

'Educating Kids' Versus 'Coddling Criminals': Framing the Debate over In-State Tuition for Undocumented Students in Kansas

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ABSTRACT

As more children of undocumented workers graduate from U.S. high schools, many states are considering laws to grant these students in-state tuition status. Kansas, which adopted such a law in 2004, was an unlikely venue for this kind of policy, considering the negative attitudes toward illegal immigrants among the state's residents as well as its relatively small share of Hispanic residents. We argue that the passage of Kansas's in-state tuition bill occurred in large measure due to the skill of its proponents in framing the issue as one of access to public education. We use a mix of qualitative and quantitative data to show how proponents of the in-state tuition bill were able to direct attention toward public education—an issue more electorally palatable to legislators and their constituents—and redirect attention away from immigration policy. The success of the bill in Kansas has some applicability for similar legislation under consideration in other states; however, as immigration policy has become more politically charged, proponents of in-state tuition for undocumented students will face renewed challenges in the legislative arena, as Kansas also demonstrates.

IN 2005, SOME 65,000 CHILDREN of undocumented workers graduated from U.S. high schools.¹ As immigration flows dispersed across the United States, education policy debates stemming from illegal immigration have become prominent in a number of states. Ten states have responded to the increase in undocumented high school graduates by granting these students in-state tuition status at public colleges and universities; 18 states have rejected similar proposals.

This article analyzes the 2004 passage of Kansas House Bill 2008 (hereafter, HB 2008), which made Kansas the eighth state in the nation to grant in-state tuition status to the children of illegal immigrants. Kansas was an unlikely state for passage of such legislation: public opinion surveys suggest that Kansans have a high level of antipathy toward illegal immigrants, and Hispanics make up a relatively small share (seven percent) of the state's resi-

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dents. How does one explain the passage of a bill extending an educational benefit to perhaps the most unpopular group of Kansas residents? Does the passage of the bill tell us anything useful concerning similar policy debates in other states?

We argue that passage of Kansas's in-state tuition bill is due in large measure to the skill of its proponents in framing the legislative debate surrounding the bill. Of particular importance was the advocates' success in presenting the bill as an issue of access to public education for Kansan children. This issue framing helped shield the bill from much of the culture war rhetoric that typically surrounds immigration policy debates and tapped into legislative support for public education, an issue that often cuts across party lines in Kansas.

This article is organized into two main sections. First, we discuss issue framing in the context of legislative decisionmaking, arguing that advocates engaged in legislative issue framing will strategize at two levels. On one level, issue frames attempt to appeal to value preferences of legislators; on another level, advocates present frames so as to tap into legislators' electoral preferences. In light of that discussion, we point out the problems and opportunities facing both sides in the debate over providing in-state tuition for the children of undocumented workers.

The second section of the article examines these issues with regard to HB 2008 in the Kansas legislature. The nature and impact of issue framing strategies are demonstrated through interviews with key legislative players and with a multivariate analysis of roll-call votes. The mix of quantitative and qualitative data used in this article enhances our ability to observe the influence of issue framing on how the policy proposal was presented to legislators, the terms of legislative debate, and legislative voting behavior. The results suggest that legislative issue framing can be an effective, and relatively low-cost, tool for pro-immigration groups operating in a less-than-hospitable political context. However, as we point out in the conclusion, the applicability of the issue framing strategy used by pro-immigration groups in Kansas may be limited by peculiarities of timing and context.

FRAMING IMMIGRATION POLICY

Issue framing refers to how conditions or events in society come to be understood by the public and political elites (Gamson 1992). Framing involves the selective use of aspects of a perceived reality by actors in order to promote a particular problem definition, causal understanding, and moral evaluation (Entman 1993, 52). Given limited human cognitive capacity and the fact

that issues are often marked by informational complexity, issue framing is useful in allowing actors to make sense of policy problems. Framing is also useful as a low-cost resource for issue advocacy.

The strength of issue framing is that it provides a systematic approach to analyzing policy adoption when the longitudinal data requirements of other approaches (such as the advocacy coalition, policy diffusion, or punctuated equilibrium frameworks) are less relevant or unavailable.² The analysis of issue frames is prominent in the policy literature, including studies on welfare policy (Smith 1987), affirmative action (Kinder and Sanders 1990; Gamson and Modigliani 1989), government spending (Jacoby 2000; Nelson and Kinder 1996), civil liberties (Chong 1996; Nelson, Clawson, and Oxley 1997), and gun laws (Haider-Markel and Joslyn 2001). Issue framing has also appeared in the literature on legislative policymaking, albeit under the concept of issue definition (Wood and Doan 2003; Talbert, Jones, and Baumgartner 1995; Baumgartner and Jones 1991) or interpretations (Lau, Smith, and Fiske 1991; Smith 1984). Although we use the term “issue framing,” our work owes as much, conceptually, to the two other conceptualizations, and we seek here to incorporate these other two frameworks into the work on issue frames.³

Following Smith (1984), we see the legislative issue framing process as involving two evaluative dimensions. First, policy problems tap into legislators’ personal value preferences, eliciting a policy position. Second, these policy positions tap into electoral preferences. On this second dimension, legislators’ career interests—their desire for re-election or advancement to other elective office—requires them to weigh the public perception of their positions.

