Bipartisan Challenges: Policies *vs.* Politics

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INTRODUCTION

The existence of multiple political parties is often established as a pre-condition of democratic governance. Political parties facilitate the formation of a consistent set of policies, reflecting certain values in governance, and draw together support to pursue such values among the electorate.

The American political system originally avoided creating political parties, since factions were negatively perceived as creating unnecessary division in the nation. The stance of James Madison against domestic factions in *Federalist No. 10* (1787), however, had been turned around by the 1796 presidential election as the first division over federalism became a precursor to the current two-party system.

The American political parties have changed their faces over history, but the majority status between the existing two major parties has alternated almost regularly. An exception occurred during the Great Depression, which was followed by the Second World War. The New Deal coalition created a Democratic majority for nearly 40 years in the legislature, while the United States pursued its Cold War strategy on the world stage. Under such circumstances, bipartisanship in foreign policy-making was accepted as a necessity, although the division over domestic policies continued between the two major parties.

This affinity toward bipartisanship was greatly challenged when national political support came to be evenly divided, creating a so-called 50-50 nation. This division first occurred with George W. Bush's controversial victory in the presidential election of 2000 and has continued sporadically until today. In the Senate, where a super majority status has become a necessary condition to avoid filibuster and progress legislation, gridlock

affects policy-making more seriously than in the House of Representatives, which is mostly run by the majority leadership. In order to pursue certain policy developments, parties can either strategically gain a majority status by articulating the difference to the voters, or seek to find bipartisan solutions to important issues on a case-by-case basis during the session.

The following section analyzes the combination of these two approaches observed interchangeably, focusing on the question of immigration reform in the recent congressional sessions. The challenge of achieving specific policies is becoming more difficult as the coming presidential contest unavoidably politicizes the question of undocumented immigrants, while politicians face articulated interests of an increasing number of American voters from minority groups in their districts. Washington political and research circles have been working on this challenge, faced with the deteriorating situation of minority population in the absence of legislation leading to any immigration reform.

While Congress has been dysfunctional and stopped offering a practical solution, civil society organizations such as the Migration Policy Institute and Center for American Progress are presenting ideas as their research results (Abraham and Hamilton 2006, Rosenblum and Soto 2015, Wolgin 2015, Wong, Richter, Rodriguez and Wolgin 2015). Their activities are based on the statistical data which the Pew Research Center and Gallup are providing on the views held by the American public (Dimock, Kiley, Keeter, and Doherty 2014, Passel and Cohn 2015, Dugan 2015). Another resource of action is the Bipartisan Policy Center, founded in 2007, which aims to overcome the partisan divide quite typically observed in such questions as immigration reform (Graham, Prakken, Brown, and Zamora 2015, Roberts 2015). The following analysis makes use of the above-mentioned research results and statistical data when necessary.

I. Deliberation in Divided Congresses

1. Shifts in the National Political Scene

The American political scene has historically undergone great changes when faced with challenges and opportunities. The New Deal Coalition is the most recent example of such change, and continued for more than half a century until the late 1980s. The Democratic Party maintained dominance by absorbing a wide spectrum of political powers, which were centered on the shared value of economic liberalism. Although there was an almost regular turnover of presidential parties during this time, Congress was constituted of the permanent majority, i.e., Democrats, and the permanent minority, i.e., Republicans, until the mid-1990s. Although a realignment of parties had been discussed since the late 1960s, a new dividing line replacing that of the New Deal did not clearly emerge for some time to come.

Beneath what seemed to represent a permanent Democratic majority, however, was a

very subtle but steady attempt by the Republican side to create a national shift toward the right. Republican southern strategy started in the 1960s when Senator Barry Goldwater (R-Ariz.) failed in his presidential attempt, but successfully gathered the support of conservative Democrats in the South who had previously been believed to be against the party of Lincoln. In the following presidential election of 1968, Republican candidate Richard Nixon won 301 electoral votes against 191 of Democratic candidate Hubert Humphrey. In this election, though, George Wallace, originally a Democrat, formed a third party and won 46 electoral votes. The fact that he carried five Deep South states indicated their persisting dissatisfaction with the Republican. There was a brief Republican-majority Senate during the Ronald Reagan era, but the shift of the South to the Republican column had to wait until the 1990s, when Newt Gingrich (R-Ga.) brought the majority status back to the Republican Party with "the Contract with America," and the southern conservative Democrats officially crossed the party line.

Behind the upsurge of the Republican Party existed domestic as well as international challenges that reset the American domestic political scene. This was also the time when the Cold War came to an end, and the liberal guard supporting the weak from behind lost appeal among the general public. Meanwhile, stories of expanding the opportunities for entrepreneurship attracted more people, especially the youth, a trend that had had its precursor when President Ronald Reagan attacked welfare policies by depicting the infamous case of the "welfare mother." Thus, young voters tended to support Republicans over Democrats as providers of a promising future. It was in such a context that Arkansas Governor Bill Clinton, who served as chair of the Democratic Leadership Council, shifted the Democratic message away from liberalism and the consequent big government. He tried to move the appeal of Democratic Party toward the third axis as a Presidential candidate, along with Tennessee Senator and his Vice Presidential candidate Al Gore, even though congressional Democrats maintained the party's traditional stance.

