect constituent concerns with their representatives in Congress. During the campaign to pass the ADA of 1990, lobbyists not only met with Congressional staff, but also “helped organize hundreds of letters and ‘disability discrimination diaries’ that were sent to members of Congress to explain the need for the ADA.”¹¹⁴ Thus, lobbyists ensured that grassroots mobilization of individuals directly affected by the public policy concern were connected with lobbying being conducted on the Hill. Feldblum may downplay the importance of grassroots organization. The author—as a former community organizer—believes that the “disability discrimination diaries” that were sent to Congress is a valuable example of the powerful role that grassroots organizing can play in a coalition of this kind.

The successful passage of the ADA provides a model for CIR advocacy. Each of Feldblum’s six circles will be applied to the CIR advocacy context in turn. These six skillsets are: (1) strategist, (2) manager of lobbyists, (3) legislative lawyer, (4) grassroots outreach strategist, (5) policy researcher, and, (6) communications director.¹¹⁵

APPLYING FELDBLUM’S SIX CIRCLES THEORY TO CIR

Overview of CIR Stakeholders

If CIR legislation is to be successful, traditional partisan lines, advocacy coalitions, and unified sectors of the U.S. economy, cannot be relied upon in isolation. Rather, as one commentator has pointed out, “the movement in favor of immigration reform unites Democrats and Republicans, business and unions, churches and human-rights activists.”¹¹⁶ If such a historic coalition were assembled, the likelihood of passing CIR legislation would greatly increase—even in the current political climate. “More than 400 companies and groups, from Adobe to the Washington Farm Bureau, recently signed a pro-reform letter to congressional lead-

¹¹³ *Id.* at 789.

¹¹⁴ *Id.* at 790.

¹¹⁵ See generally Feldblum, *Six Circles Theory*, *supra*.

¹¹⁶ Molly Ball, *The Little Group Behind the Big Fight to Stop Immigration Reform*, THE ATLANTIC (Aug. 1, 2013), <http://www.theatlantic.com/politics/archive/2013/08/the-little-group-behind-the-big-fight-to-stop-immigration-reform/278252/> [hereinafter Ball, *The Little Group*].

ers.”¹¹⁷ This letter is evidence that strange bedfellows exist in the CIR context that are interested in changing the political calculus of reform. Feldblum might view this letter as an example that CIR is politically *possible*. Given the aspirations of these organizations to change the U.S. immigration system, it is up to them, and others, to unite and build a coalition capable of effectively lobbying for CIR.

A coalition should be built through the unification of the following interest groups, organizations, and, sectors: (1) immigrant rights organizations, such as the National Council of La Raza (NCLR); (2) civil rights organizations, such as the American Civil Liberties Union (ACLU), and the Leadership Conference on Civil Rights (LCCR); (3) religious organizations, such as the Catholic Church,¹¹⁸ Evangelical Christian Churches, and other affiliated organizations; (4) legal services and legal aid, such as Farmworker Legal Service organizations; (5) public defenders and prosecutors; (6) the American Immigration Lawyers Association (AILA); (7) Silicon Valley and investment companies, such as those organized under FWD.us;¹¹⁹ (8) private sector agricultural businesses, including small farmers and “big agriculture;” (9) business associations, such as the U.S. Chamber of Commerce; (10) labor unions, such as AFL-CIO, Laborers’ International Union of North American, and SEIU;¹²⁰ (11) nonpartisan

¹¹⁷ *Id.*; see also Adams Ins. Serv., Inc. *Et Al.*, *Letter to Rep. John Boehner & Rep. Nancy Pelosi*, The U.S. H.R. (July 31, 2013), available at <http://www.technet.org/wp-content/uploads/2013/08/FINAL-Broad-Immigration-Letter-to-House-7.30.13.pdf>.

¹¹⁸ See United States Conference of Catholic Bishops, *Catholic Church’s Position on Immigration Reform*, USCCB.ORG (Aug. 2013), <http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/churchteachingonimmigrationreform.cfm>. For related publications from Catholic Church leaders, see United States Conference of Catholic Bishops, *Border Bishop Urges Congress to Pass Comprehensive Immigration Reform Instead of Harsh Enforcement Bills*, USCCB.ORG (Feb. 11, 2015), <http://www.usccb.org/news/2015/15-026.cfm>, and *Statement of Most Reverend Gerald F. Kicanas, Bishop of Tucson, Arizona Before The House Subcommittee on Immigration and Border Security on Interior Immigration Enforcement*, USCCB.ORG (Feb. 11, 2015), available at <http://www.usccb.org/about/migration-policy/congressional-testimony/upload/Kicanasfinal.pdf>.