On the level of value preferences, we assume that frames provide elected officials with a convenient short-hand by which to make sense of policy problems and options, and thus, certain frames resonate more profoundly than others. Like the general public (Converse 1964), legislators have political predispositions of varying intensity that affect their receptivity to information. As a result, frames that conflict with intensely held political predispositions are unlikely to generate support (Iyengar and Kinder 1987; Zaller and Feldman 1992). In addition, receptivity to frames varies according to their degree of specificity. For instance, Jacoby (2000) argues that general frames—those that focus on governmental activity with little or no attention paid to sources or policy effects—are less effective than specific frames. Specific frames discuss the reasons for policy actions and their consequences, and they link government policy directly to targeted groups (either beneficiaries or victims). Following Jacoby, we argue that specific interest frames are more

likely to resonate with legislators, especially to the extent that they elicit sympathy (or antipathy) toward specific groups in society.

Nonetheless, because politicians are embedded within a system of competitive elections, even ideologically-driven politicians must consider the public explanation of their positions. In particular, legislators must consider how their position is consistent with the interests and preferences of key audiences (Smith 1994, 46). Two considerations routinely invoked in the study of legislative behavior are especially important. First, the targeting of benefits looms large; policies that allow legislators to claim credit for helping electorally strategic constituencies are more likely to generate support than those that benefit inactive or unresponsive constituencies. Second, the apportioning of costs influences responsiveness; low-cost policies or policies in which benefits are concentrated within a legislator's district with costs apportioned across all constituencies (as in pork barrel projects), are more likely to engender constituency support than those that impose large costs on constituents.

Our aim is not to evaluate how politicians balance value and career preferences when they are in conflict but rather to stress that the effectiveness of a given issue frame within the legislative arena involves both dimensions. A specific issue frame may resonate with a legislator's personal values, but the resulting policy position may be unappealing if it imposes large costs on key constituents or is targeted in a manner unlikely to produce electoral benefits. By contrast, legislators may be favorably inclined if policies can be presented as costing little (or costs are widely diffused), and readily-identifiable and electorally significant constituencies are seen as the beneficiaries.

Taking into account these two dimensions of issue framing shows, at first blush, the enormous challenge that faced supporters of in-state college tuition for children of undocumented workers. On the level of value preferences, existing research suggests that Americans are overwhelmingly opposed to policies favoring immigrants, especially undocumented immigrants. A solid majority of Americans oppose allowing undocumented immigrants work permits or allowing their children to attend public universities at the same cost as other students. Negative feelings toward immigrants increase the more Americans feel that immigrants threaten national security, jobs, and economic security (Wilson 2001). Kansans' attitudes are consistent with the negative national perceptions of illegal immigrants. A statewide survey in 2001 found strong anti-immigrant sentiment. On a 0 to 100 "feeling thermometer" scale (with 0 considered the coldest, or most negative, response), undocumented immigrants received an average score of 27, the lowest for any group in the state (University of Kansas Policy Research Institute 2002, 50).

On the level of electoral preferences, undocumented immigrants and their children also offer few discernible electoral benefits to legislators. Undocumented workers cannot vote and, overall, Kansas's Hispanic community is relatively small, comprising approximately seven percent of the state's total population. In only 15 of 104 Kansas counties does the Hispanic population surpass ten percent (University of Kansas Policy Research Institute 2006). Thus, few Kansan legislators could be expected to perceive a positive electoral payoff if Hispanic voters were considered the bill's intended beneficiaries. A specific issue frame emphasizing the benefit to undocumented immigrants would seem destined to generate little legislative support. By contrast, the task for opponents of in-state tuition would appear less daunting: tap into negative attitudes toward the intended beneficiaries of policy change and focus on the electoral costs of the policy, especially the transfer of tax-revenue-supported state services from voters to non-taxpaying aliens.

Nonetheless, supporters of in-state tuition were not without resources in constructing an alternative frame. The direct beneficiaries of in-state tuition, children of immigrants, offer a potentially sympathetic policy target. Given that the recipients of in-state tuition would be graduates of Kansas high schools—in many cases, children who had spent nearly their entire lives in Kansas—supporters could redirect attention away from the parents and toward the plight of the children. Indeed, the attitudes of Americans toward the children of undocumented workers are less negative than those toward their parents (Wilson 2001, 489).

More importantly, a focus on the children of immigrants could tap into legislators' support for public education, an issue with a potential electoral payoff. In general, support for public education is high among Kansans. Survey evidence suggests that Kansas residents are even willing to increase their tax burden for the sake of greater public education funding (University of Kansas Public Research Institute 2002, 5). Likewise, the fiscal cost of granting in-state tuition was expected to be minimal; initial estimates were that only 1,280 students would be eligible for in-state status, of which 78% were expected to actually enroll.⁴ Furthermore, the cost of granting in-state status would be apportioned across all legislative districts, thereby attenuating opposition from any single group or district that might bear a disproportionate share of its cost.