While President George H. W. Bush failed to use the economic message in his re-election campaign, Democratic candidate and then President Clinton focused directly on the economy and proposed the New Economy as an answer to the post-Cold War American society. Discussion of a market economy that moved away from government subsidies seems to have dominated the political scene, and a healthy American economy brought the current budget into the black, although it stopped short of cancelling out the accumulated federal deficit. In such a feel-good environment, the political center shifted to the right side of the previous center. Along with the Republican-majority Congress, President Clinton overhauled the welfare system, claiming that "Today, we are ending welfare as we know it" (*Washington Post*, August 23, 1996, A1). The real impact of this welfare reform took time to emerge as the national economy continued to remain upbeat for a while; however, some states had already begun cautious policy changes and cut welfare benefits in time for an economic downturn.

While economic policies shifted to the right, social policies had diverse directions.

Figure 1 Yearly Party Identification Average in Gallup Polls, 1988-2002
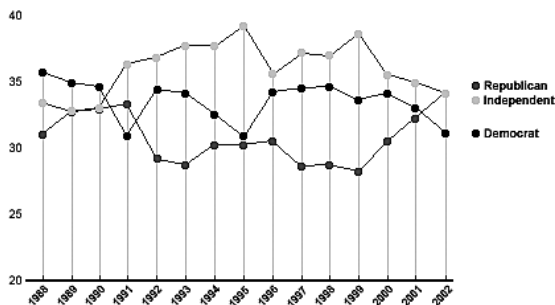

Source: Jones (2002).

Those policies related to cost, such as welfare and immigration, showed a similar slide toward the right as the economic policies as shown above. In contrast, however, those related to identity politics veered toward the liberal direction. Women, racial minorities, and sexual minorities slowly expanded their political space, pushing the center of the Democratic Party back toward the left.

2. Thinning Partisan Overlaps

The domestic and international developments of the late 20th century greatly changed the bases on which the two parties related with each other. For nearly half a century, the New Deal Coalition had been able to integrate political actors with different values using the power of its majority status. Although southern Democrats were sufficiently socially conservative to adopt a different stance from other Democrats and formed a Conservative Coalition with Republicans in their voting pattern, they continued to stand along with the Democratic Party during elections. This was because in the South, no Republican candidates had been able to win the congressional seat since the Civil War, even though Republican presidential candidates successfully carried the state. Also, before the globalization encircled the United States and southern economy turned more focused on high-technology, the South traditionally had been an agricultural area with its economic interest aligned with Democrats.

When Congressman Gingrich gained the majority status for the Republican Party in the House in the 1994 elections, this historical pattern was greatly challenged. Without any fear of losing the majority status, southern conservatives were freed to change their partisan label and move closer to their ideological stance as Republican members. The loss of appeal of the Democrats to conservative southerners continued until the 2006 elections, when the Democrats' own southern strategy, namely recruiting conservative enough candidates of their own in the South, returned some seats to the Democratic column. The addition of those who then-Speaker Nancy Pelosi called "majority makers" made the Democratic Party a majority, but the diversification of the party made it difficult for its

Figure 2 Republicans Shift to the Right, Democrats to the Left: Distribution of Republicans and Democrats on a 10-item scale of political value
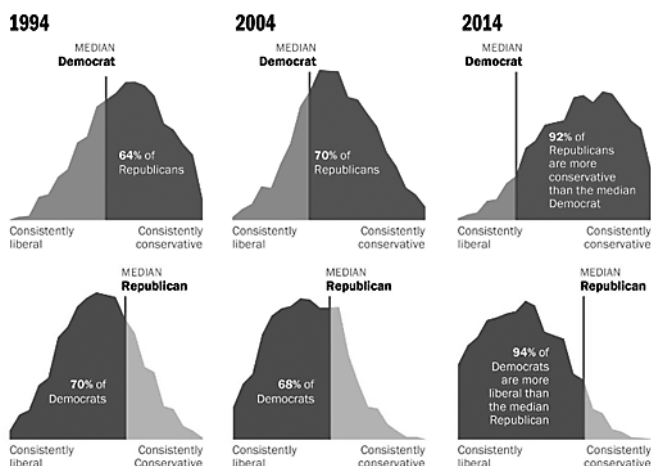
Source: Dimock, Kiley, Keeter, and Doherty (2014).

leadership to pass legislation, especially those representing liberal values. Southern Democrats, on the other hand, were vulnerable to a more conservative attack from Republican challengers in their districts, only to be replaced in the election of 2010, which turned the House majority status back to the Republican side.

On the surface, such frequent shifts of the majority status between the Democrats and Republicans represent a democratic political process, guaranteeing the opportunity for a competitive power shift between the two parties. Underneath the phenomenon, however, the ideological distribution of supporters between the two parties has fundamentally changed from that of the New Deal Coalition. As shown in Figure 2, the area of overlapping population of liberal Republicans and conservative Democrats is gradually disappearing over time, and the distance between the median points of both parties is gradually widening, which means Democrats overall are more liberal than Republicans overall, and vice versa.