¹¹⁹ Sheldon G. Adelson, Warren E. Buffett, and Bill Gates, *Break the Immigration Impasse*, N.Y. TIMES (July 10, 2014), <http://www.nytimes.com/2014/07/11/opinion/sheldon-adelson-warren-buffett-and-bill-gates-on-immigration-reform.html>. See also Jennifer Martinez, *Facebook’s Zuckerberg launches immigration reform lobby group*, THE HILL (Apr. 11, 2013, 11:32 AM), <http://thehill.com/policy/technology/293205-facebooks-zuckerberg-launches-lobby-group-in-washington>; see Martin Kaste, *Facebook Joins Lobby For Overhauling Immigration*, NPR.ORG (May 9, 2013, 4:00 AM), <http://www.npr.org/2013/05/09/182516877/facebook-joins-lobby-for-overhauling-immigration>.

¹²⁰ See Elizabeth H. Shuler Secretary-Treasurer AFL-CIO, *Testimony before the U.S. Senate Judiciary Committee* (Dec. 10, 2014), available at <http://www.judiciary.senate.gov/imo/media/>

“think tanks,” such as the Brookings Institute, the Pew Hispanic Center, and, the Heritage Foundation; (12) local, state, and, federal progressive organizations, including both 501(c)(3) and 501(c)(4) organizations; and (13) foundations and donors, such as the George Soros Open Society Foundation and Ford Foundation.¹²¹ These sectors, among others, would be valuable allies in an advocacy effort to pass CIR legislation. Many are already working toward the passage of such legislation; other sectors and organizations will need to be more actively engaged.

Additional organizations and individuals should be enlisted as allies; others will need to be convinced to remain neutral parties, or be circumvented altogether. A partial listing of possible opponent sectors—at least with respect to the above sectors’ interests—includes: (1) public officials who oppose CIR legislation, including local, state, and federal legislators, staff, and political party members; (2) legislative liaisons from government agencies that benefit financially from immigration enforcement and detention; (3) the private prison industry, such as Corrections Corporation of American (CCA) and GEO Group;¹²² (4) the Center for Immigration Studies; (5) conservative organizations and coalitions, such as NumberUSA,¹²³ and the Federation for American Immigration Reform (FAIR); and (6) individuals and organizations that ascribe to Tea Party, nativist, or, xenophobic, beliefs.¹²⁴ Certain organizations are named specifically, while categories of actors are described elsewhere. This is because in certain instances select organizations are explicitly engaged in the CIR or mass incarceration debate; while in others stakeholders and sectors are affected tangentially or complexly. This work centers on

doc/12-10-14ShulerTestimony.pdf.

¹²¹ This compilation of sectors is meant to be a starting place for research and discussion; it is not meant to be a comprehensive list of every organization or individual that may contribute to the lobbying or passage of CIR legislation. Apologies to relevant individuals, organizations, and sectors not represented in this initial listing.

¹²² See Roque Planas, *Bed Quota Fuels ‘Inhumane’ And ‘Unnecessary’ Immigrant Detention: Report*, HUFFPOST LATINO VOICES (Apr. 15, 2015, 6:04 PM, last updated: Apr.15, 2015), http://www.huffingtonpost.com/2015/04/15/private-prison-immigrant-detention_n_7072902.html. See also Amy Grenier, *Private Prison Industry Lobbies for Detention of Immigrants*, AMERICAN IMMIGRATION COUNCIL: IMMIGRATION IMPACT (Apr. 22, 2015), <http://immigrationimpact.com/2015/04/22/private-prison-industry-lobbies-for-detention-of-immigrants/>.

¹²³ Ball, *The Little Group*, *supra* note.