In short, the supporters of in-state tuition could reframe policy change to create an alternative issue frame of public education funding for children, which was more likely to appeal to legislators and constituents. Furthermore, the low fiscal impact of the resulting policy option could be emphasized. Such a reframing of in-state tuition could short-circuit the antipathy of most Kan-

sas residents toward illegal immigrants, undercutting the efforts of opponents of HB 2008 to cast the bill as a benefit to aliens living outside the law.

The following section presents an analysis of debate over HB 2008 that illustrates how both supporters and opponents of the bill engaged in a two-level framing game. Both sides attempted to present the issue in such a way as to tap into feelings about the targets of in-state tuition, while also presenting the issue in electoral terms that might influence legislators' career aspirations. Ultimately, as shown below, these issue frames mattered both in terms of how the issue was debated in the legislature and how legislators eventually voted.

FRAMING IN-STATE TUITION IN KANSAS: 'EDUCATING WORKERS' VERSUS 'REWARDING ALIENS'

The analysis in this paper uses both qualitative and quantitative data, a combination that allows a broader empirical basis for discerning issue framing and evaluating its impact. The primary sources of qualitative data are committee hearing testimonies, semi-structured interviews with state legislators, and newspaper accounts. These sources provide insight into the contending frames presented to legislators. We then use Kansas House and Senate legislative journals to assess how legislators understood and communicated the issues at hand as they debated HB 2008.

Qualitative evidence is complemented by a logistic regression model of the roll-call vote on HB 2008. Naturally, we do not presume that issue framing is the sole influence on legislative behavior; thus, our models examine framing effects controlling for other explanatory factors, including religion, political ideology, and district demography.

Framing in the Kansas Legislature

The genesis of HB 2008 was a luncheon hosted during the summer of 2002 by El Centro, a resource center for Hispanic families located in Kansas City, Kansas. The meeting inspired one of the attendees, a Democratic member of the Kansas House Committee on Higher Education, to introduce the in-state tuition bill in January 2003. The bill stipulated that in-state tuition status would be granted to the children of undocumented workers who had at least three years residency in Kansas, a diploma from a Kansas high school (or a GED certificate), and who had been admitted to a public post-secondary educational institution in Kansas.

HB 2008 went through a long and complex route to passage. The House passed an initial in-state tuition bill (HB 2145) on February 27, 2003, by a

vote of 81 to 43. The Senate failed to act on the bill before the end of the 2003 legislative session (which is only 90 days in Kansas), but during the 2004 legislative session, the Senate approved its own version of an in-state tuition bill, now known as HB 2008. This amended version added a provision requiring students to file an affidavit showing that they had applied for legal residency and that they were not eligible for in-state tuition in another state. This substitute version was approved by the Senate by a vote of 25 to 15 on February 26, 2004, and sent back to the House.

An attempt was then made to kill the bill by the Republican Speaker of the House, Douglas Mays. Mays ruled that the Senate version constituted a material change and sent the bill to the Conference Committee on Education. When that committee attempted to introduce HB 2008 into their Conference Report, Mays replaced the committee chairman, a Republican supporter of the bill, with a Republican opponent of the bill, who prevented the bill from being reported out of the committee. Supporters countered by introducing HB 2008 as an amendment to the House Budget Bill, which resulted in the bill being redirected to the Conference Committee on the Budget. As the 2004 legislative session ended, Mays was forced to strike a deal. He would allow the substitute version of HB 2008 to receive a separate floor vote in the House in exchange for Conference Committee approval of the 2005 budget bill. Thus, HB 2008 passed its final House vote by a 68 to 54 margin on May 4, 2004 and was signed into law that same month by Governor Kathleen Sebelius.

Public Hearings

Two sets of public hearings, one in the House and one in the Senate, were held in early 2003.⁵ Testimony from these public hearings forms the basis for reconstructing the issue frames used by supporters and opponents of the bill.

Testimony in support of HB 2008 is notable for two features. First, the bulk of the advocates were educational professionals, members of education advocacy groups, or students. These groups included Kansas Families United for Public Education (a political action committee supporting public education in Kansas), MAINstream Coalition (an advocacy group supporting funding for public education in Missouri and Kansas), the University of Kansas Board of Regents, and dozens of high school students.

Second, the consistent theme sounded in the testimony was access to educational opportunities. Dozens of students, teachers, and school counselors voiced the message that the educational aspirations of the children of undocumented workers were stymied by the prohibitive cost of higher education. The testimony from a member of the Migrant Community Resource

Coordinator in Emporia, Kansas provides an example of the emotional nature of many of these stories:

It hurts me personally to hear the pleas and see the tears on the faces of some of these students. A student came into my office once and told me how mad he was because he could not go to college. He had lived in Kansas since he was three years old and his goal and the goal of his parents was for him to get an education (Kansas Senate Committee on Higher Education 2003c).