Such shifts are not occurring evenly in every electoral district, but rather have quite heavy regional differences. As the coastal areas on both oceans, incorporating metropolitan areas with an increasing minority population, become more liberal, internal rural areas inhabited by a predominantly white population tend to be more conservative. Thus, it is not just demography but also geography that is polarized, meaning that there are fewer and fewer opportunities for people to exchange views with different kinds of people, even within their neighborhood. Furthermore, it is becoming common for people to move to districts that match their ideologies, thus making those districts much purer in terms of ideological stance.

This increasing polarization among the constituency is naturally reflected by congressional members, especially in the House where districts tend to be smaller and monolithic compared with the state-wide Senate. Supported by the opinions of a polarized constituency, elected officials perceive it as not politically beneficial to make a deal with a different position, but instead leave the difference as it is, saying, "It's my way or the high way."

While voters were increasingly divided in their party identification, the composition of the Congress till the late 20th century had continued to show some overlaps, especially reflecting the regional differences in party support. The eastern Republicans were economically conservative, but culturally liberal in nature. On the other hand, southern Democrats supported liberal economic policy, while uniting with the Republicans over social issues, especially racial issues. Such regional differences in the aggregate produced ideological overlaps, and members of both parties around the median were more often than not able to find solutions to ideologically divided issues.

However, the new political landscape of the late 20th to 21st century, as stated above, is characterized by dual bipolarization, one of constituency/members' ideological distribution, and the other of geographical distribution. Thus, Congress increasingly suffers from gridlock, and regular policy-making has become less and less possible. Furthermore, the traditionally less partisan and more deliberative Senate has also fallen victim to partisanship, and made the leadership responsibility difficult to pursue.

Under such circumstances, a totally new attempt for bipartisanship emerged, not of a top-down nature but among the rank-and-file members, the so-called "Gang of X" phenomenon.

II. CASES OF BIPARTISANSHIP

1. Attempts for Bipartisanship

Given the constant polarization between the two parties, if neither party maintains a solid majority, it is difficult for that party to pass any legislation by itself. This situation is critical when appropriation bills or executive or judicial confirmations are held up for a long time due to partisan politics. In 1994, for example, the Republican House took the budget hostage and the federal government had to face a temporal shut down. While confrontation over important bills can take place in both houses, the House business is mostly run by the rule of simple majority and its leadership is equipped with a greater power to gather the necessary votes to move on. On the other hand, the principle of Senate business is to prevent a majoritarian runaway and thus individual members have more power to stop the legislation. Based on such differences, while the House has tended to represent partisan politics, the Senate has tended to represent bipartisan politics.

With the recent increase in polarization, this characterization of the Senate has also shifted and traditional practices of the Senate which are originally intended to protect the

minority voice are now often used to block the bipartisan consensus. Especially so is the use, or threat of use, of filibuster, which requires 60 votes to invoke cloture under Senate Rule XXII, a super majority rather than simple majority. The most recent example of filibuster was by Sen. Rand Paul (R-Ky.) who held the floor for nearly 13 hours in 2013 and for over 10 and a half hours in 2015.

Although 60 votes can place a cloture on filibuster, each senator is able to speak for no more than one hour for a total of no more than 30 hours after that, which thereby turns into a practical delay of the legislative procedure. When the Democratic majority lost the 60-seat status (including independents) due to the passing away of Sen. Ted Kennedy and the Massachusetts seat was then won by a Republican, they chose to use a super-majority vote of 60 from the outset to bypass the cloture threat against the Republicans. In November 2013, the Democratic majority of the Senate, frustrated by the repeated attempts of Republican members to slow down legislative activities, decided to eliminate the use of the filibuster on executive branch nominees and judicial nominees below the Supreme Court. This attempt was called the "nuclear option," and invited strong criticism from the minority party, though a few Republican senators joined the Democrats and supported the change. Interestingly, however, even as the majority shifted to the Republican side in 2015, the nuclear option so-much criticized by the Republicans remained in the hands of the Senate leadership.

Even before the current gridlock became a serious problem and the need for a way out started to be discussed, there were attempts to form a bipartisan voice in order to resolve

Figure 3 Senate Action on Cloture Motions
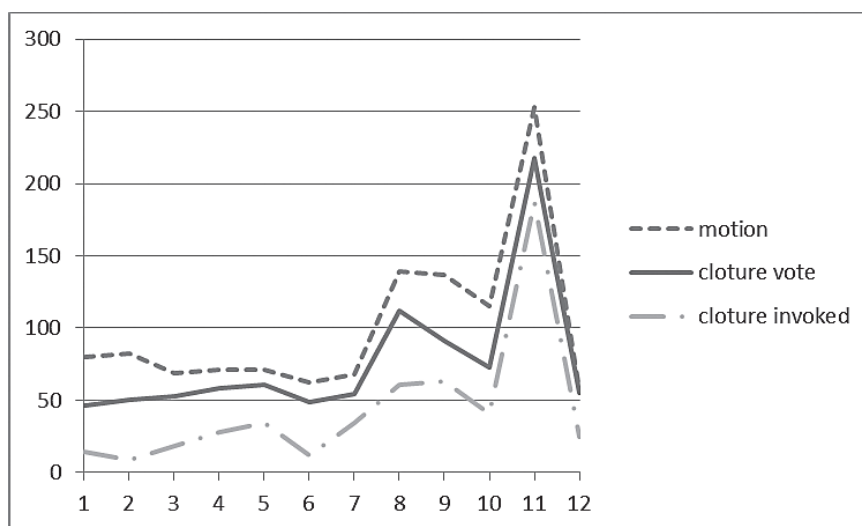
Source: U.S. Congress, Senate (2015).

