

**WHO MATTERS MOST? CONGRESSIONAL RESPONSIVENESS AND
IMMIGRATION POLICYMAKING**

by

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Dedication

To my parents, Kiok and Young Jin Cho

And to my husband, Tony Richards

Acknowledgments

They say it takes a village to raise a child. In many ways, it also takes a village to finish a dissertation. Of all the highs and lows that are an inevitable part of the dissertation process, thanking those who made finishing this possible stands as one of the great joys of this process.

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Chapter 1

The Legislator-Constituency Relationship

Thus in legislative behavior a great complexity and plurality of determinants are at work, any number of which may enter into a legislative decision.

- Hanna Pitkin, *The Concept of Representation*.

1. INTRODUCTION

In her classic work on representation, Hanna Pitkin described the many factors a legislator must take into consideration in performing his or her duties. Such factors include juggling the variety of interests that exist among a constituency of hundreds of thousands, expectations of his or her party and fellow legislators, and his or her own views and opinions (1967, 219-220). Among the many factors a representative must take into consideration, do constituents who cannot vote matter? Do members of Congress respond to those in their constituency who cannot vote? In particular, as increasing flows of migration have brought many immigrants into the United States, along with this population growth is a growing population that cannot exercise the vote. As residents of the US, most immigrants work, pay taxes, participate in community life, and send American-born children to public schools. And until they decide to naturalize, they exist as citizens of another country without voting rights in their country of residence. They are, as Michael Jones-Correa (1998) titled his book, “between two nations,” existing in a political limbo.

As Congress debates immigration policies, do their immigrant constituents have any influence over the formulation of such policies? Or, because a large proportion of immigrant constituents cannot vote and thus cannot hold members of Congress accountable on Election Day, do legislators ignore this part of their constituencies? To whom do legislators respond—the native-born citizens who may oppose this rapid growth, the industries that depend on immigrant labor, or the immigrants in their districts who may not be able to vote in the next election, but who may become naturalized and be able to vote in an election several years later?

These questions comprise the puzzle I address in this dissertation. As immigration increases amid growing concerns about undocumented immigration and security issues in a post-9/11 world, members of Congress are increasingly confronted with policy issues that affect immigrants living in the US. Therefore, the question of whether immigrants or other groups, such as the opinion of native-born citizens, influence legislators' decision-making in matters of immigration policy is an important one and asks us to consider to whom legislators respond when making decisions in immigration policy.

In this dissertation, I build upon previous work on constituency influence more generally as well as prior studies on immigration policymaking and focus on an aspect of the policymaking process that has been previously unexplored: the influence of public opinion and demographic change on immigration policy responsiveness. In contrast to previous studies on Congressional immigration policymaking, I use public opinion data on immigration to examine its influence. I also examine responsiveness as bill cosponsorship and compare this across different dimensions of immigration policy.

In this first chapter, I focus on previous work on constituency influence. I start by reviewing theoretical considerations of political representation. Here, I emphasize that these theories of representation are based on the assumption that constituency is limited to those who are citizens, and therefore, can vote. From there, I address empirical studies of representation and their focus on studying representation as policy responsiveness. I then discuss the role of accountability in representation and look to the literature on minority representation to help us understand how legislators might represent those outside the formal boundaries of their constituency.

In the second chapter, I review the work on immigration policymaking and their focus on the role of interest groups in the process. I put forth a theory of the influence of public opinion and demographic change on legislators' behavior on immigration policymaking.

In the third chapter, I discuss the factors affecting public opinion on immigration, particularly the effect of economic conditions on public opinion on immigration. Here, I examine the factors correlated with public opinion on immigration and test which factors affect public opinion.

In the fourth and fifth chapters, I test my theory of public opinion and demographic change using examples from the 109th Congress (2005-2006), as well as test alternative explanations of how legislators might respond to immigration policymaking. In these chapters, I also discuss research design and hypotheses. In Chapter 4, I examine roll call votes of two major immigration bills passed in the 109th Congress. In Chapter 5, I extend the analyses of Chapter 4 another form of legislative responsiveness, bill co-sponsorship. In Chapter 6, I review the key findings from the empirical results of this

dissertation. I discuss the implications of these findings for future policy debates regarding immigration policy. I also discuss directions for future research and the implications of my findings for representation and comprehensive immigration reform.

2. THEORIES OF REPRESENTATION

The relationship between legislators and constituents is at the heart of theoretical considerations of representation. Should the constituency have any influence over the representative? If so, what should that influence look like? Should legislators behave exactly as the constituency desires, or should the legislator take it upon his or herself to act as he or she sees best for his or her constituents?

This discussion first starts with the debate between the delegate and trustee forms of political representation. The delegate form of representation argues that legislators should follow the express wishes of their constituents; the trustee form of representation advocates that legislators should rely primarily on their own judgment, rather than just following what the constituency wants. Edmund Burke (1774) discussed these two competing ideas of what the relationship between legislator and constituency should be in a representative democracy in his *Speech to the Electors at Bristol*. In this speech, Burke argued in favor of the trustee form of representation, arguing that while the opinions of a legislator's constituents should weigh heavily with him, he should not sacrifice his own judgment to blindly follow the constituency's wishes.

Burke does not discount the importance of constituency opinion, however. In his discussion of the delegate form of representation, he states:

Their wishes ought to have great weight with him; their opinion, high respect; their business, unremitted attention. It is his duty to sacrifice his repose, his

pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own.

While constituency opinion is “a weighty and respectable opinion, which a representative ought always to rejoice to hear; and which he ought always most seriously to consider,” Burke argued that despite the importance of constituent opinion, a legislator should not sacrifice his or her judgment. He or she should not blindly follow the wishes of the constituency, but should also take heed of his or her own judgment.

In her seminal theory of representation, Hanna Pitkin asserts almost two hundred years after Burke’s speech at Bristol that the mandate-independence debate focuses on the wrong question. Pitkin argues that representing be thought of as acting for others and ultimately argues against the Burke’s conception of representation (1967, 114). She states

Burke did not think that representing had much to do with consulting the represented or doing what they wanted; that is because he was talking about the representation of unattached interests—interests to which no particular persons were so specially related that they could claim to be privileged to define the interests (Pitkin 1967, 210).

She also resists conventional wisdom in thinking of political representation as a one-to-one relationship between an agent and principal, as conceived of as trustee, agent, deputy or commissioner (Pitkin 1967, 221). Through these ideas we have gained a better understanding about the nature of the relationship between legislator and constituency. This then brings us to consider who is in the constituency. The prevailing assumption in such theories of representation is that the constituency, at least in theory, is comprised of those who are citizens with voting rights. Even though not all citizens could vote during Burke’s time (most notably women, but also in some cases white men without property), the role of where those in the constituency who were not citizens or could not vote is

largely unaddressed. Even if citizens choose not to vote, in principle they can exercise the vote.

Constituencies are largely defined by geographical boundaries. Fenno (1978) argues that legislators think of those they represent in a series of concentric circles, where the largest is the geographic constituency, those that reside within the physical boundaries of a legislator's Congressional district. Rehfeld (2005) argues that this idea of using territory to define constituencies was more for logistical expediency. He contends that a constituency can be defined in three ways:

Electoral Constituency 1 (EC1): The group of people who voted for a particular representative (or party).

Electoral Constituency 2 (EC2): The group of people who are eligible to vote for a particular representative (or party).

Non-electoral Constituency (NEC): The group of people whose interests a representative (or party) looks after and pursues (2005, 35).

Rehfeld bases his definition of constituency on EC2, arguing that "Constituency definition = *the manner by which the state defines groups of citizens for the purpose of electing a political representative(s)*" (2005, 36, italics author's). Although one might assume that immigrants would fall into the category of non-electoral constituency, Rehfeld does not mention that. Instead, he contends that, "Non-electoral constituencies often take the form of interest groups or emerge from voluntary associations" (2005, 36).

Despite the different conceptions of the legislator-constituency relationship and the different definitions of what a constituency is, what they all have in common is the assumption that the constituency is defined as citizens. The role of migrants or other outsiders has been largely unaddressed. However, the growing interdependence between nation-states has resulted in growing populations comprised of foreign-born residents, not

just in the US but other industrialized western democracies such as the United Kingdom, France, and Canada.

Despite the assumption of constituency as citizens, Pitkin's conception of representing interests and Benhabib's theory of rights of others suggests that immigrants do have a right to political representation in the countries they reside in. Benhabib (2004) argues that migrants have a right to political representation, drawing on Kant's right of hospitality and Arendt's the right to have rights. She argues that a paradox exists in normative conceptions of liberal democracies between accepting human rights norms and the right of nation-states to control their borders (Benhabib 2004, 129). She talks about a desegregation of rights regimes, whereby, for example, migrants have access to social rights and benefits but not access to political rights. Immigrants in the US do have rights to some public benefits and programs, such as public schools, and exist as part of the geographic constituency. But without naturalization and the right to vote, they cannot be members of the reelection or electoral constituency.

Now that we have discussed what political representation means, who the represented are, we now ask, which constituencies matter? What does their influence look like?

3. CONSTITUENCY INFLUENCE IN CONGRESS

Despite the concerns of theorists such as Burke on the dangers of the public's desires being too closely aligned with legislators' decisions, much of the empirical studies on representation have sought to explain how much correlation exists between constituencies' interests and legislators' behavior. Such explanations start with Miller

and Stokes' 1963 article, "Constituency Influence in Congress." Miller and Stokes argue that legislative representation in the US does not fit neatly into either the mandate or independence spectrum of representation. Rather, legislative representation in the US combines elements of the Burkean, instructed-delegate, and responsible party models (Miller and Stoke 1963, 45-46). In their study, they set out to find out if legislators adopt different models of representation for different policy issues and examine legislative representation for three issue areas: civil rights, social welfare, and foreign engagement.

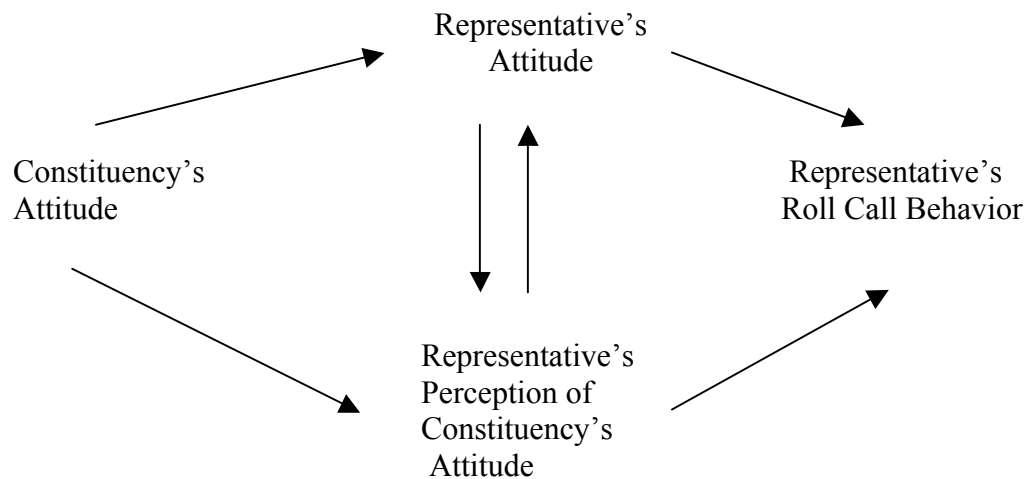
Miller and Stokes' approach remains a landmark study in that they were able to survey the policy preferences of incumbent legislators, their non-incumbent challengers, and constituents. By measuring the extent to which the opinion of constituents correlated with the policy preferences of legislators and their opponents, they were able to see not only how the winners of the elections compared to the constituency, but to the opponents as well. They found that the correlation between legislators and their constituency varied depending on the policy issue in question. In the area of social welfare policy, they found that policy preferences of the legislator and the district were positively correlated. However, in the area of foreign policy, there was no discernible agreement between legislators and constituents. They found the highest level of positive correlation between legislators and constituents in the area of civil rights (Miller and Stokes 1963, 49).

Miller and Stokes argued that constituency influence on a representative's roll call behavior follows two possible paths, as diagrammed in Figure 1, which I have reproduced here. One, constituents vote for the candidate whose preferences are similar to the district, such that by following his own wishes, he also follows the wishes of his constituents. In other words, the candidate's preferences mirror those of his constituents.

This is illustrated by the top half of the “diamond of representation” in which constituency opinions and the legislator’s actions are connected by the legislators attitudes. The second path, as illustrated by the bottom half of the “diamond,” is when constituency preferences and legislators’ actions are mediated by a legislator’s perception of what he thinks the districts wants (Miller and Stokes 1963, 50). Three conditions support this mechanism of constituency influence.

First, the Representative’s votes in the House must agree substantially with his own policy views or his perceptions of the district’s views, and not be determined entirely by other influences to which the Congressman is exposed; and, *second*, the attitudes or perceptions governing the Representative’s acts must correspond, at least imperfectly, to the district’s actual opinions. ... Yet these two requirements are not sufficient to assure control. A *third* condition must also be satisfied: the constituency must in some measure take the policy views of candidates into account in choosing a Representative. If it does not, agreement between district and Congressman may arise for reasons that cannot rationally be brought within the idea of control (Miller and Stokes 1963, 51).

Figure 1.1. Miller and Stokes’s Model Linking Constituency Attitudes and Roll Call Behavior.



However, Miller and Stokes (1963) do not address the amount of influence different constituencies carry. Not all constituencies have an equal amount of influence. Rather, some constituencies exert more influence than others—most likely, those that are more privileged socioeconomically (Schattschneider 1960). When members seek to maximize their probability of reelection, legislators will always side with the stronger group when faced with two competing groups holding opposing views on an issue relevant to a member's reelection outcome (Fiorina 1974, 39, 53).

Despite the lack of knowledge among voters in Congressional elections, and party identification being the key explanatory variable explaining why people vote for whom they do in Congressional elections, legislators still feel that voters will reward or punish them for their actions in Congress (Miller and Stokes 1963, 54). Among the various models of representation, central to the legislator-constituency relationship is the concept of accountability. Citizens have the ability to hold their legislators accountable through retrospective voting (Fiorina 1981, Kiewiet and Rivers 1984). Even given the low rates of voting in Congressional elections, the possibility of voters sanctioning their actions in Congress is enough for legislators to focus heavily on polling (Miller and Stokes 1963, 55; Fenno 1974). That is, voters hold members of Congress accountable for their actions through the power to reelect them into office for another term, or, if they disapprove of the job done, then citizens can express their disapproval by electing another candidate and sending the incumbent home. Mayhew (1974) argues that this mechanism of accountability through elections drives the primary motivations of members of Congress. In other words, a legislator's primary goal is reelection, and a legislator engages in advertising, credit claiming, and position taking in order to achieve this goal. Other

goals, such as making good public policy and pursuing personal policy interests are secondary and cannot be achieved without reelection to his or her seat in Congress. Thus, although academics, reporters, and pundits despair over voters' general lack of political knowledge, including the activities of their members of Congress, legislators cannot pursue their own agenda without electoral cost. As Hall argues

[T]here exists no strong theoretical basis for expecting that the interests of the constituency... are what drive the calculations of reelection-minded legislators.... But they are wrong in their implication that members can without cost abdicate their legislative responsibilities on matters that affect the interests of subconstituencies who care or might be made to care. They cannot (Hall 1996, 62).