Repeatedly, the testimony emphasized that the beneficiaries of the bill were not only children, but Kansas children. This notion, present across much testimony, was expressed by the bill's sponsor, Representative Sue Storm, who noted that:

These students aren't going anywhere. They are going to remain in Kansas. They will work in Kansas. It is in their best interest and in the best interest of all Kansans that they have the training and education necessary to get good jobs in order to provide for themselves and their own children. (Kansas House Committee on Higher Education 2003a)

Melinda Lewis, Director of El Centro, emphasized the costs of educational failure for the state, noting that the state spends approximately \$250,000 in supportive services for each dropout and that Hispanic students in Kansas had the highest dropout rate of any population group. Lewis tied this dropout rate to the low motivation of students who are aware that they will not be able to attend college at out-of-state tuition rates. Thus, she argued, the state loses an investment already made at the primary and secondary education levels (Kansas House Committee on Higher Education 2003a).

Lewis's testimony highlights a complementary theme voiced by the bill's advocates. Alongside the emotional and value-laden language of educational access was an emphasis on the fiscal impact of the bill. In particular, supporters argued that the cost of in-state tuition was likely to be minimal due to the small numbers of students likely to avail themselves of the program. They also recast the benefits widely, arguing that the business community would be a primary beneficiary. Lewis cited U.S. Census Bureau data to argue that the number of students eligible for in-state status would comprise one percent of total enrollment in Kansas's post-secondary schools. Likewise, Mary Prewitt, General Counsel for the University of Kansas Board of Regents, predicted no net fiscal impact or increased financial burden on registrars or admissions officers resulting from the bill (Kansas House Committee on Higher Education 2003a).⁶

Consistent with this cost-benefit language was supporters' claim that the

state's business community would be a primary beneficiary of the legislation. Inter-Faith Ministries, based in Wichita, Kansas, offered the legislation as a pro-business, labor-training program. Similarly, Mary Prewitt noted that the bill would promote the state's need for "a highly educated workforce" (Kansas House Committee on Higher Education 2003a). These appeals seemed especially aimed at the legislature's Republican majority. For example, Elías García, Chairman of the Kansas Democratic Hispanic Caucus, tied the bill's goals to those of the Bush Administration's "No Child Left Behind" initiative. A similar theme was repeated by Winston Brooks, the Superintendent of Wichita Public Schools, who noted that:

The bill before you today is not only in the best interest of the students involved, it is in the best interest of Kansas business and our communities. An educated citizenry is the basis of an orderly society. At a time when business is clamoring for highly skilled, well educated workers, the policy of this state should be to make college attainable for all students, not just some. (Kansas House Committee on Higher Education 2003a)

Brooks cited a U.S. Census Bureau document to argue that the bill would increase tax revenue in the long run because educational attainment would translate into greater earning capacity among Kansas taxpayers.

Advocates clearly had a head start in framing the issue. Opposition to the bill was slow to react and was not presented until the Senate Education Committee hearings. The bulk of this testimony was presented by Susan Tully, Midwest representative of the Federation for American Immigration Reform (FAIR). Consistent with issue framing expectations, Tully's testimony focused on antipathy toward undocumented immigrants. Tully referred to the bill as the "illegal alien tuition scheme" and linked undocumented immigrants to concerns about terrorism and national security, pointing out that those responsible for the suicide attacks of September 11, 2001 were illegal aliens who had overstayed student visas.

In addition to painting illegal immigrants in an unfavorable light, Tully's testimony appealed to norms of fairness, arguing that the bill granted special accommodation denied to American citizens. With regard to existing laws, Tully specifically cited Section 505 of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act, which she argued prohibited illegal immigrants from receiving post-secondary education benefits on the basis of their residence. As a result, she argued that the bill would constitute a practice of unlawful resistance to federal immigration law. This breach of federal law, according to Tully, unfairly penalized legal residents of Kansas, who might be refused a seat in college given to an illegal immigrant:

In essence the legislature will be telling many young people whose parents played by the rules “We’re sorry, but we’ve given your seat to someone who is in the country illegally and, by the way, we’d like you to help pay for it.” (Kansas State Legislature 2004d)

As the last clause in the statement demonstrates, Tully’s arguments concerning fairness introduced the theme of the bill’s purported impact on state finances. Just as supporters had done, Tully offered her own account of the fiscal impact of the bill:

[This bill] flunks any test of sound public policy. Kansas is enduring its worst state budget crisis in a generation and the nation has not yet recovered from the September 11th attacks carried out by people who were living illegally in the United States under the guise of being students, yet the Kansas Legislature seems prepared to offer lavish subsidies to an unrestricted number of illegal aliens. (Kansas State Legislature 2004d)

In summary, supporters and opponents of HB 2008 offered legislators two distinct issue frames by which to evaluate the bill. In both cases, efforts were made to frame the bill in terms of emotional appeals concerning the bill’s beneficiaries. Supporters framed the issue as one of support for Kansan children desiring a public education, thereby attempting to focus legislative debate on state educational policy. Opponents adopted the frame of taxpayer support for criminal aliens, directing attention toward federal immigration laws.