difficult questions that challenged the nation. For example, when President Reagan's Central American policy invited strong opposition from the Democrats, the National Bipartisan Commission on Central America was formed by Executive Order 12433 in 1983 to investigate the nature of American interests in the region, as well as the threats posed to those interests. The Commission members, not more than 12, were to "be drawn from among distinguished leaders of the government, business, labor, and education, Hispanic and religious communities. No more than seven members shall be of the same political party" (Executive Order 12433, Section 1).

Similar executive attempts to find bipartisan solutions can be cited as follows: 1983 State Tax and Related Fiscal Policy, 1990 Comprehensive Health Care, 1995 Entitlement and Tax Reform, and 2002 Millennial Housing Commission. It is not only the executive branch that searched for bipartisan solutions, but Congress also attempted to present bipartisan solutions in the following cases: Bipartisan Health Care Reform Act of 1994, Bipartisan Social Security Reform Act of 1999/2000, Bipartisan Trade Promotion Authority Act of 2002, and Bipartisan Committee Hurricane Katrina.

Bipartisanship is generally sought for when the majority party does not hold a sufficient edge to carry the legislation, and needs to gain support from the other side of the aisle. From the political viewpoint, however, the minority party gains more by opposing the agenda of the majority in such cases than compromising its position. From the policy viewpoint, though, this political game fails to benefit any of the constituencies, and bipartisan attempts are required to break through the gridlock. One of the best examples was the crisis management that occurred in the post-September 11 period.

2. Post-September 11 Bandwagon

The election of President George W. Bush in 2000 symbolized the divided America when the final result was decided by the Supreme Court, rather than by the ballot box, to be granted to those with less of the popular vote, 50,456,002 for Bush vs. 50,999,897 for Gore (Federal Election Commissions 2001). G. W. Bush was supposed to be a uniting rather than a dividing president based on his moderate governorship in Texas. However, a very contentious electoral development involving a re-count in Florida and the final Supreme Court decision instead set the tone of partisanship. The 107th Congress also represented the divided political situation of the United States, with the Senate becoming evenly divided with the switching of Vermont Senator Jim Jeffords from Republican to Independent and his caucusing with the Democrats. A so-called "50-50 America" set the tone for the Bush administration until the day before September 11, 2001.

The attack of September 11 dramatically changed the atmosphere of American politics. Congressional members, who had been involved in heated fights over numerous policy questions until the moment before, suddenly came to express that they were all Americans standing behind their President. In this strange psychological situation, preparation for a war advanced in American politics. Furthermore, any critical voice against this political

bandwagon was cried down as unpatriotic, and civil liberty, which was deemed more important in times of crisis than in ordinary times, was compromised, partly voluntarily and partly through legislation to concentrate power on government, such as the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, PL107-56).

It took some time before a checking function over the government returned to American society, and during that time, the viability of American democracy was severely challenged. The first challenge was how to stand against the deprivation of human rights of the weakest in society, namely Muslim minorities. Caught between American values on human rights and the imminent fear of violent attack, governmental decisions as well as civil society reactions often ended up placing an imbalanced burden on minorities.

The treatment of so-called "terrorists" caught during the War on Terror presented another challenge to American liberal democracy. If those foreign nationals were regarded as "soldiers" in a war, their rights as enemy combatants must be protected under international law. The Bush administration which defined its reaction as a "war," however, did not regard them as soldiers but terrorists without the right to be protected, and placed those caught during the fight in a camp outside of the United States in Guantanamo. Another infamous case of human rights violation took place in Iraq, when American soldiers disgraced enemy soldiers, or terrorists, particularly in contravention of their Islamic religious values.

It was only in 2005, however, when a *New York Times* article revealed that the Bush administration had been unlawfully gathering the personal information of Americans via unwarranted wiretapping, that the American public at large started to understand that their own civil liberty, not just those of the enemy soldiers, was in fact at risk. The National Security Agency's Edward Snowden later revealed the degree to which human rights violation could pass in the name of national security and how Congress, which was set to watch the executive branch's excesses, first failed to do so and then failed to overcome the partisan divide to rectify the wrong.

During such a harsh partisan divide, however, there were attempts at bipartisan solutions to the imminent problems faced by the nation, among which was immigration reform. The last legislation on immigration policy had been made during the Clinton administration, but the imminent question of undocumented immigrants remained untouched. The G. W. Bush administration's attempt to reach an agreement with Mexico over undocumented entries was suspended by the tragedy of September 11. Repeated attempts by Congress, especially the Senate, followed but failed to produce any legislation. In the following section, let us examine how bipartisan efforts on immigration reform repeatedly failed, and what we can learn about the limits and possibilities of the bipartisan approach.