Arnold (1990) details Hall's reference to "subconstituencies who care or might be made to care" through his discussion of attentive and inattentive publics. According to Arnold, legislators' actions can be partially explained by their anticipation of potential policy preferences by inattentive and/or attentive publics. Members of Congress usually can easily anticipate the policy preferences of attentive publics and their reactions to his or her actions on a particular policy issue. Anticipating the reactions of inattentive publics is more difficult, because the opinions of inattentive publics are sometimes unstable and not easily discernable to members. Furthermore, legislators must also take into consideration the likelihood that an inattentive public may become attentive when roused to action by an instigator (Arnold 1990, 68). The more traceable a policy's effects are to a member's specific actions, the more likely that inattentive and attentive publics will hold a member accountable for a policy's effects. However, even if immigrants hold rallies and participate in protests against policies that would hurt them (as they did in 2006), they cannot directly affect members' chances of reelection without the vote. So

how do we explain members' actions when the key mechanism to hold members accountable does not exist for this group?

4. REPRESENTING THOSE OUTSIDE THE CONSTITUENCY

The literature on minority representation offers insight into why legislators may represent those who cannot vote for them through the ideas of shared fate and surrogate representation¹. The idea of shared, or linked, fate is the idea that members of a group feel that their individual interests are tied to the interests of the group as a whole; it is this concept of linked fate that explains African Americans' support for the Democratic party despite variation in socioeconomic status and other predictors of Democratic party support (Dawson 1994). Linked fate helps to explain why African American members of Congress feel that they represent not just African Americans in their districts, but African Americans and other minorities in the US and the African diasporas at large (Fenno 2003; Swain 1993).

Much of the literature focuses on the debate between descriptive and substantive representation. From a theoretical standpoint, works by Mansbridge (1999 and 2003), Williams (1998), and Dovi (2002) have expanded theories of political representation to include discussions of representation concerning racial and ethnic minorities, women, and disadvantaged members of society. Such theoretical works have emphasized the importance of descriptive representation in improving political discourse because representatives who look like members of such groups bring a viewpoint unique to the experiences of these groups that might not otherwise be raised. In addition, such works

¹ *Surrogate representation*, as defined in Mansbridge (2003) is when legislators represent constituents outside their districts.

have also argued that descriptive representation is important for minority groups in further establishing their legitimacy as equal members of a polity whose place is on par with the dominant majority group.

The empirical studies of black representation, and Latino representation to an extent, have focused on questions regarding the representation of minorities and the benefits and tradeoffs of majority-minority districts. These studies have debated the benefits and tradeoffs between descriptive and substantive representation. For example, Swain (1993) places greater weight to the need for increased substantive representation of African American interests through having more white Democratic legislators. Other studies such as Cameron, Epstein, and O'Halloran (1996), Lublin (1997), Canon (1999), Tate (2003), and Fenno (2003) also have explored the relationship between African American constituents and their legislators.

Although scholars generally agree that the comparatively high degree of political cohesion among blacks is explained by linked fate (Dawson 1994), whether a similar concept exists among Latinos and Asians remains unclear. As Latinos now represent the largest minority group in the United States, and continuing immigration from Asia expands the Asian American population, new questions arise within our understandings of representation concerning the representation of Latinos and Asians in the legislature. Studies such as Hero and Tolbert (1995) and Kerr and Miller (1997) have examined the relationship between legislators and Latino constituents but disagree as to whether or not descriptive representation results in substantive representation of Latinos.² However,

² Hero and Tolbert (1995) argue that roll call votes of Latino members of Congress differed little from the roll call behavior of non-Latino members, such that little substantive representation of Latinos occurs. However, Kerr and Miller (1997) disagree in their replication and analysis of Hero and Tolbert (1995) and

these works in minority representation have not addressed the relationship between immigrants and the legislators in the districts in which they reside. Specifically, studies have not explored the effects of citizenship status or the lack thereof among immigrants and the particular lack of accountability noncitizen immigrants have by not being able to vote.³ Given that substantial proportions of the Asian and Latino population are not yet citizens, attention needs to be given to this aspect of representation.

Given that immigrants today are predominantly Latino and Asian (and thus, non-white ethnic/racial minorities), and the theoretical ideas that emphasize the unique contributions descriptive representation brings to the legislative chamber, this suggests that minority members of Congress may be more likely to represent immigrants due to their status as non-white racial and ethnic minorities. In other words, they engage in surrogate representation—they represent those outside of their immediate constituency. Therefore, through linked fate or even through a group consciousness of being racial minorities in the US, minority legislators may feel that they represent minorities in general, including immigrants.

Finally, if by “representation,” the literature generally assumes how well correlated a legislator’s actions are to policy preferences of the district, then one needs to consider public opinion on immigration. If members are motivated by reelection and follow the preferences of the constituency closely, then in districts where the majority of

argue Latino representatives’ roll call behavior is distinct from non-Latino members and that direct substantive representation of Latinos does, in fact, occur.

³ Throughout this dissertation, I use foreign-born and noncitizen immigrant interchangeably. Although foreign-born individuals can become citizens upon naturalization, the foreign-born and noncitizen populations are so highly correlated that they essentially measure the same population.

constituents favor more restrictive immigration policies, members should vote in favor of more restrictive policies toward immigrants.

5. CONCLUSION

In this chapter, I reviewed theoretical considerations on the legislator-constituency relationship. Theoretical considerations of the legislator-constituency relationship are predominantly grounded in the idea of the constituency being comprised of citizens who can vote and hold members accountable for their actions in office. However, as immigration has increased to the United States and to other industrialized nations, theorists have begun to consider the role of immigrants in political society. Without the right to vote, these members of society can be excluded from the process and members have few, if any, incentives to take their perspectives into account. Rather, members have incentives to consider those who can vote and keep them accountable. What mechanisms underlie how members' take public opinion into consideration? I address this next in Chapter 2.

Chapter 2

Legislators' Responses to Immigrants

1. OVERVIEW

In the previous chapter, I presented an overview of the literature on legislative representation and the considerations faced by minority members of Congress. Although groundbreaking, Miller and Stokes' (1963) findings were inconclusive as to whether members of Congress represented the opinions of their constituents; subsequent studies such as Achen (1978) suggested different ways of measuring representation and reported contrasting results to Miller and Stokes (1963). Mayhew (1974) suggested that legislators' actions are driven by the goal of reelection; and as such, legislators focus on winning over the reelection constituency (Fenno 1978). Among minority legislators, however, the concept of the constituency often extends behind the geographic boundaries of the district to include all members of their minority group (Fenno 2003; Swain 1993).

Citizens hold legislators accountable by reelecting them or voting for the opponent if they disapprove of the legislators' performance in office. Immigrants, however, cannot vote until they are naturalized; therefore, holding all else equal, legislators have fewer incentives to respond to this group. While scholars have extensively studied the role of citizen voting on legislative accountability, few, if any studies, have examined how being unable to vote affects legislators' responsiveness.

Immigrants' being unable to vote (until they are naturalized) provides a framework to study this puzzle.

In this chapter, I present the central puzzle motivating this dissertation: if noncitizen immigrants cannot hold legislators accountable through voting, then what factors affect legislators' response to this constituency? Given the diverse and competing interests in immigration policy, what group do legislators respond to when deciding matters of immigration policy?

I address these questions by drawing on three central ideas. One, that legislators are motivated by electoral concerns (Mayhew 1972). Therefore, they will be most responsive to the group that will help them win reelection. Two, when a group is excluded from the political process, a dominant group is able to hold its power over the subordinate group (Key 1949). Three, the idea of politicized change, where rapidly changing demographics lead to public opinion change in immigration (Hopkins 2010). Using these ideas as a foundation, I propose a theory of legislative responsiveness to immigrants and discuss the factors that I expect will affect how members respond toward immigrants' interests in their districts. Specifically, I argue that legislators' responsiveness depends on public opinion on immigration, which is shaped by changing patterns of immigrant settlement in the late 20th and early 21st centuries. That is, more immigrants are settling outside of the traditional six receiving states (California, Texas, Illinois, New York, New Jersey, and Florida) and are settling in cities and suburban areas with little experience and resources in dealing with immigrants. This idea of public opinion's influence on legislators' responsiveness to immigrants differs from existing explanations of immigration policymaking, in which legislators largely exclude public

opinion on immigration from immigration policymaking (Freeman 1995a, 1995b) and in which business interests, ethnic advocacy groups, and party interests are the primary factors that have shaped legislative response (Wong 2006; Gimpel and Edwards 1999). The outline of this chapter is as follows. First, I review the literature on theories of immigration policymaking, which focus largely on why expansive policies continue to exist despite the preferences of the public to restrict immigration. The purpose of this section is to show that prior work has focused on the observation that immigration policy has largely been made outside the realm of constituency influence and public opinion on immigration. I follow that with a review of the literature on Congress and immigration policymaking. In this literature review, I focus on the importance of business groups and ethnic groups in creating post-1965 immigration policy.

Next, I discuss V.O. Key's observations in *Southern Politics*, using Key's analyses of black belt districts of the southern United States during the Jim Crow era as an analogy for understanding how public opinion toward a disenfranchised group can result in legislators supporting policies against their interests. I then discuss the changing settlement patterns of immigrants in the late 20th and early 21st century, where immigrants are settling in suburban areas in states with very little foreign-born populations. Finally, I conclude with a discussion on the factors affecting legislators' response to immigrants in their district, focusing on the effects of public opinion and demographic change in the foreign-born population.

2. THE POLITICS OF IMMIGRATION POLICY

The politics of post-World War II immigration policymaking has largely been examined through theoretical discussions of immigration policy in liberal democracies and specific analyses of the major actors in creating policy. In this section, I review the literature on immigration policymaking, starting with theories of immigration lawmaking. I then describe the bipartisan consensus around the passage of the 1965 Immigration and Naturalization Act and the rising partisanship in immigration policymaking since then. Finally, I address the role of interest groups in the process and the interaction between ethnic rights advocates and business interests in securing more expansive policies. In summary, three main ideas characterize this literature: (1) that liberal democratic states enact policies that do not correspond with public opinion; rather, they enact immigration policies that are more liberal than public opinion; (2) the politics of the post-1965 era of immigration has become increasingly partisan over the years; (3) interest groups, not public opinion, have played a large role in formulating policy.

2.1 Theories of Immigration Policymaking

From the literature on Congressional behavior, we know that citizens can express their approval of legislators' performance in office by reelecting them; therefore, members of Congress have a clear interest in considering public opinion in creating policy. Theories of post-World War II immigration policymaking, however, argue that in liberal democratic states, public opinion has a negligible, if any, impact on how legislators develop immigration policies. This results in immigration policies that tend to be less restrictive than public opinion (Freeman 1995a). According to the exchange

between Freeman (1995a and 1995b) and Brubaker (1995), this is due to (1) immigration policymaking being a constrained process; and (2) legislators paying more attention to more organized pro-immigration interests, instead of a less-articulated public opinion that favor more restrictive immigration policies. In addition, immigration policies have also been more liberal than public opinion because of foreign policy considerations (Joppke 2005).

Freeman (1995a) argues that immigration policymaking is a highly constrained and closed process because barriers exist to obtaining information about immigration. As a result, there is a lack of clear and reliable immigration data. In addition, norms of political discourse in immigration discourage casting the debate in ethnic or racial terms. Given these conditions—the lack of information and the constraints on debate—citizens’ opinions on immigration are less developed and less solidified. In this environment, where citizens’ opinions are slower to form and solidify, legislators can develop immigration policy largely away from constituency influence. In other words, “Whatever the state of public opinion about immigration, however, it is obvious that no liberal democratic state voluntarily consults the public directly over immigration policy” (Freeman 1995a, 884).

Because public opinion against immigration is less articulated than the more organized pro-immigration interests, legislators are more likely to respond to pro-immigration interests. As Arnold (1990) argues, legislators are more likely to respond to attentive rather than inattentive publics if attentive publics are larger and their preferences more intense than those of inattentive publics. Public opinion on immigration is also less developed because expansive immigration policies only benefit a few, but the costs of

immigration are diffuse and spread among many. More specifically, those that benefit from expansive immigration policies are primarily employers that depend on immigrant labor and the families of immigrants, who seek to bring family members to the US under the principle of family reunification. Therefore, given that legislators seek to maximize their utility, Freeman argues that legislators respond favorably to expansive immigration policies because it is in their interest to do so. That is to say, it is in their interests to listen to organized interest groups that favor more expansive policies instead of the “poorly articulated opposition of the general public” (Freeman 1995a, 885). In summary, legislators have more incentives to listen to the organized groups that seek to expand immigration than to the more loosely defined, unorganized interests of those that seek to reduce immigration. Therefore, the resulting policies in liberal democratic states are more expansionist than public opinion.⁴

Brubaker (1995) argues that much of the common characteristics in liberal democracies that Freeman identifies as explaining immigration policymaking are not characteristics of liberal democracies per se. Rather, such features are period-specific or contextual characteristics. For example, he takes issue with Freeman’s argument that a lack of reliable and accurate information about immigration is a feature of liberal democracies that help explain immigration policymaking. Rather, he argues, the lack of information is characteristic of the migration process itself, not liberal democratic states more generally (Brubaker 1995, 904). Brubaker also argues that the tendency of liberal democracies to avoid casting immigration debates in ethnic or racial terms is not necessarily a characteristic of liberal democracies, but that it is a feature of public

⁴ By expansionist, I mean policies supporting more open immigration.

discourse that is specific to a certain historical period (Brubaker 1995, 905). He argues that while raising the issue of race or ethnicity in immigration is frowned upon, at other times it is not as stigmatized. In other words, the boundaries of debate change over time. What is considered off-limits in one period of debate may not be considered so at another point. In summary, Brubaker contends that the structural characteristics of liberal democracies, such as free elections and party competition, do not really explain immigration policymaking.⁵

In this exchange between Freeman and Brubaker, legislators' motivations are primarily attributed to the influence of organized interests that have clearly defined interests in more expansive immigration policies. Constituencies that have an effect on immigration policymaking are primarily industries that rely on immigrant labor and immigrants (both naturalized and non-naturalized immigrants) themselves, who hope to bring other family members to the US. Constituencies that desire more restrictive policies, at least during the time in which this exchange took place (the mid 1990s), were not as organized or as visible. As a result, their views are not as strongly represented in immigration policy outcomes. Although Freeman (1995a) notes that immigrants currently residing in the US are one of the few groups that do benefit from more expansive policies, he does not address the means through which this group might influence legislators to respond to their interests.

⁵ In a rejoinder, Freeman (1995b) responds to Brubaker's critiques by arguing that liberal democracies are not just characterized by features such as the way in which political leaders are selected, but are also characterized by socio-cultural beliefs. The adoption of a universalistic admissions immigration policy by settler states in the post World War II-era is not just a random occurrence. Rather, "[I]t represents the unfolding of the internal logic of the core values of liberal democracy and is almost certainly irreversible in practical terms" (Freeman 1995b, 912).

Public opinion also had little influence in immigration policymaking because legislators were more focused on foreign policy concerns. Foreign policy interests to establish US credibility and stature as a democratic world leader after World War II motivated legislators to support immigration policy reforms to abolish the national origins system. In particular, the practice of selecting immigrants on the basis of ethnic or racial origins inherent in the national origins quota system was unpopular in the international community after the experience of Nazi Germany during World War II. As the Civil Rights Movement took shape in the US, those favoring reform framed immigration as part of a broader civil rights agenda within the US and argued for the elimination of racial and ethnic preferences from immigration policy as well as in other areas such as housing and education. In addition, descendants of the southern and eastern European immigrants from the massive wave of migration in the early 20th century formed ethnic interest groups that lobbied for abolishing the ethnic origin-based immigration system (Wong 2006, 49; Joppke 2005, 49-55). Therefore, pressure from the international community, foreign policy interests to maintain a strong US presence on the world stage, a growing Civil Rights Movement in the US, and the actions of ethnic interest groups motivated legislators to support the 1965 immigration reforms.