Both of these emotion-laden appeals were supplemented with arguments that tapped into the electoral calculus behind legislative decisionmaking. Supporters cast the benefits of in-state tuition widely, presenting the bill as a labor training policy that would be appreciated by the business community, while emphasizing the low fiscal impact of the bill. Opponents highlighted the political risk of offering a benefit to the families of illegal immigrants, especially as the cost would be borne by legislators’ native, tax-paying constituents, both in the form of the direct fiscal cost of the bill as well as the indirect cost of increased competition for public college admission.

Floor Debates and Interviews

A key question remains: was there any room for issue framing to influence legislator opinions? In fact, legislators who played key roles in the passage of HB 2008 stated that a significant number of legislators remained undecided about the bill as deliberations began, and thus were open to persuasion. A key proponent of the bill, Republican Senator Dwayne Umbarger, stated that:

There were three different camps on this: Those who were obviously biased against the bill, and those are the ones that [FAIR lobbyist Susan] Tully resonated with; those who may have been biased for the bill, and I don't even know if this group existed; and those who wanted to study this issue. (Umbarger 2005)

In addition to the undecided group of legislators who, at least in theory, might have been affected by the framing of the bill, legislators argued the bill in terms that echoed the issue frames that emerged in the testimonies. For example, Umbarger stated that the key to passage of HB 2008 was convincing undecided legislators that the focus of the bill "was not encouraging illegal immigration. It was dealing with the concerns of people who have come to be a part of our society and to get a good education so that they can be contributors to our society" (Umbarger 2005). Another Republican explained his support for the bill by arguing that "the alternative, if we don't give them a right to an education, is that they will become a drain, if not a threat, to society. This bill is about education and the opportunity each one of us wants for each of our children" (Hanna 2004).

In a similar manner, arguments about the fiscal impact of HB 2008 also emerged frequently in floor debates, usually by opponents of the measure. During the Republican caucus on HB 2008, Representative Arlen Seigfried noted that there were strong views on both sides of the bill, reflecting the fact that "we were being told that there would be huge numbers of people taking advantage of this" (Seigfried 2005). However, Umbarger felt that FAIR's arguments about the program's fiscal costs were undermined by their lack of credible numbers. As Representative Sue Storm, the bill's sponsor noted: "FAIR's numbers were not very hard to challenge. They just gave people who wanted to oppose another reason to do so" (Storm 2005).

Thus, although the strain on the state budget was a commonly cited reason for opposing the bill in debate transcripts, these comments may have been camouflaging another rationale for opposing the bill, one put forward by Susan Tully in her testimony: the concern that granting illegal immigrants the same privileges as legal residents could become a political weapon against supporters. A Republican legislator conveyed the tenor of the electoral concerns driving fiscal arguments, stating that "An illegal alien comes in, works at a lower wage and takes a job away from our Kansas workers and then wants to go to school at the expense of the taxpayers. That's offensive to the people in my district" (Hanna 2004). Another opponent of the bill offered the political calculus more pointedly: "You've got an issue that every John Doe in the street is going to understand come election time" (Hanna 2004).

In addition to arguments about educational opportunities, fiscal costs, and concerns about granting illegal immigrants the same rights as legal citizens, some legislators cited concerns about violating federal immigration law and the fear that terrorists would exploit the law (Kansas State Legislature 2004a-d). But FAIR's arguments may have been dissipated by their late response to the bill and the absence of individual lobbying of legislators. In particular, its arguments about the bill's violations of federal law had largely been pre-empted by bill supporters.⁷ Thus, there is evidence that legislators considered the bill in terms that closely reflected the frames presented by bill supporters and opponents. Furthermore, as shown below, there is also evidence that voting behavior can be explained, at least in part, by the issue frames.

ROLL CALL ANALYSIS

In order to assess the importance of issue framing relative to other factors, we perform a logistic regression on the final House and Senate votes on HB 2008 (the House and Senate votes are combined together). We code votes so that a "Yes" vote for HB 2008 is equal to 1 and a "No" vote is equal to 0. Six explanatory variables are used to predict voting behavior, including past support for public education funding, party affiliation, demographic features of the legislators' district (percentage Hispanic residents, urbanization), pro-business orientation, and religious affiliation.

If framing HB 2008 as an issue of access to public education was important in its passage, we would expect past *public education support* to be a significant predictor of voting behavior. Thus, we constructed an Education Policy Index by tallying each legislator's support for ten public education bills supported by the Kansas National Education Association (KNEA). As a check on this measure, we also use an index created by the KNEA, drawn from 18 bills in 2003 that the organization considered important to public education.⁸ For both variables, the higher the percentage score, the more a legislator is considered supportive of public education funding and the more likely that the legislator should support HB 2008.