III. CHALLENGES OF POLITICS OVER POLICIES

1. Trials of Immigration Reform

Whenever an immigration law was changed, the ceiling was moved upward and the number of immigrants actually entering the United States increased, from the level of 1965 to that of 1986, to that of 1990, and finally to that of 1996. More important than the number of immigrants admitted to the United States legally is those entering illegally. Some of these, who either failed to meet the conditions or remained outside the annual ceiling but still required the economic opportunity of the United States, somehow crossed the border or overstayed their visa. It has been pointed out that the 1965 immigration reform, which started to place a ceiling on immigrants from the Western Hemisphere as well, was not equipped with the measures necessary to control such unexpected entries/overstays.

The immigration reform of the Reagan era, the Immigration Reform and Control Act (PL 99–603, 1986), was the first attempt to deal with the unexpected stock of undocumented immigrants. By providing amnesty to those who had entered the United States before January 1, 1982, this measure could legalize and absorb many of the existing undocumented population. Those who had entered between 1982 and 1986, however, were excluded from this newly established amnesty, while the much stricter border control discouraged them from moving back to Mexico. Moreover, the possibility of legalization after entry, which this law unintendedly indicated to potential immigrants, functioned to invite an increased undocumented population, despite more restrictions being placed on the undocumented in terms of work and welfare opportunities.

The following Bush administration responded to the situation caused as the byproduct of the Reagan reform. The Immigration Act 1990 (PL 101–649) increased the ceiling of immigration from 500,000 to 700,000, introduced a diversity program, and provided a slot for unskilled laborers. Further reform was to be conducted by the Clinton administration, but the elections of 1994 handed the House majority to the Republicans. Along with the Anti-Terrorism Act and the Welfare Reform Act, President Clinton worked toward the passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA, PL 104–208, 1996), all of which worked against the fate of undocumented immigrants as well as prospected immigrants. The Republican Party claimed that the passage of these acts was their legislative victory as a majority party, while President Clinton claimed that Democratic efforts in legislative process secured the Democrat's value in these acts. Between the partisan fight over the stricter immigration policies, a constructive approach to the existing undocumented immigrants failed to be addressed.

Entering the office with Republican majorities both in the House and the Senate, President G. W. Bush was expected to streamline the flow of immigrants from Mexico, backed by his experience as Texas Governor. While responses to the September 11 incident had held up the announcement of the President's new immigration policy, it was

Figure 4 Foreign-Born Population and as a Percentage of Total Population
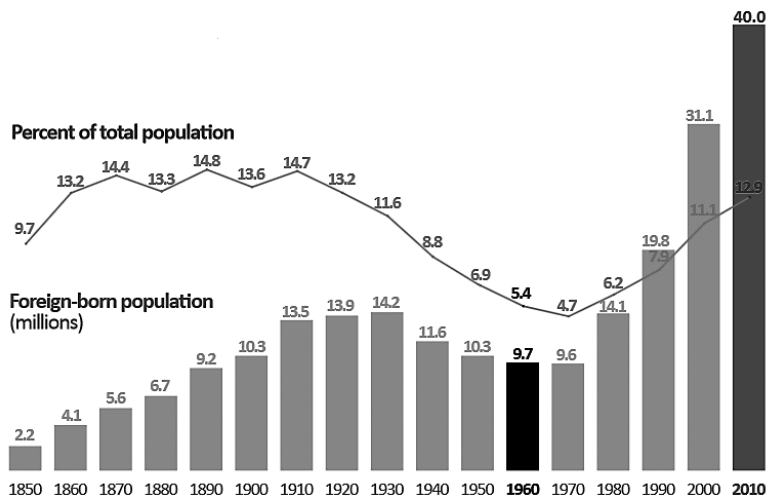
Source: U.S. Census Bureau, 1850–2000 Decennial Census; 2010 American Community Survey.

the Senate that proceeded with the immigration reform, under the Secure America and Orderly Immigration Act (S. 1033) introduced by Sens. Ted Kennedy (D-Mass.) and John McCain (R-Ariz.) in 2005. Another attempt was made by Senator Arlen Spector (D-Penn.) with the Comprehensive Immigration Reform Act of 2006 (S. 2611), cosponsored by Sens. Chuck Hagel (R-Neb.), Mel Martinez (R-Fla.), McCain, Kennedy, Lindsey Graham (R-S. C.), and Sam Brownback (R-Kansas), which successfully passed the Senate but failed to proceed through the House.

Immigration reform efforts were again attempted in the Senate the following year by the minority leader Sen. Harry Reid (D-Nev.) under the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (S. 1348), co-sponsored by Sens. Patrick Leahy (D-Vt.), Kennedy, Robert Menendez (D-N.J.), and Ken Salazar (D-Colo.). This bill was supported by the so-called "Gang of 12," consisting of bipartisan senators including Dianne Feinstein (D-Cal.), Mel Martinez (R-Fla.), Salazar, and Specter as the driving force behind the legislative process.

This bill also contained, as one part, the Development, Relief, and Education for Alien Minors (DREAM) Act with the following four basic eligibility requirements: entry before the age of 16, high school graduation or possession of a GED, good moral character, and at least five years of continuous presence in the United States. This part, namely the DREAM Act, which was never legislated, would later be implemented under the executive action by President Obama when Congress repeatedly failed to produce a positive legislation.