In these discussions, organized and vocal efforts from business interests (i.e., employers dependent on immigrant labor), ethnic interest groups, and foreign policy considerations influenced legislators to create more expansionist policies, even though the public generally favored more restrictive immigration policies. However, these theories do not address the inability to vote among noncitizen immigrants that diminish their capacity to influence the process. In addition, the role that this group might play has

largely been attributed to the influence of organized ethnic interest groups and not to the mechanisms by which such a group might directly affect legislators' decision-making as a part of the broader constituency in the legislator's district. In this next section, I address the bipartisan nature of the passage of the 1965 Immigration and Nationality Act and reasons behind the increasing partisan nature of immigration policymaking since 1965.

2.2 Congress and Immigration Policy

Our current immigration policy is based upon the 1965 Immigration and Naturalization Act.⁶ This Act is also known as the Hart-Cellar Act, based upon the bill's sponsors, Rep. Emanuel Celler (D-NY) and Sen. Philip Hart (D-MI). The Hart-Cellar Immigration Act of 1965 stands as a major landmark in current immigration policy because it eliminated country of origin as the determining factor governing US immigration policy. Dramatic increases in immigrants arriving from non-European countries—particularly Latin American and Asia—were the unintended consequences of eliminating country of origin as the basis of determining who could migrate to the US. Therefore, the dramatic demographic changes in American society since 1965 are almost entirely attributed to the passage of this Act.

Prior to 1965, immigration policy was determined by a quota system that was based upon country of origin. This quota system placed numerical limits on immigration by making each country's quota based on the number of immigrants from that country

⁶ The 1965 Hart-Cellar Immigration Act eliminated the national-origins quota system, which restricted immigration from all areas except northern and western Europe. The Hart-Cellar Immigration Act instead prioritized family reunification, scientists, artists, and professionals of exceptional ability, and workers in occupations in which there was an insufficient supply of labor. The unintended consequence of the Hart-Cellar Act is the influx of immigrants from Asia and Latin America (Wong 2006, 44).

residing in the US at that time. Because most immigrants prior to 1965 were largely from northern and western Europe, this quota system heavily favored immigration from northern and western Europe and made immigration from Asia and Latin American virtually impossible.⁷ In contrast, the 1965 Immigration and Naturalization Act based admission to the US on family reunification, without regard to country of origin. As a result, post-1965 immigration has been comprised of non-Europeans, primarily immigrants from Latin America and Asia, who add new dimensions to the Black-White framework that previously characterized America's racial demographics. In addition, the 1965 Immigration Act imposed limits on immigration from the western hemisphere. These limits, along with a growing demand for workers in immigrant-dependent industries like agriculture, increased the number of undocumented workers crossing into the US through the US-Mexico border (Wong 2006, 44).

The final version of the 1965 Act passed with overwhelming bipartisan support, with a vote of 318 to 95 in the House of Representatives, and a vote of 76 to 18 in the Senate. The largest bloc of opposition came from Southern Democrats, who opposed the bill 62 to 30 (Wong 2006, 61). Gimpel and Edwards (1999, 109) argue that immigration reform passed with such considerable consensus simply because with such low levels of immigration at the time, it was not a particularly visible issue. Furthermore, the economy was strong, with low levels of unemployment, which tempered the usual fears that immigrants were keeping native workers out of jobs. The racial arguments used by restrictionists (i.e., those favoring greater restrictions on immigration) earlier in the 20th century were frowned upon in light of the Civil Rights Movement. Conservative business interests argued that immigration benefited them since they could hire

⁷ For a summary of major immigration legislation before 1965, see Gimpel and Edwards (1999, 94-99).

immigrant workers at lower wages. Liberals argued that past policies were discriminatory, and other proponents pointed out the successful assimilation of prior waves of immigration (Gimpel and Edwards 1999, 100). America's post-World War II position as a superpower added additional pressures to implement a more open refugee policy to those fleeing communist regimes to protect foreign policy goals of containing communism.

However, bipartisanship in immigration policymaking in Congress has considerably decreased since the passage the 1965 Hart-Cellar Act. Gimpel and Edwards (1999) attribute the partisan divisions toward immigration to disagreements over the cost of immigration to US society during the 1980s and 1990s (Gimpel and Edwards 1999, 19). They argue that this is due to Democrats' and Republicans' contrasting ideologies on the cost and size of the federal government. In addition, by the 1960s, the Republican Party was perceived to be hostile to the interests of minorities and civil rights (Gimpel and Edwards 1999, 21).

Furthermore, the framing of immigration as an issue of redistribution also contributed to its becoming a more partisan issue (Gimpel and Edwards 1999, 297). As debate has shifted to a discussion of who benefits and who bears the costs, it has become a divisive and partisan issue; not just at the federal level, but particularly in states experiencing large waves of immigrant growth. A prominent example of this is the passage of Proposition 187 in California in 1994, a ballot initiative that sought to deny most benefits to undocumented immigrants, including public schools and non-emergency health care (Gimpel and Edwards 1999, 16, 91).⁸

⁸ I further discuss Proposition 187 and public opinion on immigration in Chapter 3.

Immigration policy has remained a partisan issue in the current post-9/11 era. Since the attacks of September 11, 2001, the focus in Congress has shifted to issues of immigration enforcement and border security. The creation of the Department of Homeland Security in 2002 and the moving of the Immigration and Naturalization Service from the Department of Justice into the Department of Homeland Security reflect a shift in those priorities. In the immediate aftermath of 9/11, Congress passed the USA PATRIOT Act (P.L. 107-56) in 2001, which sought to increase border security by, for example, increasing border personnel at the US-Canada border (CRS Report 10/30/2002). Although the USA PATRIOT Act passed with considerable majorities in both houses, the debate in general concerning immigration reform since then has become increasingly partisan. For example, a bill in the 109th Congress to criminalize those who aid illegal immigrants and those to build a fence along the US-Mexico border passed along party lines. Although bipartisan immigration reform bills have been proposed, such as the McCain-Kennedy bill (S. 1033) in 2005, comprehensive immigration reform has failed to pass Congress.

2.3 Interest Groups and Immigration Policy

Despite the partisan nature of immigration policymaking in Congress, the interest group coalitions in immigration are comprised of groups that generally occupy both ends of the political spectrum. Previous studies of immigration policymaking in Congress before 9/11 have largely focused on the significant role played by interest groups in the immigration policymaking process. The most active advocacy groups in immigration represent a wide range of industries, interests, and ideologies. Interest groups participate in immigration policymaking in two ways. One, interest groups serve as a means of

advocacy for immigrants. Two, they serve as a source of information for legislators who are undecided about how to act on immigration issues. In this section, I describe the major groups involved in immigration policy and the key positions taken by these various interest groups.

The major interest groups in immigration policymaking are Latino and Asian ethnic interest groups, religious organizations, humanitarian and human rights groups, population-control organizations, environmentalists, taxpayer groups, immigration lawyers, pro-family groups, and labor unions. In addition, private business associations and labor unions also have a stake in immigration policy outcomes in order to secure the economic interests of their members (Gimpel and Edwards 1999, 47-53; Wong 2006, 1-2). Generally, ethnic advocacy groups, religious organizations, humanitarian groups, immigration lawyers, and pro-family groups represent the pro-immigration side of the debate and favor fewer restrictions on immigration. Groups favoring more restrictions on immigration generally are population-control organizations, environmentalists, and taxpayer groups.

Ethnic advocacy groups include groups such as the National Council of La Raza (NCLR), the Mexican American Legal Defense and Education Fund (MALDEF), and the Organization of Chinese Americans (OCA). Such groups favor more expansive family reunification policies. Key religious organizations include the US Catholic Bishops Conference, the Council of Jewish Federations (CJF), and the Lutheran Immigration and Refugee Service (LIRS). These groups see immigration as a moral issue and have been especially active in the area of refugee admissions. One benefit of religious organizations is that they often have conservative allies from their involvement with other issues like

abortion, as well as liberal allies when it comes to issues like welfare. That is, these types of organizations have allies on both sides of the aisle. Immigration lawyers also play an important role in the pro-immigration coalition. While their interests are economic, since they benefit from their clientele of immigrants, they also have credibility due to their expertise. In addition, business interests, such as agricultural interest groups, are also a part of the pro-immigration coalition due to their reliance on immigrant labor (Gimpel and Edwards 1999, 47, 51-52).

Anti-immigration groups focus their arguments on concerns related to overpopulation and the ability of immigrants to assimilate into mainstream American society. Environmental and population groups such as Zero Population Growth (ZPG), Negative Population Growth (NPG), and the Federation for American Immigration Reform (FAIR) argue for more restrictive immigration policies out of concern for overpopulation and associated problems such as school overcrowding, water shortages, homelessness, and crime (Wong 2006, 39-40). Taxpayer groups worry about the increasing tax burden placed on natives due to immigrant growth. Cultural exclusionists worry about the ability of today's immigrants to assimilate and express concerns about the threat they pose to traditional Anglo-Saxon culture. Labor unions historically argued for more restrictions on immigration because they felt that immigrants' willingness to work for lower wages would displace native workers in the labor market as well as lower wages for native workers (Gimpel and Edwards 1999; Tichenor 2002; Wong 2006)⁹.

⁹ Such unusual coalitions are not merely a recent phenomenon. Historically, immigration policy has been made up of unstable bipartisan coalitions that cut across the traditional liberal-conservative divide. In describing the political coalitions in immigration policy, Tichenor (2002) writes

At least since the late-nineteenth century, this policy domain has divided pro-immigration free marketers and restrictionist cultural exclusionists on the American Right, and pro-

However, as more immigrants have joined labor unions, labor unions have abandoned their restrictionist positions in favor of more pro-immigration policies (Gimpel and Edwards 1999, 46). In particular, because many union workers are minorities, labor unions have not supported policies that advocate greater employer sanctions, for fear they will discriminate against foreign-looking employees.

Among these various interest groups, business interests and ethnic advocacy groups have comprised the most prominent and active coalition in supporting pro-immigration policies. Business interests have influenced the policy process in areas such as guest worker programs, and ethnic interest groups have worked to secure the rights of immigrants once they reside within US borders (Wong 2006; Edwards and Gimpel 1999). Observers of immigration policy have noted the unusual “strange bedfellows” coalitions between ethnic interest groups and economic interest groups in advocating for more expansive admission policies. Although ethnic interest groups like the Mexican American Legal Defense and Education Fund (MALDEF) and large corporate interests occupy opposite ends of the political spectrum, they often work together in the area of immigration policy. They do so because ethnic interests want more expansive family-reunification policies for their co-ethnics, while business interests like agriculture depend on immigrant labor and want to keep access to a cheaper labor supply open (Wong 2006, 1-2).

Since the passage of the 1965 Hart-Cellar Immigration Act, ethnic interest groups such as MALDEF and the National Asian Pacific American Legal Consortium (NAPALC) were instrumental in stemming the tide of enforcement policies like

immigration cosmopolitans and restrictionist economic protectionists on the American Left. As a result, it would be hard to think of an area of U.S. public policy that has engendered more incongruous political alliances in American history (2002, 8).

employer sanctions despite strong public opinion desiring to restrict immigration and provide greater enforcement against illegal immigration and employers that hire undocumented immigrants. For example, Mexican American organizations and other ethnic organizations like the Organization of Chinese Americans (OCA) argued against employer sanctions during debates over the 1986 Immigration Control and Reform Act (IRCA). These groups argued that sanctions against employers hiring undocumented immigrants would increase workplace discrimination against foreign-looking individuals (Wong 2006, 96). Although the 1986 IRCA did contain employer sanction provisions against hiring undocumented immigrants, the efforts of ethnic rights organizations were able to mitigate their effects with provisions to grant amnesty to certain undocumented immigrants who entered and resided continuously before January 1, 1982. Here again, we see an example of how less restrictive policies were enacted despite public opinion favoring greater immigration restrictions.

In such cases, ethnic interest groups such as NCLR and OCA link the interests of immigrants to legislators' actions. In doing so, Wong finds that the size of the foreign-born population is the most influential in eliciting a response from members of Congress. She expects that members are increasingly responsive to pro-immigration interests as the size of the foreign-born population increases. As such, she argues that the size of the foreign-born population is the most consistent predictor of a member's supporting more open immigration policies, controlling for party and ideology (Wong 2006, 21).

However, she does not take into account the strength and intensity of public opinion in the district. If legislators are motivated by electoral concerns, then they are more likely to respond to those that are part of the reelection constituency (Fenno 1978).

Nationally, groups like La Raza advocate on behalf of immigrants who sometimes have very little political leverage in the US, such as undocumented immigrants. However, if the foreign-born population is in a district that has little experience in dealing with immigrants, the larger constituency may become resentful of this change. Given that these constituents can vote, legislators would be more likely to respond more to them than the foreign-born. Immigrants now settle in areas that traditionally did not have many immigrants, and as such, much of the growth in the foreign-born population in recent years are in areas unaccustomed to dealing with immigration. In the next section, I discuss immigrant settlement patterns in the late 20th and early 21st centuries and how these communities have responded to this demographic change.

3. IMMIGRANT SETTLEMENT PATTERNS: 1995-2005

Traditionally, immigrants settled in large urban areas. Inner city urban areas drew immigrants due to more affordable housing, jobs, and the presence of other immigrant populations, particularly other co-ethnics. As the first generation achieved economic success, they would then typically move to suburban areas (Singer 2008, 5; Smith and Furuseh 2008, 286). In contrast, settlement patterns of immigrants at the end of the 20th and beginning of the 21st centuries show that immigrants have bypassed traditional gateway cities such as Los Angeles and New York and settled directly in suburban areas or cities with very little immigration history (Singer 2008, 16-17). As a result, suburban areas and new gateway cities¹⁰ have struggled and continue to struggle to adapt to the needs of growing immigrant populations and rapid demographic changes. In particular,

¹⁰ New gateway cities are those areas with rapidly growing immigrant populations over the past twenty-five years where immigrants previous did not settle. Examples of these new gateway cities include Dallas-Forth Worth, Atlanta, Charlotte, and Washington, DC (Singer 2008, 9).

local governments in these areas must address the demands placed on public goods such as education, health care, and law enforcement and increased demands for housing and transportation (Odem 2008, 121). Therefore, some communities have responded negatively to these demands. Three common ways new gateway areas have deflected immigrant growth are through restrictive housing and zoning ordinances, requiring English as the only language, and opposing day labor centers.

Restrictive housing and zoning ordinances may target undocumented immigrants through direct and indirect measures. For example, in 2006, the County Board of Commissioners in Cherokee County, a suburb of Atlanta, passed legislation penalizing landlords who rent housing to undocumented immigrants (Odem 2008, 122). Other policies are directed at immigrants more generally, such as policies limiting the number of non-related adults that can live in a residence. Because immigrants often share housing with family, relatives, friends, and other co-ethnics to save money, such policies disproportionately affect immigrants and are a way to discourage immigrant settlement. For example, housing ordinances in Duluth, Georgia, near Atlanta, allow no more than three people who are not related by blood, adoption, or marriage to live together. In 2004, Herndon, Virginia, a suburb of Washington, DC, amended its zoning ordinance so that no more than four “unrelated people” could share a residence (Odem 2008, 126; Price and Singer 2008, 161).

Another way these gateway areas have responded to growing immigrant populations is to pass policies declaring English as that county’s or city’s official language. In 2006, the city of Farmers Branch, Texas, a suburb of Dallas-Fort Worth, declared English the city’s official language. Signs in Spanish were removed from the

public library, and the city no longer printed fliers in Spanish (Brettell 2008, 79). Several suburbs of Atlanta—Norcross, Doraville, and Smyrna—passed ordinances requiring only English be used in signs and billboards in front of churches, businesses, and offices (Odem 2008, 128).