In addition to the public education issue frame, much of the debate about HB 2008 centered on its fiscal impact. While supporters attempted to portray the bill as a low-cost, labor training tool benefiting the business community, opponents argued that it would be a costly (both fiscally and politically) burden imposed on native taxpayers. Thus, we include a *pro-business index* in order to gauge the impact of these arguments. We use the Kansas Chamber

of Commerce and Industry Legislative Voting Record score, which assigns each legislator a percentage score based on five bills considered crucial to the interests of Chamber's members. If the pro-business appeals of bill supporters were influential, we would expect the variable to be positively related to support for HB 2008. On the other hand, if the arguments of opponents were more influential, we would expect a negative relationship, reflecting concerns about the added tax burden.⁹ Apart from the impact of framing, we expect *party affiliation* to be a strong predictor of voting on legislative issues (Clausen 1973, Kingdon 1989). In particular, we expect Republican members to generally have more negative attitudes toward illegal immigration and to be less supportive of social welfare spending than Democrats. Thus, the dichotomous variable *party affiliation* takes the value of 1 for Democratic members of the Kansas legislature and 0 for Republicans. We expect the variable to be positively related to support for HB 2008.

Our models also code for additional legislator and district characteristics. First, the majority of immigrants entering Kansas illegally are primarily from Catholic Latin America, and Roman Catholic churches in the state have often become a space for interaction between new immigrants and local communities. Therefore, we created a dichotomous variable (*religion*) that takes the value of 1 for Catholic legislators and 0 for all other legislators. We hypothesize that Catholic legislators, who may have come into closer contact with members of the immigrant community through their churches, would be more favorably predisposed toward HB 2008.

Second, we control for district demographic features that might affect perceptions of the electoral impact of HB 2008. We expect that legislators from districts with a higher *percentage of Hispanic residents* (Hellebust 2004) would be more likely to perceive an electoral benefit from supporting the bill and would thus be more likely to vote for it. Third, the 2001 University of Kansas Policy Research Institute survey suggested that respondents from urban areas were likely to have more positive feelings toward illegal immigrants than respondents from small towns and rural areas. Using the US Census Bureau's "urban core areas" classification scheme (Federal Register 2000), we placed each legislator's district into one of the three categories: rural (outside of a core-based urban area), micropolitan (part of an urban core of 10–50,000 inhabitants), and metropolitan (urban cores of more than 50,000 inhabitants). We predict a positive relationship between this variable (*district urbanization*) and support for HB 2008, reflecting legislators' perceptions of their constituents' feelings toward undocumented workers.

RESULTS OF LOGISTIC REGRESSION

Table 1 shows the results of two logistic regression equations of the legislative votes on HB 2008, with the equations differentiated from each other by the presence of either of the Public Education Support variables (the Education Policy Index in equation 1 versus the KNEA Index in equation 2). Generally, the variables influence legislative behavior in the predicted direction, except for the percentage of Hispanic residents (negative, but statistically insignificant) and the control for Catholic legislators (positive, as predicted, but statistically insignificant).

Party affiliation is a strong predictor of voting on HB 2008 in both models. Model 1 shows that the odds of voting for HB 2008 were 20 times greater for Democratic members of the legislature than for Republicans. In model 2, party affiliation no longer appears to be significant ($p=0.341$) and changes sign. However, this change reflects the close correlation between the public education support index used in model 2 (the KNEA index) and party affiliation (Pearson $r=.81$). Democrats scored much higher, on average, on this particular index. Thus, compared to a constrained model (excluding *public education support*), the overall model fit increases with the addition

Table 1. Support for In-State Tuition for Children of Undocumented Residents, Kansas Senate and House Floor Votes on HB 2008 (Logistic Regressions, with Yes = 1)

| Independent Variables | Coefficient | Odds ratio | Coefficient | Odds ratio |
|---|-------------------|------------|-------------------|------------|
| Constant | -3.76 (2.56) | | -1.51 (1.52) | |
| Party affiliation (Democrat=1) | 2.98** (1.08) | 19.77 | -0.57 (1.39) | 0.56 |
| Religion | 0.30 (0.66) | 1.34 | 1.04 (0.76) | 1.35 |
| Percentage of Hispanic residents | -0.02 (0.035) | 0.98 | -0.026 (0.045) | 0.98 |
| Pro-business index (0-100%) | -0.03* (0.017) | 0.97 | -0.03* (0.016) | 0.97 |
| District urbanization | 0.81** (0.31) | 2.26 | 0.57* (0.35) | 2.26 |
| Public education support (0-100%) (Education policy index) | 0.06** (0.025) | 1.07 | — | — |
| Public education support (0-100%) (KNEA index) | — (0.015) | — | 0.07*** | 1.06 |
| N | 157 | | 157 | |
| Pseudo-R ² | 0.47 | | 0.57 | |
| LR chi ² (d.f.=6) | 99.92 | | 123.36 | |
| Probability > chi ² | 0.0000 | | 0.0000 | |

*** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$; one-tailed test

of the KNEA index in model 2, even as the influence of the party variable is weakened due to collinearity.¹⁰

Nonetheless, extra-partisan motives were also important in explaining voting behavior. Both models 1 and 2 suggest that legislators from more urbanized areas (*district urbanization*) were more likely to support the bill than their more rural colleagues, consistent with the view that legislators share their constituents' attitudes toward undocumented workers. More significant for our argument are the influences of *public education support* and the *pro-business index*, both of which point to issue framing effects on voting behavior. Pro-business legislators—conceptualized in terms of their Kansas Chamber on Commerce and Industry ranking—were far more likely to oppose HB 2008. For every unit increase in the pro-business index, the odds of voting for the bill decreased by .97 in both models. Thus, the efforts of supporters of HB 2008 to offer the bill as cost-effective labor training for Kansas businesses did not appear effective. Legislators who valued lower taxes and less business regulation were more likely to vote against the bill.