¹²⁴ Christopher Parker, *The (Real) Reason Why the House Won’t Pass Comprehensive Immigration Reform*, BROOKINGS (Aug. 4, 2014, 4:30 A.M.), <http://www.brookings.edu/blogs/fix-gov/posts/2014/08/04-immigration-tea-party-constituencies-parker>.

the coalition necessary to pass CIR legislation, with less focus given to organizations that must be circumvented.

Strategist

An ideal strategist should be well connected politically, understand the inner-workings of both the legislative and executive branch, have intimate knowledge of Congress' budgetary process, and have experience working for one of the premiere immigrant-rights organizations in the country. For a CIR coalition, Cecilia Muñoz—or an individual with similar experience, contacts, and skills—would be an excellent strategist. Although there are likely several individuals who meet the criteria of an effective strategist for a coalition to pass CIR legislation, presently Cecilia Muñoz is an example of the ideal candidate.¹²⁵

In 2016, when a new Chief Executive is elected, Cecilia Muñoz would make an excellent strategist for a legislative lobbying effort to pass CIR legislation. Muñoz is currently Director of President Obama's Domestic Policy Council.¹²⁶ As her White House profile details, prior to Muñoz's appointment, she served as Deputy Assistant to the President and Director of Intergovernmental Affairs, where she oversaw the Obama Administration's relationships with state and local governments.¹²⁷ Muñoz also served as Senior Vice President for the Office of Research, Advocacy, and Legislation, at the NCLR, the nation's largest Latino civil rights organization.¹²⁸ At NCLR, she supervised policy staff on a variety of civil rights and immigration issues.¹²⁹ In sum, a politically well-connected candidate with knowledge of how to get civil rights legislation passed through Congress and contacts in the immigrant-rights community would be an ideal strategist. Cecilia Muñoz provides one example of a good candidate.

Manager of Lobbyists

For a coalition to pass CIR legislation, a single lobby manager might arise out of multiple sectors and organizations. This section examines some industries and organizations that would likely need to contribute

¹²⁵ Further discussion of qualified strategists was omitted for space. Apologies to qualified candidates who were neglected.

¹²⁶ THE WHITE HOUSE BLOG, *White House Author: Cecelia Muñoz*, available at <https://www.whitehouse.gov/blog/author/Cecilia%20Mu%C3%B1oz> (last visited Apr. 26th, 2015).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

lobbyists to a successful effort to pass CIR, rather than identifying a single lobby manager. A lobby manager could then be selected from among these lobbyists. Of particular importance among relevant industries are immigrant-rights organizations, labor unions, and business interests, such as technology companies and the Chamber of Commerce. Labor unions are particularly important because they are traditional allies of the political left and possess the power of the purse for many Democratic political campaigns. Business interests and the Chamber of Commerce are—generally speaking—important allies of the political right, and many technology companies employ guest workers or recent immigrants. These companies have a powerful voice in advocating for the expansion of H-1B and other business-related visas. Lobbyists should be identified to represent each of these industries, and a lobby manager should be prepared to unify and represent these sectors into a coalition of strange bedfellows.

The following individuals and organizations should be engaged as allies: (1) the Director of Advocacy of AILA, presently Marshall Fitz; (2) NCLR; (3) ACLU, likely its Washington Legislative Office (WLO);¹³⁰ (3) Chamber of Commerce, and Tamar Jacoby particularly, President of Immigration Works USA, Inc.;¹³¹ (4) labor unions including, AFL-CIO, LIUNA, and SEIU;¹³² (5) private sector technology companies, particularly those organized under FWD.us, which includes Facebook, Google, and Microsoft;¹³³ and, (6) agricultural companies, and the American Farm Bureau; among others.

¹³⁰ See *Office Staffed At Historic Levels To Take On Civil Liberties Issues In Congress*, ACLU.ORG (May 6, 2011), available at <https://www.aclu.org/news/aclu-welcomes-six-new-dynamic-lobbyists-washington-legislative-office>.

¹³¹ See *generally Making Immigration Work*, U.S. CHAMBER WEBSITE <http://immigration.uschamber.com/> (last visited Apr. 28, 2015). See also Sean Hackbarth, *Immigrants are Good for the Economy*, U.S. CHAMBER OF COMMERCE (Dec. 5 2014, 1:45 PM), <https://www.uschamber.com/blog/immigrants-are-good-economy> discussing the economic benefits provided by recent immigrants.