A third way new gateway areas have responded to growing immigrant populations is to place restrictions on day-labor sites. In many metropolitan areas, groups of mostly Latino men gather in formal or informal day-labor sites to await work in areas such as landscaping or construction. Formal day-labor sites are sometimes funded by local governments and are staffed by volunteers from local churches and community groups. Formal day-labor sites provide a safe, legal space for day laborers to wait. In addition, these centers also record employers' information to ensure fair payment and treatment of day laborers. In contrast, informal day-labor sites are often street corners or storefronts where day-laborers gather to wait for work. Anti-loitering laws can eliminate these informal day-labor sites. Communities have objected to formal day-labor sites because opponents view them as attracting more undocumented workers or condoning illegal immigration (Odem 2008, 128; Price and Singer 2008, 161-163).

For example, in 1996, Chamblee, Georgia, passed an ordinance forbidding people to assemble on private property for the purposes of soliciting work as a day laborer. Other Atlanta suburbs passed similar ordinances in 1998 and 1999. In 2005, local officials in Herndon, Virginia, responded to the growing number of informal day-labor sites by creating a formal day-labor center. In 2006, as immigration reform took on national significance, Herndon voters ousted the mayor of Herndon, Michael O'Reilly,

and other local officials who had supported the formal day-labor center. In 2007, the day-labor center was closed (Odem 2008, 127; Price and Singer 2008, 162-163).

In these examples, areas responded negatively to growing immigrant populations, particularly those that were poor and most likely undocumented. Despite the idea that public opinion may not affect immigration policymaking at the national level, at the local level, the passage of restrictive ordinances that both indirectly and directly targeted immigrants demonstrates that at least at the locally, public opinion does have some influence over policymakers' actions. As evidenced in Herndon, despite the high concentrations of immigrants in that area, voters did not reelect the mayor who had supported the day-labor center and voted for one who eventually closed the day-labor center.

Hopkins' (2010) theory of politicized change helps explain the above examples by connecting negative opinion on immigration and local anti-immigrant political responses through rapid demographic change brought about by immigration. Local anti-immigrant policy responses occur when communities experience rapid demographic change and when immigration becomes politicized at the national level (2010, 40-41). Hopkins finds support for this theory by demonstrating that a sudden increase in immigration in a community is a strong predictor of which localities consider anti-immigrant policies. Therefore, despite previous assertions about the lack of influence of public opinion in immigration policymaking at the national level, the theory of politicized change suggests that public opinion on immigration and demographic changes may also influence policy response at the national level. In the next section, I discuss Key's black belt districts in the Jim Crow South as an example of how large proportions of a minority

group (i.e. African Americans) that could not vote in a district resulted in legislators' supporting policies against their interests.

4. DISENFRANCHISEMENT AND BLACK BELT DISTRICTS

In a representative democracy, citizens hold representatives accountable by their ability to reelect them if they approve of the representative's performance, or vote representatives out of office if they disapprove of the job done. However, when a group faces disadvantages and barriers to political participation, such as being unable to vote, the means through which they can hold elected officials accountable for his or her actions are greatly diminished. In some cases, a group is politically disadvantaged to the extent that they have almost no means to hold legislators accountable for enacting policies that are completely antithetical to the interests of that group.

Black belt districts in the South during the pre-Civil Rights Movement illustrate how legislators supported policies completely against the interests of a significant proportion of their constituencies¹¹ by posing barriers that effectively excluded virtually all blacks from the political process. During this time, Southern members of Congress—particularly those representing areas in the South with the highest concentration of blacks, also advocated the most anti-black policies. Such districts were referred to as black belt districts. Southern legislators from these districts opposed antilynching bills and bills to abolish the poll tax, which would have enabled greater access to the ballot for blacks (Key 1949, 371-371).

¹¹ Here, I define constituencies as including all those living in a district.

Black belt districts contradict our assumption that legislators are elected by a majority of constituents and generally support policies that are favored by those constituents, given that all constituents have equal access to the ballot. That is, if blacks were the majority of a district's constituents, then legislators, under this assumption, would support policies that favored, not opposed, black interests. Even if blacks were not the majority in a district, but comprised significant proportions of the district's population, then legislators still would not have supported blatant anti-black policies. Legislators were able to enact policies that were so antithetical to the interests of black constituents through means such as the white primary, poll tax, and literacy tests that effectively shut blacks out of the political process. Without being able to vote, blacks could not hold legislators accountable for these actions and could not support legislators who supported their interests. Therefore, legislators could continue to support anti-black policies and blacks, without the vote, had no way to hold legislators accountable.

Whites' suppression of blacks was rooted in their resentment of blacks and fears of losing their dominant economic and social position. This was the unifying principle behind all of Southern politics. As Key describes:

It must be conceded that there is one, and only one, real basis for southern unity: the Negro.... it is not the Negro in general that provides the base for white Democratic unity in national affairs: it is fundamentally the rural Negro in areas of high concentration of colored population. It is here that whites are relatively fewest, that the plantation system of agriculture is most highly developed, that the economic system is most dependent upon black workers, and that the white-black socio-economic system, commonly thought to be characteristic of the entire South, is most highly developed. Here we find the persistent strain of southern unity (Key 1949, 315).

As Key explains, whites in areas with high concentrations of blacks were highly dependent on black agricultural workers. Without this labor, whites feared losing their

economic and social dominance. This sense of threat united Southern politics. In areas with fewer blacks and higher numbers of poor whites, there was greater support for Republican candidates and less opposition to policies such as eliminating the poll tax.

Today's situation with immigrants—particularly in new gateway areas—present similar parallels. This example shows us that without the vote, groups can be so politically disadvantaged as to have no means of not only expressing their interests, but also have no means to hold legislators accountable if legislators act in a way that harms their interests. This example also shows how the opinion of a small but politically dominant minority can completely influence how legislators respond to the disenfranchised group. That is, despite the larger size of the black population in their districts, legislators representing districts where blacks were especially populous responded only to the opinion of the small but dominant white minority. Through the example of black belt districts, we begin to understand how in districts with large immigrant populations, legislators may be most responsive to the whites who are resentful and support anti-immigrant policies. In summary, having a large population of a politically disadvantaged group that cannot vote far from ensures the representation of their interests. In fact, the opposite may occur.

5. A THEORY OF LEGISLATIVE IMMIGRANT RESPONSIVENESS

Over the past fifteen years, scholars have put much effort into explaining how Congress creates immigration policy. Despite the linkages between constituent opinion and legislators' policy responses, the literature on Congressional immigration policymaking suggests that public opinion on immigration has very little influence on

how Congress creates immigration policy (Wong 2006; Joppke 2005; Gimpel and Edwards 1999; Freedman 1995a and 1995b). Instead, interest groups influence the immigration policymaking process, particularly those representing business interests dependent on immigrant labor and ethnic advocacy groups, as well as party interests (Wong 2006; Gimpel and Edwards 1999). Despite the rapidly increasing numbers of immigrants in the US, especially in areas new to immigrant settlement, the literature has largely unaddressed the question of how legislators respond to this growing subconstituency. In particular, while scholars have pointed out that immigrants' lack of voting have made them more hidden and vulnerable (Singer 2008; Hopkins 2010; Hayduck 2006), scholars have not addressed how this affects the accountability and actions of members of Congress toward this group.

The rise of local anti-immigrant ordinances, particularly in areas of new immigrant growth, suggests that public opinion on immigration may influence policy responses, at least at the local level (Singer et al 2008; Hopkins 2010). Furthermore, while Congress has recently failed to enact immigration reform that would have granted undocumented migrants a path to citizenship, Congress has passed laws to increase enforcement of immigration laws that are directed at undocumented and recent immigrants.¹² This suggests, therefore, that despite the growing numbers of immigrants and their advocates in ethnic interest groups, legislators are more responsive to the voices of those opposing immigration. Given these opposing ideas about the role of public opinion and the rapid demographic changes observed in the past 10-15 years, the key theoretical challenge is to identify the conditions under which immigrant populations and

¹² For example, in the 109th Congress passed the Secure Fence Act to build a fence along the US-Mexico border.

public opinion affects legislators' response. Considering the diverse interests and subconstituencies that comprise every legislator's district, legislators face competing demands and interests regarding how they respond to immigrants in their districts. That is, when facing competing interests—immigrants themselves, business interests dependent on immigrant labor, and native-born citizens unhappy with the changes brought about by immigration—whose voices matter most when a legislator is faced with a vote on immigration policy?

To address these questions, I develop the theory of legislative immigrant responsiveness. I propose that given (1) that legislators are motivated by reelection and act to maximize their chances of reelection and (2) that the changes in immigrant settlement patterns from urban areas in the six traditional receiving states to new gateway areas and the accompanying demographic change, public opinion affects how legislators respond to immigrants residing in their districts. In other words, in light of rapid demographic changes in new areas of immigrant settlement, public opinion—particularly anti-immigrant opinion—becomes much more salient to legislators. Because many, if not most, immigrants are unable to vote, legislators are less motivated to respond to this group and have fewer incentives to respond positively. Therefore, the more vocal and prominent public opinion on immigration is, the more likely those voices will win out. Therefore, the size of the immigrant group is less of a factor than public opinion and the demographic changes in the district.

Table 2.1. Framework of Legislative Immigrant Response

	Public opinion favors more restrictions	Public opinion favors fewer restrictions
Rapid demographic change	Negative legislative response	Variable response
Slower demographic change	Variable response	Positive legislative response

In Table 2.1, I lay out a framework of legislative immigrant response. Here, when a district experiences rapid demographic change due to immigration, and public opinion favors more restrictions on immigration, then legislators are more likely to respond against the interests of immigrants. They may do this by cosponsoring bills that seek greater restrictions on immigration, by voting for bills to enforce greater restrictions on immigration, or by voting against bills that allow greater immigration or expand the rights of immigrants in the US. Conversely, when public opinion does not support increasing restrictions on immigration, and when a district does not experience rapid demographic change due to immigration, then legislators will respond more favorably to immigrants' interests. They may do so through actions such as supporting and sponsoring bills that increase immigration or provide greater legal protections to immigrants or voting against bills increasing immigration enforcement.

As previously described, public opinion had little influence on how legislators respond in matters of immigration policymaking because these decisions were largely driven by foreign policy considerations, business interests, and norms of debate that precluded any mention of race (Freeman 1990; Joppke 2005). Despite previous theories that legislators do not generally take public opinion into consideration in formulating immigration policy, public opinion matters—particularly negative public opinion. As

long-time residents in districts experience new and rapid influxes of immigrants, immigration becomes much more salient. Essentially, those that oppose immigration become attentive publics. As attentive publics, legislators have more reasons to respond to them (Arnold 1990). As they become attentive publics, legislators have more to gain by responding to them; it becomes more costly to side against them (Arnold 1990; Fiorina 1974). Prior work on legislative behavior argues that members of Congress are motivated by reelection (Mayhew 1974). Therefore, they respond to publics that are more likely to help them get reelected and cast roll call votes in order to maintain their likelihood of reelection (Arnold 1990; Fiorina 1974). If immigrant constituents in their districts are not yet citizens, then legislators have fewer incentives to respond to their interests. Furthermore, if the majority of the district favors more ways to restrict immigration, then legislators have more incentives to respond to anti-immigration opinion instead of supporting more immigrant-favorable policies.

In contrast, immigrants, especially recent arrivals, are less visible. Recent arrivals are especially less visible because they are dispersed throughout suburban areas (Singer 2008). The decreased visibility of immigrants in such areas due to the sprawling nature of suburban areas means that even if immigrants comprise a large part of the district, they may not be as visible and more likely to be ignored (Singer 2008). Despite the importance of business interests in supporting more expansive immigration policies, if legislators regard those comprising anti-immigration opinion as more important to his or her electoral chances, then legislators are less likely to be swayed by business interests. Therefore, when public opinion against a group is high and that group is prevented from voting, then legislators risk fewer costs from siding with public opinion.

6. SUMMARY

In this chapter, I reviewed theories on immigration policymaking and its increasing partisanship since 1965. I also reviewed the key interest groups in the immigration debate and the unusual coalitions built by groups otherwise on opposing side of the political spectrum. From there, I discussed the changing settlement patterns of immigration in the late 20th and early 21st centuries. Unlike prior waves of migration, immigrants arriving during this time settled in areas where immigration previously have not settled. In particular, immigrants settled in suburban, as opposed to urban, areas. I also used V.O. Key's black belt districts as a way to understand how in areas with a large minority population, the dominant white minority enacted policies to suppress blacks' political participation.

This rapid demographic change in areas with little prior history of immigrant settlement, coupled with the increasing salience of immigration, allows for public opinion to play a role in how legislators make immigration policy. The growing salience of negative public opinion, plus the motivations of legislators to seek reelection, makes ignoring anti-immigrant opinion more costly for legislators.

In the next chapter, I address public opinion on immigration. I discuss its historical trends from the last large wave of immigration, in the late 1800, to our current wave. I also present information on the measurement of public opinion and discuss the factors affecting public opinion on immigration.

Chapter 3

Constituency Opinion on Immigration

1. OVERVIEW

In Chapter 2, I presented a theory of immigrant legislative response: that public opinion affects legislators' responsiveness to immigrant constituencies in their districts, particularly in districts affected by new and rapid immigrant growth. This contrasts with previous work on immigration policymaking that found that legislators' decisions are made without much regard for public opinion on immigration (Freeman 1995a). Given the various subconstituencies legislators must consider when faced with a decision on immigration policy—immigrants, businesses depending on immigrant labor, foreign policy concerns, and native-born citizens uneasy with new and rapid influxes of immigrants in their communities—along with their motivation for reelection, legislators are most likely to respond to those who will maximize their chances for reelection. Since new immigrants are most likely to not be citizens yet, and cannot hold legislators accountable for their actions, ignoring their interests may be less costly for legislators than ignoring the desires of the public to enact more restrictive immigration policies.

In this chapter, I focus on historical and current trends in public opinion on immigration and answer the following questions: to the extent that public opinion on immigration affects how legislators respond to immigrant constituents, what are its underlying factors? What factors affect public opinion on immigration? To

address these questions, I first review the existing literature on the relationship between economic conditions and public opinion on immigration because economic conditions have been one of the most analyzed correlates of public opinion on immigration. I then present descriptive statistics on the variable measuring district-level public opinion on immigration from the 2004 National Annenberg Election Study (NAES).¹³ Following this, I analyze the factors affecting restrictionist public opinion on immigration. By understanding what factors affect public opinion on immigration at the district level, we can then see its potential effect on legislative responsiveness to immigration policy items in Chapters 4 and 5.