By contrast, past support for funding of public education was positively related to support for HB 2008, with each unit increase in this variable increasing the odds ratio by 1.07. The effects of this variable are statistically and substantively significant. The odds of supporting in-state tuition were 50 times higher for a legislator who received a perfect 100% score on the public education support index than for a legislator who scored 50%. The importance of education issue framing for passage of HB 2008 becomes more apparent when one considers that the Kansas legislature is generally populated by fiscally-conservative, rurally-based, Republican legislators. Even after controlling for the legislators' party affiliation, pro-business orientation, and district demography, support for HB 2008 was partly a function of whether legislators tended to be strong past supporters of publicly-funded education.

Summing up, we have shown the following. First, legislative hearings and public testimonies suggest that two distinct issue frames were constructed around HB 2008, with each frame offering a differing perception of the targets of the legislation as well as a contrasting assessment of its electoral costs and benefits. Second, not all legislators had made up their minds about HB 2008 when it was introduced, and they appear to have been receptive to different arguments. Indeed, legislators often stated their concerns or opinions about the bill in terms that echoed the competing issue frames. Finally, legislators voted in ways that conformed to these issue frames; in particular, legislators who tended to be strong supporters of public education in Kansas were more likely to support HB 2008, even after controlling for their party affiliation and the demographic features of their district. Meanwhile, pro-

business legislators (those who tended to favor lower taxes and less business regulation) were more likely to oppose the bill.

In short, the data strongly suggest that issue framing influenced the terms of debate and influenced how legislators voted. However, a legitimate doubt could be raised: were legislators influenced by who took particular positions rather than by what they argued? In other words, was the outcome actually driven by the identity of the actors who supported or opposed the legislation, rather than by issue framing? In the context of a single case study, we have no direct way to test such a rival explanation. But indirectly, two pieces of evidence point toward the importance of arguments over the identity of the participants. First, we have no particular reason to believe that the groups that testified on behalf of HB 2008 (education professionals, students, and Hispanic and immigrant groups) were influential enough in their own right that their presence in support of the bill swayed legislators.¹¹ This view seems corroborated by the logistic regression equations, which show that the share of Hispanic residents in a legislator's district had no discernible effect on their vote. Neither does the Federation for American Immigration Reform have any history of legislative activity in the state that would lead us to believe that their opposition was powerful enough to convince legislators to vote for or against the bill.

Second, the fact that legislators argued and justified their positions in the very terms presented during the debates suggests that issue frames mattered in how legislators thought about HB 2008 and explained their positions. Together these two factors suggest the importance of framing over the identity of the bill's supporters and opponents. Of course, in examining the adoption of in-state tuition over a longer time period and over multiple states, the issue of which groups support or oppose such legislation, and how they coordinate their activities, offer ample opportunities to examine the formation of advocacy coalitions (Sabatier and Jenkins-Smith 1999) and their work in disseminating policy innovations (Berry and Berry 1992).

CONCLUSION

Given the conservative bent of the Kansas legislature and the generally negative perception of undocumented workers among Kansas residents, the state would appear to be a least-likely case for adoption of a policy granting undocumented students in-state college tuition status. However, in spite of the odds against adoption of a pro-immigrant policy in a generally anti-immigrant state, advocates were successful. As argued here, that success stems in large measure from the ability of advocates to reframe the issue as one

of educational opportunities for public school students, an issue frame that was more likely to garner bipartisan support within the Kansas legislature. The results in this paper are consistent with the view that issue framing can be an effective, low-cost resource by which policy advocates may influence policymaking, even in inhospitable environments.

How is the issue framing used in Kansas applicable to other states in which in-state tuition for undocumented students has become part of the legislative agenda? The Kansas case suggests two factors that are key for framing such legislation in other states. First, the presentation of cost-benefit ratios is crucial. In Kansas, proponents of HB 2008 were able to credibly present the argument that the legislation involved low costs to taxpayers and that the benefits applied to a broad group of state residents. However, in states where the population of undocumented workers is growing at even faster rates than Kansas (such as North Carolina, Alabama, Georgia, or Tennessee) the effectiveness of this argument becomes less clear.¹² On the one hand, voters and legislators in the new high immigrant growth states may be more likely to perceive immigration as contributing to socioeconomic upheaval; this perception may be more acute because these states lack a history of integrating immigrant communities into social service networks, as has occurred in traditional immigrant destination states such as Texas, California, New York, and Illinois. Thus, the cost of in-state tuition may be more readily perceived (and framed) as a broad redistribution of tax revenue benefiting newly-arrived immigrant families at the expense of native taxpayers. On the other hand, where immigration is growing most rapidly, local businesses are more dependent on immigrant labor. In such a situation, the business community may be more receptive to in-state tuition as a labor training and retention tool.