¹³² See *We are a nation of citizens. Citizenship unites us and can strengthen our unions*, LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, available at <http://www.liuna.org/immigration>; see also Office of Democratic Whip Steny H. Hoyer, *From Agriculture Groups to the Tech Community: More Support for Comprehensive Immigration Reform*, THE DEMOCRATIC WHIP: STENY HOYER (June 27, 2014), <http://www.democraticwhip.gov/sites/default/files/TechAgSupportCIRdoc.pdf>.

¹³³ Fredreka Schouten and Alan Gomez, *Tech companies driving the lobbying on immigration*, USA TODAY (Apr. 29, 2013, 10:33 PM), <http://www.usatoday.com/story/news/nation/2013/04/29/tech-companies-lobbying-immigration-facebook-family-visas/2121179/>.

Previous lobbying coalitions, like CAMBIO in 2013 and RIFA in 2010, could contribute much experience and human resources to a lobbying coalition for CIR.¹³⁴ CAMBIO was comprised of ten similar organizations. Reported by the Huffington Post as: the ACLU, the ACLU Regional Center for Border Rights, Detention Watch Network (DWN), the Border Network for Human Rights, National Day Laborer Organizing Network, National Domestic Workers Alliance, the National Guest Worker Alliance, the National Immigration Law Center, Rights Working Group and the Southern Border Communities Coalition.¹³⁵

These ten organizations under the banner of CAMBIO would be excellent allies in a coalition to pass CIR. Of course, organizations that have 501(c)(3) tax-exempt status must comply with IRS restrictions on lobbying activities. Thus, a coalition of this kind may need to organize itself under differing tax statuses, or bifurcate the manner in which work is performed among disparate actors, sectors, and individuals. An entirely new coalition need not be built, however. These organizations could actively recruit additional allies, circumvent opponents, and implement or develop Feldblum's theory of advocacy to effectively advocate for CIR.

Legislative Lawyer

There are a myriad of immigration attorneys in the U.S. Likely, securing effective counsel for a coalition to pass CIR would require engaging lawyers' associations, such as American Immigration Lawyers Association (AILA), for recommendations of attorneys. Immigration attorneys from private practice may be willing to serve in a pro bono capacity. For instance, large private firms that specialize in immigration, such as Fragomen, Del Rey, Bersen and Loewy, LLP, would be valuable allies in a coalition seeking effective legislative lawyers. As would law firms that specialize in political law, such as Perkins Coie.¹³⁶ Finally, or-

¹³⁴ See Elise Foley, *CAMBIO Immigration Coalition Formed To Fight Amnesty Claims*, HUFFPOST POLITICS (Apr. 12, 2013, updated: Apr. 12, 2013), http://www.huffingtonpost.com/2013/04/12/cambio-immigration_n_3071334.html?; see also Walter J. Nicholls, *The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate*, Stan Univ. P. (2013).

¹³⁵ *Id.*

¹³⁶ For additional law firms of comparable size, see *Best Law Firms for Immigration Law*, U.S. NEWS & WORD REPORT available at <http://bestlawfirms.usnews.com/immigration-law> (last visited Apr. 28, 2015); see also generally *Political Law*, PERKINS COIE OFFICIAL WEBSITE <https://www.perkinscoie.com/en/practices/government-regulatory-law/political-law.html> (last visited Apr. 28, 2015).

ganizations like the ACLU, Mexican American Legal Defense and Education Fund (MALDEF), the Lawyers' Committee for Civil Rights Under Law, Worker Defense Project (WDP), and statewide organizations, would also be valuable allies in identifying skilled legislative lawyers for a campaign to pass CIR.

Policy Researcher

Many CIR allies proposed in this work operate from the private sector or have a private sector emphasis, such as companies from Silicon Valley, agricultural businesses, and the Chamber of Commerce. A policy researcher who can demonstrate the positive impact that immigrants contribute to local, state, and federal economies, would be quite valuable. Individuals from bipartisan organizations or think tanks like MPI, the Brookings Institute, the Pew Research Center, or Syracuse University's TRAC program, would be excellent choices for the policy researcher skillset. Jeffrey Passel, Senior Demographer with the Pew Hispanic Center, or other researchers who are well known guests at conferences focused on CIR would be sound choices for a policy researcher.¹³⁷