2. THE ROLE OF ECONOMIC CONCERNS IN IMMIGRATION POLICY

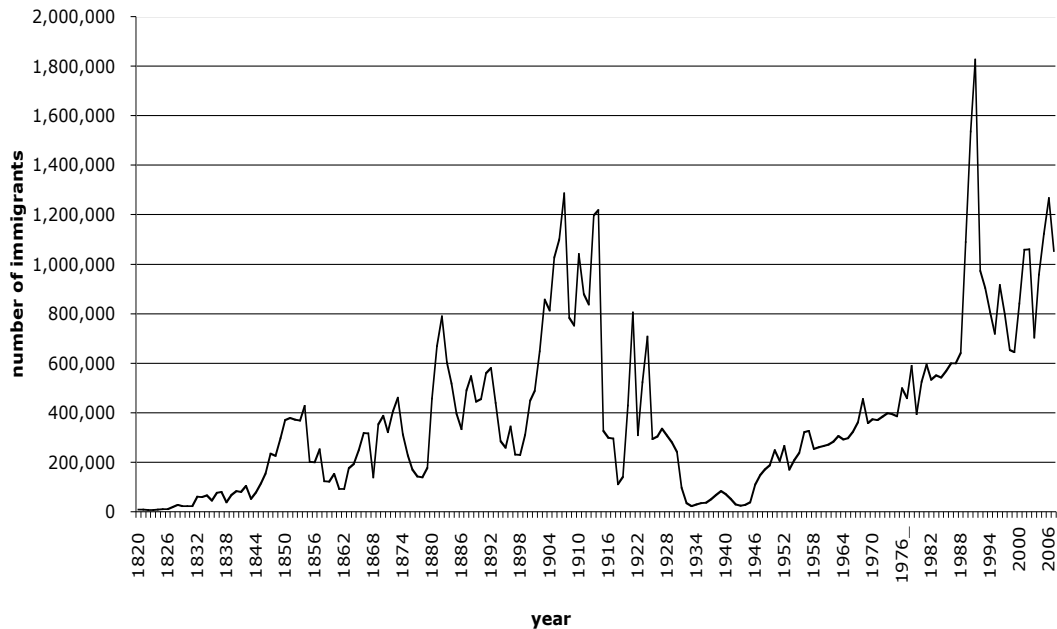
2.1 Background

Debates about American immigration policy inevitably reference the sentiment that America itself is a nation of immigrants. For example, John F. Kennedy wrote in the aftermath of the 1957 Immigration Act debates, “Another way of indicating the importance of immigration to America is to point out that every American who ever lived, with the exception of one group, was either an immigrant himself or a descendant of immigrants” (Kennedy 1964, 2). That is to say, every American, with the exception of Native Americans, is descended from an immigrant in some way. Despite this affirmation of the role of immigration in American history, negative public opinion about immigration is also as old as America itself. In particular, scholars have noted that anti-

¹³ The 2004 NAES data are available on CD included in the following: Daniel Romer, Kate Kenski, Kenneth Winneg, Christopher Adasiewicz, and Kathleen Hall Jamieson. 2006. *Capturing Campaign Dynamics 2000 & 2004: The National Annenberg Election Survey*. Philadelphia: University of Pennsylvania Press.

immigrant opinion increases during periods of high levels of immigration and economic uncertainty (Tichenor 2002; Higham 1955).

Figure 3.1 Legal Immigration to the United States: Fiscal Years 1820 to 2007



Source: Table 1. US Department of Homeland Security, Office of Immigration Statistics, Yearbook of Immigration Statistics, 2007; Migration Policy Institute

As Figure 3.1 illustrates, immigration levels to the United States peaked at the turn of the 20th century, and then again during the mid 1990s. The period between 1877 and 1914 represents the highest rate of immigration to the US before the passage of the 1965 Immigration Act. During this period, an estimated 23 million immigrants entered the US (Olzak 1992). The main sending countries during this time were Italy, Spain, and Ireland. In both these peaks, anti-immigrant opinion and movements to restrict immigration increased in response to worsening economic conditions in the US.¹⁴ In this

¹⁴ I focus on economic conditions in this chapter; however, other factors – namely the start of World War I at the turn of the 20th century and border security concerns after the September 11, 2001, terrorist attacks, also contributed toward increasingly negative sentiment toward immigrants.

section, I start with a discussion of historical trends in economic downturns and rising anti-immigrant opinion. I then follow that with a discussion of the relationship between economic concerns, public opinion on immigration, and immigration policy.

2.2 Historical Trends in Anti-Immigrant Opinion

Negative attitudes toward immigrants are a constant in American history; however, anti-immigrant opinion is especially prominent during times of economic uncertainty (Borjas 1999; Espenshade and Calhoun 1993; Olzak 1989; Higham 1955). During the wave of immigration in the late 19th and early 20th centuries, uncertain economic conditions exacerbated anti-immigrant opinion primarily because immigrants were perceived as competing with and taking jobs from native-born workers, particularly other low-skilled laborers. Economic downturns exacerbate anti-immigration opinion because such conditions sharpen competition for wages and jobs among workers (Boswell 1986, 365). In times of economic stress, native workers “eyed the foreigner for what he was at the moment—a cheap competitor, whose presence undoubtedly held down wages and bred unemployment in temporary local situations” (Higham 1955, 45). This perception, fueled by a growing labor movement and economic recessions during the 1870s and 1890s, led to widespread negative attitudes toward immigrants during the late 19th and early 20th centuries. During this time period, anti-immigrant sentiment became increasingly prominent because economic downturns also encouraged underlying nativism¹⁵ to rise and flourish (Higham 1955). For example, during the economic

¹⁵ Higham defines nativism as “intense opposition to an internal minority on the ground of its foreign (i.e., ‘un-American’) connections” (1955, 4).

depression of the 1890s, negative opinions toward immigrants spread from the industrial North to all across the United States (Higham 1955, 73).

Immigrants were perceived as competing with and taking jobs from native-born workers because immigrants tolerated longer work hours and lower wages. Since immigrant workers were not unionized, they were also less likely to become involved in lengthy labor disputes between unions and management. Therefore, they became less costly for employers to hire and as such, more desirable to employers (Bonacich 1972, 550-551). Additionally, since they were willing to work for lower wages, they were seen as threats to a higher standard of living (Higham 1955; 89, 116). Labor leaders encouraged this perception by telling workers that immigrants were taking jobs away from native-born citizens and depressing wages. Furthermore, immigrants and newly migrated blacks from the South were willing to work for lower wages and were often used by companies as strikebreakers. As such, they were violently targeted by labor unions (Olzak 1989).

Although anti-immigrant sentiment increased during times of economic hardship, that did not mean that in times of economic prosperity, positive sentiment toward immigrants increased. Rather, in times of prosperity, immigration became a less visible issue; that is to say, the public forgot that immigrants were the problem, and immigrants were sought after to meet growing labor demands from businesses (Higham 1955, 108). For example, during the end of the 19th century, as the expanding American economy demanded more immigrant labor, immigrants were actively recruited and encouraged to come to the US (Higham 1955, 113-114).

In summary, the period between the end of the 19th century and the beginning of the 20th century represented the largest increase in immigration before 1965. During this time, public opinion toward immigrants and immigration became increasingly negative as economic hardship increased. A growing labor movement portraying immigrant workers as taking jobs away from native-born workers and lowering wages and standards of living exacerbated the competition for jobs between immigrants and native workers.

These conflicts culminated in a series of increasingly restrictive immigration laws implemented in the early 20th century. These restrictive laws included the 1888 Chinese Exclusion Act, the 1907 Gentlemen's Agreement, and the National Origins Act of 1924. These laws, respectively, barred Chinese immigration, severely restricted Japanese immigration, and limited immigration to just 3 percent of a country's population in the US at the time of the 1890 Census. Due to the comparatively smaller numbers of Asians and southeastern Europeans in the US at the time, the 1924 National Origins Act favored western European nations over southeastern Europeans and Asians (Tichenor 2002; Espenshade and Calhoun 1993; Higham 1955).

2.3 Post-1965 Immigration and Public Opinion

US foreign policy interests in the post-World War II era coupled with the Civil Rights Movement motivated a liberalization of both public opinion on immigration and immigration policy itself, culminating in the 1965 Immigration Reform Act. By the 1970s and early 1980s, however, public opinion on immigration took a more restrictionist angle, described by scholars as a neo-restrictionist period of immigration policy (Espenshade and Calhoun 1992; Harwood 1986). As the September 11, 2001, terrorist

attacks exposed major flaws in the immigration system—particularly in border security—the debate over immigration began to be taken on an even more heated tone. During this debate, policymakers proposed a series of reform proposals during the 109th Congress that focused on border security-related provisions and security-related aspects of immigration enforcement (Bruno et al 2006).

Since the passage of the 1965 Immigration Reform Act, immigration peaked in 1991, with 1.8 million legal immigrants arriving that year (Department of Homeland Security 2007). Although a large majority of immigrants continue to live in the six traditional receiving states—California, Texas, Illinois, New York, New Jersey, Florida—the wave of immigration from 1995-2005 represents a new pattern of migration. This pattern of immigration differs from prior patterns of immigration because immigrants have settled in areas outside of the traditional six receiving states. Examples of these new settlement areas include southeastern states such as Georgia, North Carolina, and the Washington, DC metropolitan area (Singer et al 2008).¹⁶

Two waves of restrictionist sentiment characterize the post-1965 era of immigration: the immigration debates of the mid-1990s and the post-September 11 immigration debates. During the first wave, the 1994 passage of Proposition 187 in California represented one of the most visible signs of restrictionist opinion, particularly toward undocumented immigrants. Proposition 187 sought to deny undocumented immigrants access to public services such as emergency rooms and public schools. Similar to the conditions during the restrictionist sentiment toward the end of the 19th century, poor economic conditions – in particular, a recession in the state of California that, at the time, was the worst seen since the Great Depression – motivated the passage

¹⁶ See Chapter 2 for a description of these new settlement patterns and reactions from local governments.

of Proposition 187 (Alvarez and Butterfield 2000). Concerns of immigrants' use of public programs and their burden on public resources were further exemplified in 1996, when Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which significantly changed the federal social welfare system.¹⁷ In particular, PRWORA denied Supplemental Security Income (SSI) and food stamps to all legal permanent residents residing in the US as of the date of enactment. It also denied those benefits to all immigrants entering after the date of enactment. New immigrants arriving after the date of enactment were prohibited from applying for Medicaid and TANF for five years. Legal permanent residents, however, were eligible for TANF and Medicaid at state option. PRWORA was later amended to reinstate SSI benefits and food stamps for certain groups of immigrants in 1997. For instance, the 1997 Balanced Budget Act revised PRWORA such that legal immigrants receiving SSI as of PRWORA's enactment date continue to be eligible for SSI (Wasem 2008). As economic conditions deteriorated, changes in immigrants' eligibility for federal welfare programs shifted towards more restrictive measures.

Declining economic conditions prompted previous waves of restrictionist sentiment; however, since the terrorist attacks of September 11, 2001, homeland security issues have also motivated restrictionist sentiment. In particular, much of the focus has been on undocumented immigrants and border security since 9/11 (Bruno et al 2006, 1). For example, major policy proposals in the immediate aftermath of 9/11 included reorganizing the Immigration and Naturalization Service (INS) into the newly-created

¹⁷ PRWORA abolished the Aid to Families with Dependent Children program (AFDC) and gave states discretion over welfare policy through Temporary Assistance to Needy Families (TANF).

Department of Homeland Security (DHS) and the USA PATRIOT Act (P.L. 107-56), which broadened terrorism-based grounds for excluding admission (Bruno et al 2002, 3).

Scholars have noted similar trends in immigration, public opinion, and economic conditions between the wave of immigration at the turn of the 20th century and post-1965 immigration. For example, restrictionist public opinion has increased during tough economic times, and immigration debates today still carry the same themes about immigrants' taking jobs from native workers, lowering wages, and lowering standards of living. Citrin et al (1997) analyzed the role of economic motivations in public opinion toward immigration reform in the mid-1990s, however, and found that personal economic variables did not have an effect. That is, personal economic variables such as a loss of personal income or one's employment status did not have an effect on restrictionist opinion. However, pessimism about the state of the national economy, beliefs about the impact of immigration on tax burdens, and more negative feelings toward Asians and Latinos consistently were related to support for reducing the level of immigration (Citrin et al 1997, 872).

Burns and Gimpel (2000) also find support that attitudes toward Latinos – the most prevalent ethnic group constituting the immigrant population today – affect attitudes toward immigration policy. Their results support those in Citrin et al (1997) in that personal economic circumstances have no effect on attitudes toward immigration policy. Rather, negative stereotypical attitudes toward blacks and Latinos drive negative attitudes toward immigration.

Similar to the trends seen in the early 20th century, those working in low-skilled, low-wage jobs perceive the greatest economic threat from immigration (Borjas 1999).

Whether or not immigrants take jobs from native workers, and in particular, low-wage native workers, remains a much-contested point in the immigration debate. Borjas (1999) argues that it is not that immigrants take jobs that native workers do not want; rather, it is that immigrants take jobs from native workers at the going wage. In other words, native workers may not want jobs taken by immigrants; however, native workers might take these jobs if there were no immigrants willing to work at low wages and employers were forced to raise wages. Therefore, the negative impact of immigration affects those workers at the bottom of the skill distribution (Borjas 1999, 79-84).

Higham (1955) argued that during times of economic prosperity, immigrants were not better perceived; rather, they were just more tolerated. Similarly, in today's period, an expanding economy and low unemployment in the late 1990s and early 21st century meant that immigrants were at least tolerated by their new neighbors (Singer et al 2008). However, as border security concerns grew and the economy worsened after 9/11, many communities, especially those previously unaccustomed to dealing with immigrants, faced strains on public resources. Communities with little experience dealing with immigration and a stagnant debate at the federal level on immigration reform led state and local governments to implement their own policies for dealing with immigration. For example, in 2007, Prince William County, Virginia, passed a resolution requiring law enforcement officers to check the immigration status of people they detain if they have reason to believe the person is an undocumented immigrant. The resolution also required the County Executive to outline which benefits the county can deny to undocumented immigrants, such as in-home services and rental and mortgage assistance programs (Kim,

Feder, and Smith 2009, 14).¹⁸ Therefore, as economic conditions worsened and communities with more recent immigrant growth dealt with the strain placed upon their resources by immigrants, restrictionist sentiment grew.

Hopkins (2010) offers an alternative framework for understanding anti-immigrant opinion, particularly as it relates to responsiveness by local governments. Rather than focusing on the impact of economic conditions, he highlights the importance of demographic change and the politicization of immigration in the national agenda in shaping local responses to immigration. Residents of communities that have experienced rapid demographic change brought about by immigration during periods of increased attention to immigration at the national level express increasing levels of anti-immigrant opinion. In this approach, anti-immigrant opinion is not a response to economic conditions, but rather, a response to politicized demographic change.

In summary, although the composition of immigrants between the turn of the twentieth century and the turn of the twenty-first century has changed dramatically, many characteristics have remained the same. At the turn of the twentieth century, negative public opinion existed towards incoming immigrants. The same continues in today's era of immigration. In particular, the public feared in both time periods that immigrants were taking jobs from native-born citizens. In both eras, as economic conditions worsened, public opinion of immigration became more negative. In addition, negative public opinion on immigration may also be a response to rapid demographic changes that have occurred in areas that previously had very little experience with immigration.

¹⁸ I discuss other examples of local responses to immigrants in areas such as Atlanta, GA, and Dallas-Fort Worth, TX, in Chapter 2. See also Hopkins (2007).

3. PUBLIC OPINION ON IMMIGRATION IN THE 2004 NATIONAL ANNENBERG ELECTION STUDY

Congressional district-level public opinion on any public policy issue is difficult to measure. The problems are twofold. One, most large cross-national surveys, such as the National Election Study (NES), do not include all Congressional districts. When studying Congressional districts, this limits the number of observations, which makes it difficult to accurately estimate district-level public opinion on immigration and any effect it may have on legislators' responses. The small number of districts sampled also prevents researchers from obtaining a representative sample of districts.

The second problem when trying to estimate and analyze district-level public opinion is that the number of respondents per district is very small, with sometimes just 10 respondents or less. This makes estimating district-level opinion difficult, especially when the frequency of responses in each category of a question can be in the single digits. As Clinton (2006) writes, "When survey measures of district subconstituencies have been available for use, the sample sizes are so small as to warrant considerable caution" (2006, 399-400).

The 2004 National Annenberg Election Study (NAES) provided a unique opportunity to observe and analyze district-level data of public opinion on immigration. Compared to other cross-national surveys (e.g., the General Social Survey or the National Election Study), the NAES contained almost all Congressional districts. The NAES had a sample of 432 Congressional districts, excluding just three districts – Hawaii's two districts and Alaska's at-large district.