Second, the local framing of in-state tuition is crucial. Advocates of in-state tuition in Kansas consistently couched their arguments in the local terms of Kansan children desiring an education. By contrast, the main opponent of HB 2008 employed an issue frame based on national immigration policy and terrorism to argue against the bill. The appeals to national immigration policy and terrorism did not appear to resonate with state legislators, nor were they supported by any major elected state official (for example, neither the Governor nor the Attorney General played a role in the debate over the bill). However, where concerns about immigration law and the threat of terrorism have more local salience for voters and elected officials (Arizona may be a relevant example), we would expect FAIR's arguments to be more effective. In this regard, national immigration debates may work against proponents of in-state tuition in the future. In Kansas, debates about HB 2008 occurred in a climate in which illegal immigration was not as prominent a public policy

issue as it would become just a year later, when the Bush Administration's immigration reform bill prompted extensive media attention.

Indeed, Kansas has witnessed the increasing politicization of debates over immigration. In 2004, Kris Kobach, the Republican challenger for the third congressional district, made illegal immigration a focus of his ultimately unsuccessful campaign. In 2005, with the support of FAIR, Kobach filed a lawsuit on behalf of over 20 out-of-state plaintiffs who claimed that they were harmed by being unfairly denied the same in-state tuition rights as the undocumented students.¹³ Perhaps as a result of increased extra-legislative pressure, HB 2008 also faced new legislative challenges. During the 2006 legislative session, House Speaker Douglas Mays introduced a measure to repeal HB 2008. The repeal measure failed on a 63 to 58 vote, but one of its sponsors, Representative Becky Hutchins, vowed that "This issue is not going to go away. It'll be back next year, and it will keep coming back" (Hanna 2006). These new challenges underscore the fact that issue framing is a dynamic process and that both advocates and opponents of in-state tuition will operate in a context in which the terms of legislative issue framing in the states will be more heavily influenced by the widening national debate over immigration policy.

ENDNOTES

1. This estimate comes from an Urban Institute study. See "Further Demographic Information Relating to the DREAM Act," available at www.nilc.org/immlawpolicy/DREAM/DREAM_Demographics.pdf.

2. Naturally, this is also a limitation of the approach; it is less well suited for explaining long-term patterns of policy change. However, this is less of a problem here as the empirical focus is a single instance of policy adoption.

3. There are clearly similarities in the approach used here with the "constructivist" framework (Schneider and Ingram 1997; Fischer and Forester 1993), which emphasizes the perceptual basis of a shared "social reality." However, we believe that the issue interpretation framework offers more analytic leverage in linking perceptions to specific institutions and actors.

4. These figures came from U.S. Census Bureau data, cited during legislative hearings on HB2008. See Kansas House Committee on Higher Education (2003a).

5. The Kansas House Committee on Higher Education held hearings on February 12 and March 19, 2003; Kansas Senate Education Committee hearings were held on March 11 and March 20, 2003.

6. In the fall of 2005, the actual number of students who received in-state status under the new law was 221, according to the State Board of Regents.

7. Mary Prewitt, of the University of Kansas Board of Regents, noted that HB 2008 contained no reliance on residency to identify the targeted beneficiaries of the bill, there-

by complying with federal legislation (Kansas House Committee on Education 2003c). Melinda Lewis pointed out that Texas, Utah, New York, and California already had similar laws on the books that were not deemed to be in violation of federal laws.

8. The data are based on the KNEA's 2003 "Check the Record" publication, which ranked legislators on 18 issues, using a weighted formula developed by that organization and published in Hellebust (2004). The Cronbach's alpha coefficient for the two education measures is .74 and Spearman's rho is .73, suggesting that our index is a reliable measure of past support for public education funding.

9. The scores for the 2003 KCCI Legislative Voting Record were based on the KCCI position on five bills, including support for a sales tax refund (HB 2287), a tax repeal (HB 94), a reform of the regulatory process governing energy production (SB 104), and opposition to a sales tax extension (HB 265), and a workers' compensation bill (Sub SB 181). See Kansas Chamber of Commerce and Industry, Legislative Voting Record, June 2003, available at www.kansaschamber.org.

10. Note that the values for Pseudo-R² (0.57), Chi², and LR Chi² all increased with the inclusion of *public education support* in the model.

11. The KNEA, which maintains a regular legislative lobbying presence in the state capital, does have lobbying clout. However, as the KNEA's own measure of legislative support indicates, it still encounters substantial opposition even on legislation that it considers critical to public education in Kansas, of which HB 2008 was not included. On the KNEA's index of support on critical pieces of legislation, the average score in 2003–04 was a respectable 63%, but 27% of legislators had scores of 50% or below.

12. We are grateful to an anonymous reviewer for pushing us to consider the issue of the rate of growth of immigrants as an important factor for multistate analysis.

13. In July 2005, U.S. District Judge Richard D. Rogers dismissed the lawsuit without addressing the merits of the case, arguing that the students who filed the lawsuit did not face a concrete and imminent injury as a result of being denied status as residents of Kansas.

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