Grassroots Outreach Strategist

Organizations that could be engaged in such a grassroots campaign include immigrants-rights organizations, labor unions,¹³⁸ civil rights groups, and, immigration lawyers' associations. Some important allies may be: (1) NCLR, (2) AILA, (3) National Immigration Forum, (4) Center for Community Change, (5) Immigrant Worker Centers, (6) Make the Road New York, (7) Domestic Workers United (DWU), (8) Restaurant Opportunities Centers United, (9) Coalition of Immokalee Workers (CIW), (10) the National Partnership for New Americans (NPNA), (11) NAACP, (12) NAACP Legal Defense Fund, (13) Center for American Progress (CAP), (14) United Farm Workers of America, and, (15) Leadership Conference on Civil Rights (LCCR), among others.

¹³⁷ See, Jeffrey S. Passel—Biography Page, PEW RESEARCH CENTER <http://www.pewresearch.org/staff/jeffrey-s-passel/> (last visited Apr. 28, 2015).; see also ID Blog, *Intelligent Immigration Reform: A Real-World* (July 13, 2009), <http://blogs.ilw.com/entry.php?5492-Jul-14-Intelligent-Immigration-Reform-A-Real-World>.

¹³⁸ For a discussion of a possible strategic partnership between labor unions and immigrants, as well as a discussion of continuities of interest between the two groups, see generally Jayesh M. Rathod, *Riding the Wave: Uplifting Labor Organizations Through Immigration Reform*, 4 U.C. IRVINE L. REV. 625 (2014), available at <http://scholarship.law.uci.edu/ucilr/vol4/iss2/7>.

Religious organizations, and those advocating on behalf of a particular ethnic group, would also be powerful allies. These include: (1) Church World Services, (2) Catholic Legal Immigration Network, Inc. (CLINIC), (3) the Catholic Conference of Bishops, and Catholic Campaign for Human Development, (4) League of United Latin American Citizens (LULAC), (5) Hebrew Immigrant Aid Society (HIAS), (6) Irish Lobby for Immigration Reform (ILIR), and, (7) Lutheran Immigrant and Refugee Services (LIRS). Countless additional organizations could be listed in the above sections.

A good candidate for a grassroots outreach strategist may be an individual like Deepak Bhargava, Executive Director of the Center for Community Change, who worked in 2013 as part of Fair Immigration Reform Movement (FIRM). This coalition of powerful grassroots immigrant rights organizations represent hundreds of thousands of immigrant families in more than 30 states.¹³⁹ Undoubtedly, many organizations and individuals would need to be engaged in the effort to select a grassroots strategist.

The Communications Director

The manner in which a campaign is messaged has profound implications for policy actors willing to join a coalition or those willing to support legislation.¹⁴⁰ A CIR coalition could likely utilize a similar strategy and messaging campaign to the one used to pass the ADA. Effective messaging for CIR advocates may communicate to the public immigrants' pursuit of the "American Dream," civil rights, and fair treatment as fellow human beings who should not be mistreated or oppressed.¹⁴¹

A communications director for a CIR campaign of this scope would need to be adept at building relationships with diverse actors, and have the ability to shape a common message that can be lifted up in local, state, and national media outlets. Recently, immigration activists and business moguls alike have been successful in garnering media attention

¹³⁹ *Largest Grassroots Immigrant Rights Organizations Launch Campaign for Comprehensive Immigration Reform in 2013*, FAIR IMMIGRATION REFORM MOVEMENT (Dec. 13, 2012), <http://www.fairimmigration.org/2012/12/13/largest-grassroots-immigrant-rights-organizations-launch-campaign-for-comprehensive-immigration-reform-in-2013-2>.

¹⁴⁰ Feldblum, *Six Circles Theory*, *supra* note 4 at 802.

¹⁴¹ Advocates could discuss to those of Judeo-Christian faiths the prohibition against mistreating the foreigner in one's land, *see e.g.*, *Exodus 22:21*.

for CIR proposals, including undocumented journalist Jose Antonio Vargas, and business leaders such as Bill Gates, Warren Buffett, and Sheldon Adelson who co-wrote an opinion piece supporting CIR.¹⁴²

In addition to relationships with members of the media and advocacy community, a communications director with knowledge of law and legislative process is valuable. For this reason, an individual like Jim Manley, former spokesman to Senate Majority Leader Harry Reid (D-Nev.), would be an excellent choice for this position. His experience working with CAMBIO should provide valuable insight for a CIR coalition. There are additional candidates with similar experience who would be good selections for a communications director for a CIR campaign.