The immigration question from the 2004 NAES derives from the main part of the survey—the National Rolling Cross-Section. This section contained 81,422 interviews

conducted continuously from October 2003 through November 2004 (2004 NAES codebook, p. 5). The 2004 NAES contained one question on immigration, which was asked over the period of October 7, 2003 to June 24, 2004. The exact question wording is as follows:

Restricting immigration to the United States—should the federal government do more about it, do the same as now, do less about it, or do nothing at all?

More
Same
Less
Nothing
Don't Know
Refused
(p. 221, 2004 NAES codebook)

This question was asked to a split sample of respondents from the rolling cross-section.

Table 3.1. Distribution of Responses to Immigration Question in 2004 NAES.

Favor Restricting Immigration	Frequency	Percent	Cumulative Percent
more	12,366	59.70	59.70
same	4,876	23.54	83.23
less	1,842	8.89	92.13
nothing	862	4.16	96.29
don't know	689	3.33	99.61
refused	80	0.39	100.00
Total	20,715	100.00	100.00

Table 3.1 shows the range of responses to the question of whether or not the federal government should do more, less, or nothing to restrict immigration to the US. As Table 3.1 indicates, a clear majority—nearly 60 percent—of Americans think that the federal government should do more to restrict immigration. This is consistent with the previous

literature stating that public opinion on immigration tends toward restricting immigration, even when the federal government enacts more liberal policies (Freeman 1995a; Brubaker 1995).

In order to measure district-level opinion on this question, I performed cross tabulations on the responses to this question by the Congressional district variable, for each state. The range of responses to the question of whether government should do more to restrict immigration ranges from 21.6 percent in the 9th District of California, to 85.2 percent in the 6th District of Ohio, which are both represented by Democrats. Six districts had the median level of response: the 6th District of Kentucky, the 1st District of Missouri, the 9th District of New Jersey, the 5th District of New York, the 12th District of Ohio, and the 12th District of Texas.

Table 3.2. Minimum, Median, and Maximum Responses to Immigration Question.

District	% response	Median HH income	% below poverty line	% white	% black	% Asian	% Latino	party of MC
CA-9	21.6	\$44,314	16.9	35.2	26.0	15.4	18.7	D
GA-3	60.0	\$31,433	19.9	56.2	39.8	0.5	2.6	D
KY-6	60.0	\$37,544	13.2	87.1	8.2	1.2	2.1	D
MO-1	60.0	\$36,314	15.8	45.8	49.7	1.5	1.3	D
NJ-9	60.0	\$52,437	7.6	61.3	6.6	10.7	18.8	D
NY-5	60.0	\$51,156	12.1	44.2	5.1	24.5	23.5	D
OH-12	60.0	\$47,289	10.0	72.1	21.7	2.1	1.7	R
TX-12	60.0	\$41,735	11.3	66.5	5.6	2.3	23.7	R
OH-6	85.2	\$32,888	14.0	95.2	2.4	0.5	0.8	D

Source: 2004 NAES and 2006 *Almanac of American Politics*

Table 3.2 presents districts with the minimum, median, and maximum percentage of respondents favoring more government action to restrict immigration. As Table 3.2 indicates, a key difference between the districts with the most restrictive and least restrictive opinions on immigration is the racial composition of each district. The 6th District of Ohio is predominantly white, while the 9th District of California has a plurality of whites, but is majority-minority. That is, blacks, Asians, and Latinos comprise the 60.1 percent—a sizable majority—of the district. Both districts are fairly similar on other dimensions, such as being represented by Democrats and having fairly similar proportions below the poverty line. The median percentage of individuals favoring more government actions to restrict immigration was 60 percent. These districts exhibited greater diversity among demographic makeup and economic characteristics. Some districts had relatively few minorities, such as the 6th District of Kentucky, while others,

such as the 5th District of New York, had larger minority populations. Districts with the median percentage of respondents favoring greater actions to restrict immigration also varied by economic characteristics. In summary, districts with the median level of response varied across demographic characteristics.

The range of respondents who answered this question on immigration in each district ranged from a minimum of 14 to a maximum of 85, with both the mean and median number of respondents being 48. Three districts had the minimum number of 14 respondents: the 38th District of California, the 4th District of Illinois, and the 12th District of New York. One possible reason for such low numbers of respondents in these districts may be due to the fact that these districts also had high proportions of Latinos: 73.4 percent, 76.1 percent, and 48.4 percent, respectively. Areas with high numbers of minorities are often undersampled in surveys due to factors such as language barriers and telephone access. The at-large district of Montana had the highest number of respondents. The 6th District of Pennsylvania had the second highest number of respondents, with 81 respondents to this question.

4. FACTORS AFFECTING SUPPORT FOR RESTRICTIONS ON IMMIGRATION

Previous work on public opinion on immigration has identified several variables as statistically significant predictors of public opinion on immigration. These variables include education, race/ethnicity, and economic conditions, such as unemployment (Espenshade and Hempstead 1996). More specifically, scholars have tested several hypotheses regarding the relationship between public opinion on immigration and economic conditions. One is the labor market competition hypothesis, which is based on

the premise that immigrants take jobs away from native workers, depress wages and working conditions, and contribute to higher unemployment. This hypothesis argues that low-skilled native workers compete most closely with immigrants for these jobs (Espenshade and Hempstead 1996, 541-542). Another hypothesis, the cultural affinity hypothesis, argues that those who have close ties to their home country and who have relatives they would like to bring over to the US are more likely to support more liberal immigration policies. Therefore, we would expect Asians and Latinos to be more likely to support liberal immigration policies than non-Hispanic whites (Espenshade and Hempstead 1996, 542).

The generalized cost-benefit considerations approach hypothesis looks at immigration within a broader set of cost-benefit calculations. Other hypotheses tested include those relating to the health of the economy, social and political alienation, and isolationism. These three hypotheses argue that immigrants' impact on the labor force is perceived to be less of a burden during prosperous economic times. People who feel alienated from mainstream social and political institutions are less likely to support immigration. Isolationism relates to foreign affairs, where those who think the US has no responsibility to aid other countries are more likely to favor restrictions in immigration (Espenshade and Hempstead 1996, 542-543).

Finally, although we know what factors contribute to support for restrictionist immigration policies, what factors affect support for more liberal immigration policies? Scholars have argued that those who are more highly educated are more likely to support *less* restrictive immigration policies. Citrin et al (1997) cite two explanations. They attribute the first to Hernes and Knudsen (1992), who argue that those with higher

education are more likely to support more open immigration policies because those with higher education are more secure in their employment prospects. Therefore, they are less likely to have to compete with immigrants for jobs, since these jobs tend to be low-wage or low-income jobs. Citrin et al (1997) attribute the second explanation to work such as McClosky and Brill (1983) and Schuman, Bobo, and Steeh (1985), where those with more education are more likely to be tolerant of outgroups, and therefore, more likely to support more open immigration policies. Scholars have also argued that those with higher levels of education are more likely to have a more cosmopolitan worldview, and therefore, more likely to support more open immigration policies (Haubert and Fussell 2006).

As previously discussed in Chapter 2, the main theory of this dissertation is based on the idea that support for restrictions in public opinion is a response to demographic change—specifically, change caused by an increase in the foreign-born population. Therefore, I use an OLS regression to examine the relationship between support for restrictions in immigration and change in foreign-born, controlling for district demographic characteristics such as level of education and race and ethnicity. To compare the effects of demographic change, I also examine the relationship between unemployment and public opinion and the level of foreign-born and public opinion, as seen in Table 3.3.

Table 3.3. Effect of Change in Foreign-Born, Level of Foreign-Born, and Unemployment on Public Opinion on Immigration

Independent variable	Model 1	Model 2	Model 3	Model 4
percent change in foreign-born	0.02** (0.006)	0.03** (0.006)	---	
level of foreign-born	-0.18* (0.09)	---	-0.15 (0.09)	
percent unemployed	-1.41** (0.35)	---	---	-1.60** (0.34)
percent college graduate	-0.51** (0.06)	-0.45** (0.05)	-0.39** (0.06)	-0.59** (0.06)
percent white	0.04 (0.08)	0.17* (0.07)	0.16* (0.08)	0.17* (0.07)
percent black	0.09 (0.08)	0.08 (0.08)	0.10 (0.08)	0.22** (0.07)
percent Latino	-0.07 (0.05)	-0.13** (0.05)	-0.05 (0.05)	-0.09* (0.04)
constant	0.80** (0.09)	0.57** (0.07)	0.59** (0.08)	0.72** (0.08)
N	420	420	432	432
R ²	0.36	0.33	0.30	0.33

* p < 0.05; ** p < 0.01

Source: 2005 ACS, 2004 NAES

The results in Table 3.3 show that demographic change, as measured by the percent change in the foreign-born population between 1990 and 2000, has a positive significant effect on support for restrictions on immigration, as shown in Models 1 and 2. That is, an increase in support for restrictions on immigration is associated with the rate of growth of

the foreign-born population. The results for Model 1 in Table 3.3 show that the effect of change in foreign-born remained after including additional independent variables.

The level of foreign-born, in contrast, initially did not have a significant effect on support for restrictions on immigration, as seen in Model 3 in Table 3.3. When other independent variables are included, as shown in Model 1, the level of foreign-born takes on a statistically significant negative effect. That is, the level of foreign-born in a district is negatively associated with support for restrictions in immigration. As the level of foreign-born in a district increases, the level of support for restrictions in immigration decreases.

Finally, the level of unemployment has a negative effect on support for restrictions in immigration. As shown in Models 1 and 4, increasing levels of unemployment are associated with decreasing support for restrictions in immigration. Given previous studies on the effects of negative economic conditions and increasing support for anti-immigration policies, this result is unexpected.

5. PUBLIC OPINION ON IMMIGRATION AND LEGISLATIVE RESPONSIVENESS

So far, I have presented descriptive statistics characterizing the 2004 NAES measure of support for restrictions on immigration and discussed the variables associated with this measure of restrictionist opinion. The lack of district-level public opinion data on immigration has made it difficult to estimate its effects on legislators' responsiveness in this area. Previous literature has suggested that public opinion on immigration did not have much of an effect on legislators' responses to immigration bills such that members of Congress have continued to support more expansive policies despite the desire of the

public for more restrictive policies (Freeman 1995a). However, the terrorist attacks of September 11, 2001, brought the issue of immigration to the forefront of public debate. Public outcry over immigration enforcement and illegal immigration in particular led many local level officials to enact stringent enforcement policies. More recently, states and localities like Hazleton, Pennsylvania, have taken matters concerning illegal immigration into their own hands without waiting for action or guidance from the federal government.¹⁹ At the national level, however, policymakers have debated immigration reform but have yet to enact major reforms. The findings from Table 3.3 suggest that while increasing levels of foreign-born in a district are associated with decreasing support for restrictions in immigration, increases in the growth of the foreign-born population are associated with increasing support for restrictions in immigration. This indicates that support for restrictions in immigration may be due to demographic change caused by immigration, and not necessarily the level of immigrants in the district. As such, districts that have historically had high levels of immigration may be experienced in dealing with immigration issues, but districts for which immigration is a new issue face new challenges that may lead to increased support for anti-immigration policies. Therefore, support for restrictions in immigration may be particularly salient to legislators representing districts with larger demographic change.

6. CONCLUSION

In this chapter, I examined the relationship between economic conditions and

¹⁹ Hazleton passed the Illegal Immigration Relief Act, which proposed to fine landlords who rent to undocumented immigrants and impose sanctions on businesses who employ undocumented immigrants. A federal judge struck down the Act as unconstitutional in 2007. See Emily Bazar, "Pa. town's illegal-immigrant law tossed," *USA Today*, July 27, 2007.

immigration in two periods of heightened immigration – the late 19th and early 20th centuries and the mid-1990s to the early 21st century. Although the ethnic composition of immigrants during these two time periods was radically different, both groups faced similar receptions upon entering the US. In both cases, immigrants faced hostility from native workers who blamed them for lowering wages and taking jobs. When economic conditions worsened, such as during the depression of the 1890s or the recession of the early 1990s, immigrants were viewed as taking much-needed public resources and were subject to hostile attitudes and resentment.

I also presented public opinion data on immigration from the 2004 National Annenberg Election Study. The 2004 NAES had a large number of respondents and contained 433 of the 435 Congressional districts including all districts in the lower 48 United States. It allowed for more representative estimates of public opinion on immigration at the Congressional district level. I found that on average, the majority of respondents in districts supported greater restrictions on immigration. Furthermore, an analysis of the factors affecting support for restrictions in immigration found that demographic change due to an increase in the foreign-born population was associated with an increase in support for restrictions in immigration.

In the next chapter, I explore the political landscape in Congress regarding immigration and how members of Congress voted on key immigration bills in the 109th Congress. I also explore the effects of public opinion, demographic change, and economic incentives to analyze how members respond to immigrants.

Chapter 4

Legislative Responsiveness: Roll Call Voting on Key Immigration Bills

1. OVERVIEW

In Chapter 2, I introduced a theory of legislative responsiveness toward immigrant constituents. When responding to immigrants' interests in immigration issues, legislators must deal with the potential responses of four groups: (1) public opinion on immigration in their districts; (2) pressure from business interests who depend on immigrant labor; (3) immigrants residing in their districts; (4) native-born citizens who might feel threatened by competition over scarce resources. Immigrants—particularly those migrating during the end of the 20th and early 21st centuries—are less likely to have been naturalized because of their relatively short length of time in the US. Therefore, in addition to being a small portion of the population, as a group, immigrants are also less likely to have the opportunity to vote. Taken together, this makes immigrants a politically vulnerable group that lacks the means to hold legislators accountable. Therefore, immigrants may also be the least costly group for members to ignore.

In contrast, as immigration has become a more prominent national policy issue, public opinion, especially among longtime, native-born residents in areas with new immigrant growth, becomes much more costly for members of Congress to ignore. Despite previous theories that argue that public opinion on immigration matters little in

immigration policymaking (for example, Freeman 1995a), I argue that as the foreign-born population increases, particularly in areas with new immigrant growth, public opinion factors more heavily in legislative decisions about immigration. Public opinion is motivated by a response to demographic changes brought about by immigrants settling in areas that previously experienced little immigration (Hopkins 2010; Singer 2008).

In Chapter 3, I found that the change in a district's foreign-born population had a positive effect on supporting restrictions in immigration. Chapter 3 also discussed the relationship between economic conditions and public opinion on immigration, whereby public opinion tends to become more negative toward immigrants during poor economic conditions, such as during high levels of unemployment. In this chapter, I link Chapters 2 and 3 by analyzing the factors—including district public opinion on immigration in areas experiencing growth in the foreign-born population—affecting legislators' roll call votes on two key pieces of immigration legislation in the 109th Congress: the 2005 Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) and the 2006 Secure Fence Act (H.R. 6061). In doing so, I test whether public opinion on immigration in areas of rapid demographic change affects legislators' voting on these issues. I also test three alternative hypotheses about legislative responsiveness: the influence of legislators' racial identity, the effects of industries dependent on immigrant labor, and the effects of racial threat.

In this chapter, I first describe the political environment during the 109th Congress. Here, I summarize the political divisions in the House of Representatives during this Congress and discuss the types of immigration legislation proposed. I also provide more detailed discussions of each bill, including their cosponsors and passage

through the House of Representatives. Second, I discuss the research design and the sample used as well as the measurement of the dependent and independent variables. I also describe the hypotheses tested and the statistical models used to test them. I then present the results of the hypotheses tested and a discussion of these results. I conclude with a summary of the key findings from this chapter and the implications of the findings.