Following the failed attempts under the G. W. Bush administration, President Obama with the Democratic majority in both houses, had set immigration reform as priorities of his administration. The Hispanic organizations and voters were enthusiastically supporting the President, believing that their electoral contribution to his victory deserved the legislative product. It was, however, not the only priority but among the top priorities, coming after health care reform. President Obama pushed through the health care reform, against both the Republican opposition and opposition on the state level. Utilizing all the political capital, President Obama was able to achieve health care reform, the Affordable Care Act (or ObamaCare), but the congressional Democrats who supported the President suffered from election losses in 2010, and the majority of the House shifted to the Republican side only four years after the Democrats had gained it.

This turn-over was not just about the balance among the two parties, but accompanied a more serious aspect. It was immediately after the Obama administration commenced, and a collection of conservative movements, the "Tea Party," was launched at a local level, based on the protest against the liberal stance of President Obama which prevailed through his presidential campaign. Each local group was relatively independent, but in a combined way, the Tea Party challenged not only the Democrats, but also the moderate Republican stance from the inside. The Republican Party, thus, gained the majority in the House, but its leadership was constantly challenged by this movement.

With the Democrats' loss of the majority in the House, and the Tea Party's challenge within the House Republicans, the prospect for any congressional actions on immigration reform was quite unexpected. As the challenge for his re-election was approaching, President Obama proceeded to declare an executive action, Deferred Action for Childhood Arrivals (DACA), on June 15, 2012 in order to immediately extend opportunities to undocumented youth who were brought to the United States as children. As DACA application process started in the following August, congressional Republicans criticized President Obama for ignoring the legislature and launching an extra-legal policy on his own. Concerns were also held among the Latino/as over the possible consequence of coming out as undocumented aliens, should President Obama be replaced with a Republican president in the fall elections.

Despite the Republican criticism and despite such early concerns among the Latino/as, though, an increasing number of undocumented youth came forward and obtained the temporary secure status in the American society after Obama's re-election. By July 20, 2014, 55 percent of DACA's immediately eligible youth had applied, and most of them have been approved their status (Batalova, Hooker, and Capps with Bachmeier 2014, 9). DACA, however, could not be a permanent measure, and President Obama understood that it had to be followed by a legislated measure under the immigration reform.

2. Case of 2013 Reform and Mutual Blame

The next trial for immigration reform took place in the Senate in 2013, immediately

Figure 5 DACA First-time Applications Accepted for Processing, Approved and Denied
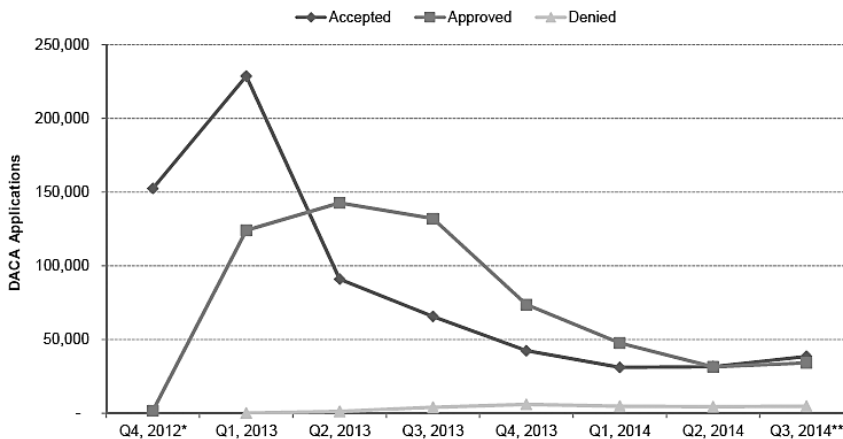

Source: Batalova, Hooker, and Capps with Bachmeier (2014, 9).

after Obama's second term commenced. This time, the immigration reform bill was moved forward in a bipartisan way, with the help of the so-called "Gang of Eight" from the Republican side. These Republican senators, just like the previous attempts by Sens. Kennedy and McCain in 2007, extended their support to the Democratic leadership so as to form the necessary absolute majority and pass the legislation. The "Gang of Eight" was constituted of Lamar Alexander (R-Tenn.), Kelly Ayotte (R-N.H.), Jeffrey Chiesa (R-N.J.), Susan Collins (R-Maine), Bob Corker (R-Tenn.), Jeff Flake (R-Ariz.), Graham, Dean Heller (R-Nev.), John Hoeven (R-N.D.), Angus King (I-Maine), Mark Kirk (R-Ill.), McCain, Lisa Murkowski (R-Alaska), and Marco Rubio (R-Fla.).

The eight senators represented each of their local as well as ideological interests as in the case of Sen. Rubio, himself Latino, who is a leading voice of the Latino constituency among the Republicans. Sens. Flake and McCain, representing the bordering state of Arizona, or those with many Latino/a workers inside of their states, such as Sens. Alexander and Corker of Tennessee or Sen. Graham of South Carolina, joined the movement from a very realistic standpoint. More importantly, just as the previous attempt had been made by Sens. Kennedy and McCain, it was made on the side of the Senate, which can obtain a compromise, rather than the House where the members represent smaller and more homogeneous districts. This is more so because of the recent re-districting strategy, which concentrates certain populations to produce secure electoral outcomes for the party in power.

The Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (S744) passed through the Senate by bipartisan majority of 68 (D 54, R 14) - 32 (D 0, R 32), but with strong opposition from within the Republican Party. Following its passage through the Senate, the House Republican leadership was asked to match the bill,

**Figure 6 Apprehensions of Unauthorized Migrants by U.S. Border Patrol
along the U.S. Southwest Border, 2000-2013**
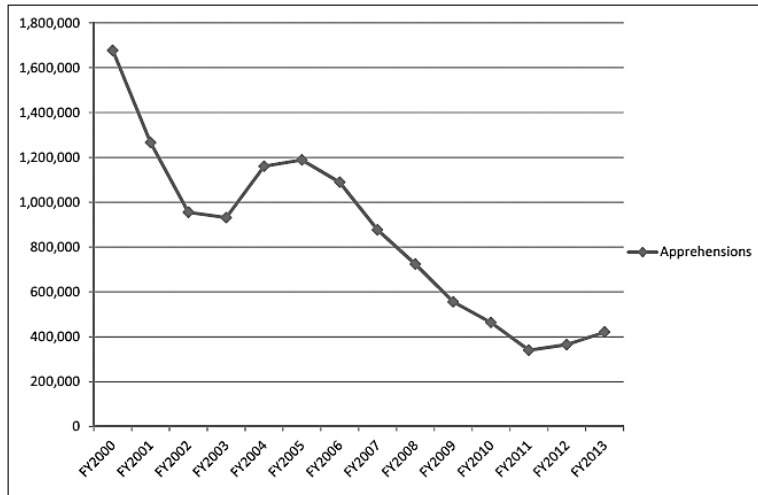
Source: Seghetti and Durak (2014, 1).

and thus finally create legislation after a very long period of its absence. However, the House Republicans, despite being in the majority, were not monolithic but rather seated on a fragile balance among themselves. Pressed by such anti-immigration forces from within its membership, the House leadership decided not to follow through the Senate-passed version but to proceed with its own version of immigration reform; thus, the prospect of passing any immigration law in the 113rd Congress faded out of view.

While the Obama administration toughened border control, and deported more undocumented aliens than the G. W. Bush administration, thus inviting criticism from liberals, the anti-immigration group continued to blame Obama for being soft on illegal conduct of these trespassers. In fact, the inflow of undocumented immigrants from Mexico decreased due to the economic upturn of the country, not just due to the border control (See Figure 6). The Southwest Border, however, began to face a new challenge of unaccompanied child migrants brought from the southern Latin American countries. Some blame this on the fact that the Obama administration extended legal status to undocumented immigrants who entered the United States as children, which extended an unreasonable expectation that once these children could cross the border, they would be given legal rights in the United States.

Despite such criticism, President Obama announced on November 20, 2014 an executive action that would further expand the range of DACA to include anyone who entered the United States as a child before January 1, 2010, without regard to his/her current age. He also announced a new program, namely DAPA (Deferred Action for

Parents of Americans and Lawful Permanent Residents), which would give temporary relief from deportation to parents of U.S. citizens or lawful permanent residents (LPRs) who have lived in the United States for five years or longer.

In addition to Republican criticisms, more than half of the states, or 26 states, legally challenged Obama's executive action immediately and sued the Department of Justice, aiming to block the new program of DAPA as well as to prevent the expansion of DACA. In the *State of Texas et al v. United States of America* case, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, West Virginia and Wisconsin joined Texas and challenged the program of the Obama administration. In February 2015, Texas District Court blocked the expansion of DACA and implementation of DAPA, and the judgement of the Fifth Circuit U.S. Court of Appeals is pending as of this writing, while the targeted undocumented immigrants have been kept from obtaining the benefit.

Behind such an unproductive action/reaction process between the executive branch and Congress involving the legal challenge from the state level, however, there were some real changes in the voices of the American public that supported immigration reform. On the immigration issue, the general public increasingly hopes to find a solution not a punishment. Figures 7 and 8 show that the American public was not originally opposed to immigration, although September 11 affected the general feeling, but that more people continued to support immigration than opposed it immediately after September 11. There is a connection between how people evaluate the impact of immigration and how much they expect the government to control the extent of it.