A Proposed Seventh Circle: Funding Strategist

In addition to Feldblum's six circles, the author recommends identifying a seventh skillset for a coalition to pass CIR legislation: the funding strategist. This individual would have the responsibility of coordinating grant writing and relationship building with foundations and funders. As discussed in the lobbying section, tax designations may prove decisive for organizations receiving and dispersing funding. For instance, a multi-tier organization—or separate organizations altogether—may need to be created in order to comply with IRS requirements for 501(c)(3) and 501(c)(4) organizations and activities, among other legal and strategic requirements.¹⁴³

Foundations that might be engaged for financial support include: (1) the George Soros Open Society Foundation, or related foundations; (2) the Ford Foundation; (3) the Carnegie Corporation; (4) the Four Freedoms Fund; (5) Catholic Campaign for Human Development (CCHD), or other Catholic charities,¹⁴⁴ and (6) Atlantic Philanthropies.¹⁴⁵ A fund-

¹⁴² See Brian Stelter, *Jose Antonio Vargas partners with Los Angeles Times*, CNN Money (Feb. 17, 2015), <http://money.cnn.com/2015/02/17/media/jose-antonio-vargas-los-angeles-times/>; Sheldon G. Adelson, Warren E. Buffett, and Bill Gates, *Break the Immigration Impasse*, N.Y. TIMES (July 10, 2014), <http://www.nytimes.com/2014/07/11/opinion/sheldon-adelson-warren-buffett-and-bill-gates-on-immigration-reform.html>.

¹⁴³ Further discussion of the tax requirements and implications for advocacy organizations has been omitted, however, these considerations are worth researching for organizations interested in engaging in lobbying or related activities.

¹⁴⁴ See generally United States Conference of Catholic Bishops, *Catholic Church's Position on Immigration Reform*, USCCB.ORG (Aug. 2013), <http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/churchteachingonimmigrationreform.cfm>.

¹⁴⁵ See Julia Preston, *The Big Money Behind the Push for an Immigration Overhaul*, THE N.Y. TIMES (Nov. 14, 2014), <http://www.nytimes.com/2014/11/15/us/>

ing strategist who has relationships in the charitable community, and the skills to obtain grant funding and donations, would be a valuable contribution to a CIR coalition.

Annual Conference in Washington, D.C.

As an important first step, this work recommends the organization of a national conference in Washington, D.C., to bring together organizations and individuals interested in passing CIR. This conference would accomplish at least five preliminary objectives by providing: (1) an opportunity for disparate individuals and groups to gather together around the common purpose of passing CIR; (2) a space for CIR advocates to develop and vote on a coalition with a defined mission and strategy; (3) an opportunity to appoint or vote on key individuals who can fulfill the various roles outlined in this work; (4) begin to develop a volunteer base for the coalition; and finally, (5) create awareness and momentum in the media and public that highlights the importance of CIR. AILA may be a good organization to engage when organizing this conference due to its membership of immigration lawyers and its institutional contacts. If successful, this conference could become an annual event that helps shepherd the passage of CIR.

CONCLUSION

Building a coalition to pass CIR legislation will not be easily accomplished. A coalition of strange bedfellows must be brought together, and organizations must negotiate and agree on what constitutes truly *comprehensive* immigration reform. Compromises will need to be struck. These agreements would address issues of immigration law and policy as complex and multi-faceted as the organizations that make up the coalition.

Passing CIR legislation in the current political climate will not be easily accomplished, even if a coalition is built based on Feldblum's theory of advocacy. If nearly 12 million undocumented immigrants receive a path to citizenship, a sizable political voting bloc will emerge that will be difficult for political parties to ignore. For a nation that prides itself on the rule of law, operating an immigration system with an undocumented population of this scope is no longer viable.

The status quo is untenable. This work proposes building a coalition to address this problem. Millions have lived for too long in misery, it is time strange bedfellows unite to lobby for and ensure the passage of comprehensive immigration reform.