2. THE 109TH CONGRESS

Slim Republican majorities in both the House of Representatives and the Senate characterized the 109th Congress (2005-2006). Republicans held a 30-seat majority over the Democrats, with 232 Republicans, 202 Democrats, and 1 Independent (Bernard Sanders of Vermont) characterizing the composition of political parties in the House of Representatives. Sanders caucused with the Democrats, however, which essentially created a party breakdown in the House of 232 Republicans and 203 Democrats.²⁰ Party polarization was at its highest at that time; since the 109th Congress, party polarization has increased even further and as of January 2009 was at its all-time high.²¹

The terrorist attacks of September 11, 2001, exposed many weaknesses and loopholes in immigration policy and enforcement and continued to shape immigration issues in the 109th Congress. In particular, immigration issues continued to be linked to homeland security—especially unauthorized immigration. As a result, legislators focused heavily on the enforcement aspects of immigration, passing legislation on issues such as border security, smuggling, detention, the role of state and local law enforcement

²⁰ Available at the Clerk of the House website at: http://clerk.house.gov/art_history/house_history/oalmbr.html?congress=109h. Last accessed on 12/22/09.

²¹ See Poole and Rosenthal, "Party Polarization: 1879-2008," last updated 2 January 2009, on <http://www.voteview.com>.

in immigration enforcement, and enforcing prohibitions against employing undocumented workers. Despite the heavy focus on immigration enforcement and homeland security, Congress also considered immigration-related legislation in other areas such as domestic violence, human trafficking, and refugees (Bruno et al 2006).

Two key immigration-related bills passed in the 109th Congress in the House of Representatives include the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (also known as the Sensenbrenner Bill, after its sponsor) and the Secure Fence Act. These bills increased immigration enforcement and border security by allowing states to investigate, arrest, detain, and transfer immigrants into federal custody and to construct a fence along the US-Mexico border, respectively (Bruno et al 2006, 1-2; 5,7).

In response to these bills, especially the Sensenbrenner Bill, millions of immigrants and their advocates marched to protest the proposed changes in 2006. The largest crowd drew 500,000 protestors in Los Angeles in March 2006. Those marching not only protested the Sensenbrenner Bill, but also marched to express their support for providing a pathway for legalization for undocumented immigrants.²² In addition, immigration advocates organized the Great American Boycott, where they urged all immigrants, especially those of Latino origin, to boycott all American businesses and schools on May 1, 2006.²³ Despite the large amount of public attention received, both

²² “500,000 Pack Streets to Protest Immigration Bills,” by Teresa Watanabe and Hector Becerra, *Los Angeles Times*, March 26, 2006; “Immigration Advocates Rally Across US,” by Maria Newman, *New York Times*, April 10, 2006.

²³ “Walkout Is Planned to Show Solidarity With Immigrants,” by Fernanda Santos, *New York Times*, May 1, 2006; “Immigrants Take to U.S. Streets in Show of Strength,” by Randal C. Archibold, *New York Times*, May 2, 2006.

the House and the Senate failed to enact comprehensive immigration reform in the 109th Congress.²⁴

Table 4.1. Roll Call Votes of the Sensenbrenner Bill and the Secure Fence Act

	Yea	Nay
Sensenbrenner Bill H.R. 4437	239	182
Party Breakdown	203 Republicans 36 Democrats	17 Republicans 164 Democrats 1 Independent
Secure Fence Act H.R. 6061	283	138
Party Breakdown	219 Republicans 64 Democrats	6 Republicans 131 Democrats 1 Independent

Source: THOMAS, Library of Congress; Office of the Clerk of the House

As seen in Table 4.1, the Sensenbrenner Bill passed the House with 239 members voting in favor of it and 182 members voting against it. The Secure Fence Act passed the House with 283 members in favor of it and 138 members voting against it. Both bills passed the House largely along party lines, although the Secure Fence Act received more votes from Democrats than the Sensenbrenner Bill. Although both the Sensenbrenner Bill and the Secure Fence Act both passed the House of Representatives, only the Secure Fence Act was signed into law. In the next section, I provide more detail on the background of each bill and their legislative histories in the House.

²⁴ The Senate passed S. 2611, 62-36, but this bill did not pass conference committee. Congress has not yet enacted comprehensive immigration reform.

2.1 The Border Protection, Antiterrorism, and Illegal Immigration Control Act

The Sensenbrenner Bill was named for its sponsor, Rep. James Sensenbrenner, a Republican representing the 5th district of Wisconsin. Rep. Sensenbrenner was also the chair of the Judiciary Committee during the 109th Congress, from which the bill originated. Although this bill was not signed into law, it remains significant in the current immigration debate because its perceived harshness spurred the 2006 immigration rallies and protests. It was seen by opponents as the most restrictive immigration bill to pass Congress in 50 years.

The demographics of Rep. Sensenbrenner's 5th District suggest that immigration issues are unlikely to be a big factor in his district's politics. For one, the 5th District did not have a high immigrant population. According to the 2005 American Community Survey, 4 percent of the adult population in the 5th District was foreign-born. In addition, the 5th District experienced very little growth in the foreign-born population between 1990 and 2000—just 6 percent growth, in contrast to areas such as the 6th District of Alabama, whose foreign-born population grew 105 percent during that time. Half of the 5th District favored more government action to restrict immigration, but this was below the median district opinion of 60 percent favoring greater restrictions in immigration (2004 National Annenberg Election Study).

The Sensenbrenner Bill was introduced in the House on December 6, 2005, and was referred to the Judiciary Committee. In introducing the bill for debate on the House floor, Rep. Sensenbrenner stated that the goal of the bill was to reduce the attractiveness of higher wages in the US that motivated unlawful entry into the US while enhancing border security. The bill's intent, he argued, was to hold employers, human traffickers,

and alien gang members accountable. However, the ranking minority member of the Judiciary Committee, Rep. Conyers, spoke out against the bill's provision to criminalize unlawful presence. He argued that this would subject approximately 11 million undocumented immigrants in the US to mandatory detention if criminally convicted of being unlawfully present in the US, for the first time in American history. He took issue with the mandatory detention they would be subjected to, without any regard as to whether that person was a flight risk or posed a danger (*Congressional Record* 12/15/2005, p. H11801).

The Sensenbrenner Bill, as it was introduced, incorporated measures from three other immigration bills. The bill expanded upon H.R. 19, a bill sponsored by Rep. Drier, to build a pilot program enabling employers to reliably determine a worker's eligibility to work in the United States. The Sensenbrenner Bill also incorporated H.R. 2933, the Alien Gang Removal Act, to prohibit aliens from re-entering the US if that person had been deported for participating in criminal gang activity. Finally, the Sensenbrenner Bill incorporated H.R. 3140, the Criminal Alien Accountability Act, to increase penalties for previously deported aliens who unlawfully re-enter the U.S. The Sensenbrenner Bill was reported out of committee with amendments on Dec. 13, 2005.

Many legislators proposed amendments during the floor debate; such amendments were predominantly designed to increase enforcement of immigration laws. For example, an amendment offered by Rep. Renzi (H.AMDT. 641) proposed that all Border Patrol uniforms be made in the US to prevent fraudulent uniforms. H.AMDT. 642 offered by Rep. Castle required the Department of Homeland Security (DHS) to submit a

timeline for integrating the US-VISIT²⁵ system at all land border ports and to make all DHS screening systems interoperable. An amendment offered by Rep. Campbell (CA) prohibited law enforcement grants given to law enforcement agencies in cities that restricted those agencies from sharing certain information about immigrants with DHS. All these amendments were approved and included in H.R. 4437. One example of an amendment that did not pass was H.AMDT. 659 which was proposed by Rep. Tancredo. H.AMDT. 659 prohibited grants to federal, state, or local government agencies that enact or maintain a “sanctuary city” policy.²⁶

The Sensenbrenner Bill passed the House on December 16, 2005. After it was sent to the Senate for its consideration, it was referred to the Senate Judiciary Committee. It did not receive any Senate action. However, despite its failure to be enacted into law, the Sensenbrenner Bill stands out as a pivotal bill due to the controversy it inspired. Reactions from supporters and opponents sparked the immigration debate and the protests that followed in 2006.²⁷

2.2 The Secure Fence Act

In contrast to the Sensenbrenner Bill, the Secure Fence Act (H.R. 6061) passed both houses of Congress and was signed into law by President George W. Bush on October 26, 2006. The Secure Fence Act was narrower in scope than the Sensenbrenner

²⁵ The US-VISIT system refers to the United States Visitor and Immigrant Status Indicator Technology, the Department of Homeland Security’s immigration data management system. US-VISIT collects biometric data (e.g., fingerprints and a photograph) from international visitors at US visa-issuing posts or ports of entry to determine whether or not a person is eligible for a visa or to enter the US. US-VISIT provides biometric data information to federal, state, and local governments to help them discern whether or not a person is a threat to the US (DHS website, <http://www.dhs.gov/files/programs/usv.shtm>).

²⁶ “Sanctuary city” refers to localities in which city employees, including the local police, are not required to report undocumented immigrants to federal authorities (Kim and Garcia 2009, 1).

²⁷ Bill tracking and legislative history available at the Library of Congress’ THOMAS website at <http://thomas.loc.gov>.

Bill, focusing on constructing a fence along the U.S.-Mexico border to improve border security. More specifically, the Secure Fence Act called for at least two layers of reinforced fencing and installation of additional security measures, such as lighting, cameras, and sensors along border areas in California, New Mexico, Arizona, and Texas.

The Secure Fence Act was sponsored by Rep. Peter King, a Republican representing the 3rd District of New York and had 42 cosponsors. In contrast to Rep. Sensenbrenner's district, the 3rd district of New York had a high proportion of foreign-born, at 12.7 percent, and among the foreign-born, 4.4 percent were noncitizens. Fifty-five percent of residents in the 3rd district favored greater restrictions on immigration, which was below the national district median of 60 percent. The change in foreign-born was 25 percent between 1990 and 2000, which again, was low compared to other areas of the country, such as the southeast. As he introduced the bill on the House floor, Rep. King spoke of the need to show Americans that Congress was responsive to their concerns on illegal immigration. He stated, "What we have to do is we have to prove to the American people and also we have to make substantial progress in combating illegal immigration" (*Congressional Record* 9/14/2006, p. H6582). He cited that building the fence was one area of consensus between the Senate and the House, and that while comprehensive immigration reform may not be possible, the House could still enact some aspect of immigration reform by passing this bill. Another member of the majority, Rep. Drier, cited the September 11 attacks and argued for the importance of securing the US-Mexico border.

The ranking minority member of the Committee on Homeland Security, Rep. Thompson, argued against the bill, saying that it had previously been voted on as part of

the Sensenbrenner Bill and was a redundant effort. Another member of the minority, Rep. Hinojosa, argued that the Secure Fence Act was a worse bill than the Sensenbrenner Bill because it provided no funding, ignoring real enforcement measures, such as hiring additional Border Patrol, and in essence, constructed a “Berlin Wall on our southern border” (*Congressional Record* 9/14/2006, p. H6583). While citing the need for comprehensive immigration reform, Rep. Hinojosa argued that as long as employers continued to seek immigrants for labor, building a wall would only force migrants to seek more dangerous routes into the US. After the bill passed the House, it was sent to the Senate. The bill was considered by the Senate on September 25, 2006, and passed the Senate, 80-19, on September 29, 2006.

3. RESEARCH DESIGN

I draw the sample for this study from the 435 members of the House of Representatives and their districts during the 109th Congress. In order to examine legislative responsiveness to immigrant constituents, in this chapter I analyze roll call votes on two key bills that passed the House of Representatives during this Congress: the Sensenbrenner Bill and the Secure Fence Act. As previously described, the Sensenbrenner Bill sought to restrict illegal immigration and criminalized anyone caught assisting illegal immigrants. The Secure Fence Act focused more narrowly on border security and proposed constructing a wall along the US-Mexico border. A legislator who supported one or both of these bills is seen as acting against the interests of immigrants, such that supporting both bills indicates greater opposition to immigrant interests than supporting just one of the two bills.

Comparing these two bills allows us to see if any differences exist between how legislators respond to a more comprehensive immigration bill, such as the Sensenbrenner Bill, versus a narrower bill, such as the Secure Fence Act. The Sensenbrenner Bill was considered to be a vote largely along party lines and did not pass the Senate. In contrast, the Secure Fence Act, while narrower in scope by focusing primarily on border control, was able to pass both houses and was signed into law by the President on October 26, 2006 (P.L. 109-367). Therefore, comparing the predictors of roll call voting for these bills will allow us to analyze how different demographic, economic, and attitudinal factors play out in a more comprehensive immigration bill versus a narrower one.

3.1 Measurement of Variables

In studies of roll call voting on immigration bills, scholars have found that the strongest predictors of members' votes on immigration-related legislation are the size of the foreign-born population and the party of the representative (Wong 2006; Gimpel and Edwards 1999). More specifically, these studies have found that Democratic members of Congress and those members with increasing levels of foreign-born in their districts are more likely to support legislation advocating more open immigration policies and to support bills favoring expanding rights for immigrants. In this chapter, I examine the effects of these variables as well as the effects of public opinion, legislators' racial identity, economic interests, and racial threat on members' roll call votes.

Independent Variables

The independent variables used to analyze the roll call votes of the Sensenbrenner Bill and the Secure Fence Act include measures of members' characteristics as well as

district demographic characteristics. More specifically, I examine the effects of the size of the foreign-born population, public opinion on immigration, the percentage change in the foreign-born population from 1990-2000, party of legislator and whether the member is a minority. I also examine the effects of industries dependent on immigrant labor by looking at the percentage of the adult civilian population employed in the following industries: agriculture, construction, and the service sector (such as hotel and restaurant workers). The greater the size of the district population employed in any of these three industries, the more likely a legislator would be to vote against restrictive immigration policies and to support more expansive policies. In addition, I examine the effects of threat brought about unemployment and the size of the foreign-born population. I code all independent variables using a 0 to 1 scale.

To obtain estimates of the foreign-born population at the district level, I use the 2005 American Community Survey (ACS). The ACS is a yearly survey of population and housing information for all US counties conducted by the US Census Bureau. The advantage of using the ACS over other sources, such as the 2000 Census, is that it provided estimates of the foreign-born population at the district level for the 109th Congress. Many other similar surveys either provide these estimates, but not at the Congressional district level, or do not have these estimates. In addition, using the 2005 ACS allows me to use estimates during the actual time period of the 109th Congress. In contrast, data from the 2000 Census are based on information collected in 2000, prior to the 109th Congress, and does not take into account the changes in the population between 2000 and 2005.

As discussed in Chapter 3, in order to measure public opinion on immigration at the district level, I use the proportion of respondents answering that the government should do more to restrict immigration from the 2004 National Annenberg Election Study (NAES).²⁸ I use the NAES for its breadth of Congressional districts. Compared to other similar cross-national surveys, the NAES has a large sample of Congressional districts—432 districts out of 435 total districts, excluding Hawaii’s two districts and Alaska’s at-large district. Although the NAES also exists for 2000, I use the 2004 data because it is closer in time to when the bills were passed than the 2000 study. This allows for a more accurate picture of what public opinion toward immigration was like during the 109th Congress.

I measure the extent of demographic change brought by immigration in the 1990s and the early part of the 21st century by examining the percent change in the foreign-born population in each district between the 1990 Census and the 2000 Census. I use data from the Census for this variable rather than data from the ACS because the ACS did not exist until 1996. It began testing in 1996 to a limited number of counties, which prevents us from comparing data to the 2005 ACS, which surveyed all counties in the US. To examine the effect of public opinion in areas with recent demographic change due to immigration, I interact public opinion on immigration with the percent change in foreign-born between 1990 and 2000.