Table 1 below shows an interesting finding on the generational trend of ideological self-identification. It was long believed that Baby Boomers, who spent their immediate adulthood during the time of the Civil Rights Movement and the anti-Vietnam War movement, tend to be more liberal than other generations. However, the figures shown in
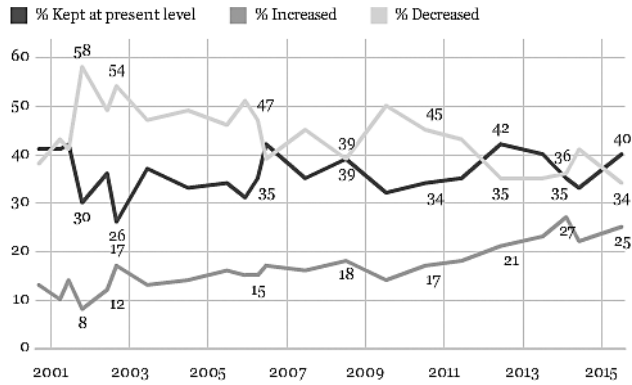
Figure 7 U.S. Adults' Assessments of Immigration's Overall Impact on the U.S.
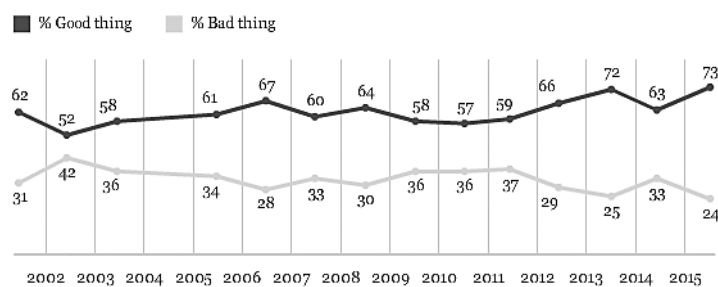
Source: Dugan (2015).

Figure 8   U.S. Adults' Preferences on U.S. Immigration Levels

Source: Dugan (2015).

Table 1   Ideological Self-Identification, by Generation, 2014

Generation (Birth years)	Conservative	Moderate	Liberal	Conservative-Liberal gap
	%	%	%	pct. pts.
Millennials (1980-1996)	28	40	30	-2
Generation X (1965-1979)	35	39	23	+12
Baby boomers (1946-1964)	44	33	21	+23
Traditionalists (1900-1945)	48	33	17	+31
All adults	38	36	24	+14

GALLUP

Source: Jones (2015a).

Table 1 indicate that the younger generations of Americans are more liberal than the older cohorts. This trend also applies to Generation X, who came of age at a time of economic conservatism.

Such generational shifts also reflect that an increasing ratio of the younger generation is of a minority population. As legalized immigrants move on the path to citizenship, they earn rights to vote, and as more Latino/as are born on American soil, they have voting rights from the beginning of their lives. Upcoming debates over the immigration reform cannot but reflect such increasing presence of Latino/a voters.

CONCLUSION

As we have observed above, bipartisanship is not a natural phenomenon but rather is constructed with political aims. Those aims must be shared by the leadership of both parties, as well as by both houses in order to gain a result from their efforts.

In January 2015, nine conservative House Republicans formed a new group, the "Freedom Caucus," separate from the existing conservative group, the Republican Study Committee (RSC). The original nine were said to be Reps. Scott Garrett (R-N.J.), Jim Jordan (R-Ohio), John Fleming (R-La.), Matt Salmon (R-Ariz.), Justin Amash (R-Mich.), Raúl Labrador (R-Idaho), Mick Mulvaney (R-S.C.), Ron DeSantis (R-Fla.), and Mark Meadows (R-N.C.). It is reported that Rep. Mulvaney, who lost in the selection of the RSC chair, formed a separate, more conservative group to fight against the Republican leadership (Marcos 2015). Although its membership was not openly announced, a self-claimed 29 members had reportedly joined the Caucus by summer (Fuller 2015).

A day after Pope Francis made an address to the joint session of Congress on September 24, 2015, Speaker John Boehner suddenly announced his resignation as of the end of October 2015. Although two Freedom Caucus members departed the group due to its straying away from policy-focused activities toward internal political fights, a substantial number of the Caucus' membership still continues to unsettle the direction of the House as of this writing. Further complicating the situation is that the Majority Leader Kevin McCarthy (R-Calif.), who was to succeed Speaker Boehner in the coming election, had withdrawn from the race just three weeks before the election.**

Policy-making based on bipartisanship can only work when the middle ground holds, and the current Congress obviously lacks such a middle ground. On the side of the Republican Party, a far right Freedom Caucus is attacking the leadership for its approach to the moderate stance, while the liberal wing of the Democrats continues to adhere to their ideological purity, which is too liberal to be acceptable by the Republicans. With weak leadership in the majority party, there is little chance of creating a meeting place between the parties for some time to come.

A pressing domestic phenomenon or an international situation may be the factor that brings together the two extremes, or developments during the next presidential elections may lead to a new meeting ground. Policy and politics are intrinsically connected, and such an impasse in policy-making makes us question how the preceding stage of democratic selection of politicians should be contemplated. Bipartisanship is not an easy

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**Wisconsin Republican Paul Ryan, the Vice Presidential candidate in the elections of 2012, was elected as Speaker on October 29 with 236 votes, against Rep. Pelosi with 184 votes and Rep. Daniel Webster (R-Fla.) with 7 votes (*Congressional Record* 10/29/2015, H7337-38). In the preceding Republican Conference on October 28, 2015, Rep. Ryan received 200 votes (one vote from a delegate) against 43 votes of Rep. Webster (Politico 10/28/2015), showing continuing challenges possibly raised within the Republican Party by the Freedom Caucus.

solution but a challenging task under the constantly divided American politics. This challenge extends to the voters themselves who exercise the critical role of selecting their representatives.

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