²⁸ The exact question wording is: Restricting immigration to the United States—should the federal government do more about it, do the same as now, do less about it, or do nothing at all? (2004 National Annenberg Election Study codebook, p. 221). Other types of questions may be a better measure of anti-immigrant opinion (such as feeling thermometer scores), but this was the only question on immigration asked in the NAES.

To measure the effects of legislators' characteristics, I use members' party identification and the race of the legislator. I use a dummy variable to code the legislator's party, where 1 = Democrat, 0 = Republican.²⁹ The race of the legislator is measured by a summary minority variable, where 1 = members that are African American, Latino, or Asian. I use a summary "minority" variable due to the small numbers of racial and ethnic minorities in the House of Representatives. That is, in the 109th Congress 40 members of the House were African American, 23 members were Latino, and 3 were Asian American. Combining these into summary minority variable allows us to determine the more general effect of being a minority. In addition, using a summary minority measure increases the size of this subgroup, making it more statistically robust. In addition, among the 435 members of the House, only three members were of Asian descent, so any effect this has on roll call voting is statistically negligible.³⁰ The ethnic and racial makeup of each legislator was determined using *CQ Weekly Report's* article on women and minorities in the 109th Congress.³¹

I measure the extent to which district business interests are associated with industries that depend on immigrant labor.³² More specifically, I measure the percentage of the district that is employed by the following industries dependent on immigrant labor: agriculture, construction, and the service industry. I use 2005 ACS data for these

²⁹ Although Bernard Sanders (VT) is an Independent, he caucuses with the House Democrats. Therefore, he is treated like a Democrat in this sample.

³⁰ In other words, 3 out of 435 members is just 0.7 percent of the overall population. Any effect being an Asian member of the House would have would be difficult to discern due to their extremely small proportion of the House.

³¹ "Women and Minorities in the 109th Congress," *CQ Weekly*, Jan. 31, 2005, p. 243.

³² For a discussion on industries that employ immigrants, see Capps, Randy, Michael Fix, Jeffrey S. Passel, Jason Ost, and Dan Perez-Lopez. 2003. "A Profile of the Low-Wage Immigrant Workforce." Washington, DC: The Urban Institute.

estimates by measuring the percent of the adult civilian population in each district employed in agriculture, forestry, fishing, and hunting; construction; and accommodation and food service. To measure the effect of racial threat, I interact the level of unemployment in each district from the 2005 ACS with the level of the foreign-born population.

I also used the 2005 ACS to measure districts' African American and Latino populations. In order to determine the effects of minority legislators on roll call voting, I control for the percentages of the district that are African American and Latino.³³ Given that minority members of Congress largely represent majority-minority districts heavily comprised of African Americans and, often, Latinos, I control for these variables to ensure that the effect from minority members is not also measuring the effect from the demographic composition of a district.

Dependent Variable

The dependent variable is legislators' roll call votes on the Sensenbrenner Bill and the Secure Fence Act. Each roll call vote is coded as a dichotomous 1/0 variable, in which 1 = legislator voted for the bill and 0 = legislator voted against the bill.³⁴ In this chapter, a vote for either of these bills indicates unfavorable action toward immigrants because both bills sought to restrict the flow of immigrants into the US, and in the case of the Sensenbrenner Bill, proposed criminalizing not just undocumented workers found without a visa but also those aiding them. Voting for both bills indicates greater intensity of opposition than a vote for one bill but not the other. Thirteen members—eleven

³³ By "minority" member or legislator, I refer to those members of Congress that are a racial or ethnic minority, not members of the minority party (i.e., Democrats).

³⁴ I use the roll call votes for these bills from the engrossed version, i.e., the version passed by the House.

Republicans and two Democrats—did not vote for the Sensenbrenner Bill, which equals 3 percent of the House. Ten House members—five Republicans and five Democrats—did not vote for the Secure Fence Act, and 1 member answered “present” but did not cast a yes or no vote. Those not voting for the Secure Fence Act constituted 2.5 percent of the House. I counted those not voting or answering “present” as missing in my sample; therefore, 3 percent of the sample is missing for roll call analyses of the Sensenbrenner Bill and 2.5 percent of the sample is missing for roll call analyses of the Secure Fence Act.

3.2 Statistical Model

Given the dichotomous nature of the dependent variable, I specify a probit model to determine the likelihood of a member voting for the Sensenbrenner Bill or the Secure Fence Act. I use a probit model to estimate the effects of the independent variables as previously described, where the dependent variable represents the probability that a legislator will vote for a bill, given a set of factors affecting the legislator’s vote for a bill. In using the probit model to analyze these roll call votes, I follow others who have done in similar analyses of roll call voting (for example, Egan 2005, for an example on roll call voting analyses with district-level opinion; Wong 2006). Using a logit model also yielded essentially the same results.³⁵

³⁵ The probit model is based on a standard normal distribution, while the logit model is based on the logistic cumulative distribution function. The logistic distribution is similar to the normal distribution, except with heavier tails. Given their similarities, in most applications, using a probit versus a logit model makes no difference, and the choice of one over the other is difficult to justify on theoretical grounds (Greene 2000, 814-815).

4. HYPOTHESES

Given that many different groups have a stake in immigration policy outcomes, the question of interest here is what subconstituencies are legislators responsive to? In this section, I propose four hypotheses to test which subconstituencies are likely to have an effect on how a legislator responds to immigration issues. First, I examine the effects of public opinion, particularly in areas with demographic change due to immigration, to see if those who desire greater restrictions matter more to legislators' roll call votes on immigration policy, particularly in areas with new and recent immigrant growth. Previous analyses of roll call voting on immigration bills have not been able to determine the effect of public opinion on immigration, in large part because public opinion data at the district level was available from only a very limited number of districts.

Second, I examine the effect of being a minority member of Congress to see if minority legislators feel a particular obligation to represent immigrants' interests. Third, I examine the effects of the agriculture, construction, and service industries to see if legislators respond more to industries in their districts that depend on immigrant labor. Finally, I examine the effects of the size of the foreign-born population with unemployment to examine the effects of racial threat.

Based on the discussion of legislative behavior in Chapter 1, because legislators are primarily motivated by reelection (Mayhew 1972), I expect that members will respond to immigrant constituents in a way that best maximizes their chances for reelection. From the literature on roll call voting, we also know that members of Congress cast roll call votes that will maximize their probability for reelection (Fiorina 1984). Likewise, Fenno (1978) found that members respond first to their reelection

constituency—those who voted for him or her in the previous election, before considering the broader geographic constituency. To put it more broadly, legislators will act in a way that best ensures their reelection. Most likely, when faced with two groups in a district with contradicting positions on an issue, legislators will side with the stronger group (Fiorina 1974).³⁶ Given that immigrants, especially recent immigrants living in areas experiencing new immigrant growth, will most likely be unable to vote, and those that do vote are native-born long time residents, legislators in such areas are more likely to side with the native-born long time residents and vote for more restrictive bills. In other words, they will respond more to restrictionist public opinion in their district.

In addition, based on the literature of minority members of Congress, an alternative hypothesis is that legislators who are racial minorities are more likely to respond to immigrants' interests because immigrant constituents are predominantly Latino and Asian. Minority members of Congress see themselves as not just representing those in their districts, but racial and ethnic minorities in the US more broadly and even in the world. African American members of Congress, in particular, feel that they not only represent African Americans within the physical boundaries of their districts, but that they represent African Americans and other people of color beyond the geographic boundaries of their districts (Fenno 2003; Swain 1993, 218-219). Given that the majority of today's immigrants are comprised heavily of Latinos and Asians, I expect minority members of Congress to be more likely to support more expansive immigration policies and to vote against more restrictive immigration policies. Finally, despite prior bipartisan immigration reforms, based on the current high levels of party polarization in both houses

³⁶ Fiorina (1974) argues that if legislators are maximizers they will almost always vote with the stronger group.

of Congress, members who are Democrat are more likely to support more expansive immigration policies than Republican members of Congress.

Prior analyses of roll call voting on immigration legislation argued that economic interests from industries dependent on immigrant labor—particularly agriculture—could compel legislators to support more generous immigration policies (Wong 2006; Gimpel 1999). Therefore, another hypothesis to consider is that legislators from districts with industries dependent on immigrant labor will vote for bills in support of immigrants' interests or against bills that do not support immigrants' interest. Such legislators would vote against more restrictive immigration policies than members whose districts' industries do not depend on immigrant labor.

Finally, Key (1949) argued that whites in areas, known as black belt districts, with the highest population of African Americans also felt the most threatened as competition for scarce resources increased. As such, anti-black policies received the strongest support from white constituents in these black belt districts, and legislators representing these districts were the most ardent supporters of anti-black policies in Congress. The presence of larger black populations should have led to legislators' supporting more black-friendly policies, but instead, black voters were disenfranchised through Jim Crow policies like the poll tax. Based on this and the lack of voting among noncitizen immigrants, another alternative hypothesis to consider may be that as the size of the foreign-born population grows, threat arising from competition for scarce resources leads legislators to support more restrictive immigration policies and vote for more restrictive immigration bills.

I present the hypotheses tested in this chapter below. First, I first test the central hypothesis of this dissertation, which looks at the effect of public opinion and demographic change:

Public Opinion Hypothesis (Hypothesis 1): The stronger public opinion is on restricting immigration, the more responsive members will be to these constituents and support greater restrictions in immigration. Given that those who support greater restrictions on immigration are more likely to be native-born citizens who vote, members will be more responsive to this group because legislators are motivated by reelection, and it is far more costly to ignore this group than immigrants, who are far less likely to vote. In light of the recent demographic changes brought about by immigration in districts that previously experienced very limited immigration, public opinion in these districts will particularly affect how legislators vote on key immigration bills.

Next, I test three alternative explanations of legislative responsiveness to immigration policy, as follows:

Minority Legislator Hypothesis (Hypothesis 2): Minority legislators are less likely to support restrictive immigration policies because they are more likely to represent districts with large numbers of Latinos, who comprise a majority of immigrants, especially recent immigrants. Furthermore, they may see themselves as representing the interests of ethnic minorities beyond the geographical boundaries of their districts, which would compel them to support more expansive policies and to vote against more restrictive policies. Republican legislators are also more likely to vote for more restrictive policies than Democratic legislators.

Economic Interest Hypothesis (Hypothesis 3): Legislators will support less restrictive immigration bills when greater proportions of workers in the district are employed by industries dependent on immigrant labor. Therefore, the greater the numbers of constituents employed by industries dependent on immigrant labor, the more likely legislators will vote for less restrictive policies or vote against more restrictive policies. Legislators will be more responsive to pro-immigration issues in areas where industries are dependent on immigrant labor.

Racial Threat Hypothesis (Hypothesis 4): As the size of the immigrant population increases, competition over scarce resources ensues. Newly arrived immigrants are less likely to be citizens, and therefore, unable to vote. Therefore, legislators will be more responsive to native-born constituents' interests more because it is more costly to ignore them than the immigrants who are far less likely to affect their reelection chances. Members do become more responsive—but responsive to the discontented citizens in their districts, and not the immigrants who are newly arrived in their districts.

5. RESULTS OF STATISTICAL ANALYSES

The results of the statistical models analyzing the likelihood of a legislator voting for the Sensenbrenner Bill and the Secure Fence Act are presented in Table 4.2a through and Table 4.3b. Each column presents results from four different models testing the four different hypotheses discussed in this chapter. Tables 4.2a and 4.3a test the central hypothesis of this dissertation, which examines the effects of public opinion and demographic change on voting for the Sensenbrenner Bill and the Secure Fence Act. I also include analysis of the level of foreign-born in these tables as a comparison to test whether it is the change in foreign-born or the level in foreign-born that affects legislators' votes on these bills. The models that follow in Tables 4.2b and 4.3b test alternative hypotheses about legislators' responsiveness to immigration issues. More specifically, the models in these tables examine the effect of minority legislators, economic interests on legislators' roll call votes on these two bills, and the effect of racial threat on legislators' roll call votes on the Sensenbrenner Bill and the Secure Fence Act. Throughout these models, I control for known predictors of members' voting on immigration bills: party of the legislator, the percentage of foreign-born in the district, as well as the size of the African American and Latino populations in the district. In Figures 4.1a through 4.2b, I present the predicted values of voting for the Sensenbrenner Bill and the Secure Fence Act for Democrats and Republicans at varying levels in the change in foreign-born and the level of the foreign-born population.

The coefficients in Tables 4.2a through 4.3b represent the effect of each independent variable on the likelihood of a legislator voting for each respective bill, all

else equal. The standard errors of each coefficient are in parentheses. In these tables voting for each of the bills represents a vote in favor of more restrictions on immigration. Put differently, a vote for either the Sensenbrenner Bill or the Secure Fence Act represents support for more restrictions against immigration and is seen as a vote against immigrants' interests.

[See Tables 4.2a, 4.2b, 4.3a, 4.3b]

Tables 4.2a through 4.3b present the results from the roll call voting analyses of the Sensenbrenner Bill and the Secure Fence Act. In both bills, political party was the strongest and most consistent predictor of roll call votes at the highest accepted levels of statistical significance. Across all models, Republican members of Congress were more likely to vote for the Sensenbrenner Bill and the Secure Fence Act. Public opinion had a positive effect on voting for these bills, such that the greater the level of support for restrictions on immigration, the more likely members were to support these bills. Other factors—economic interests and racial threat—were less consistent in their effects on voting for these bills. Next, I describe how these independent variables affected the likelihood of voting for each bill.

Table 4.2a. Effect of Public Opinion, Change in Foreign-Born, and Level of Foreign-Born on Roll Call Votes for the Sensenbrenner Bill

	Change in Foreign-Born	Level of Foreign-Born
public opinion on immigration	4.51** (1.58)	3.15* (1.49)
% change in foreign-born	2.05* (0.81)	---
public opinion x change in foreign-born	-2.47* (1.18)	----
% of foreign-born	-3.16 (1.77)	0.97 (5.84)
public opinion x level of foreign-born	---	-7.58 (10.1)
Member party	-2.07** (0.20)	-2.17** (0.20)
% black	-2.45** (0.81)	-1.76* (0.69)
% Latino	-2.40* (1.12)	-1.89 (1.04)
Constant	-0.99 (1.03)	0.26 (0.92)
n	409	419
log likelihood	-111.6	-120.9
Pseudo R ²	0.60	0.58

* p < 0.05, ** p < 0.01

Source: 2005 ACS, 2004 NAES

Table 4.2b. Effect of Minority Legislators, Economic Interests and Racial Threat on Roll Call Votes for the Sensenbrenner Bill

	Minority Legislators	Economic Interests	Racial Threat
Minority member	-0.71 (0.46)	----	----
% of district in agriculture	----	-1.13 (5.34)	----
% of district in construction	----	19.1** (5.26)	----
% of district in service industry	----	-2.77 (6.10)	----
unemployed x foreign born	----	----	-151.7 (89.8)
% unemployed	----	----	4.41 (10.5)
% foreign-born	-4.71** (1.53)	-3.62* (1.79)	4.03 (5.67)
Member party	-2.14** (0.19)	-2.23** (0.20)	-2.16** (0.19)
% black	-0.76 (0.87)	-1.40* (0.68)	-1.24 (0.89)
% Latino	-1.24 (1.05)	-3.05* (1.21)	-0.59 (1.13)
Constant	2.15** (0.20)	1.05* (0.52)	-1.88** (0.68)
n	421	421	421
log likelihood	-124.4	-119.0	-123.3
Pseudo R ²	0.57	0.59	0.57

* p < 0.05, ** p < 0.01
Source: 2005 ACS, 2004 NAES

Table 4.3a. Effect of Public Opinion, Change in Foreign-Born, and Level of Foreign-Born on Roll Call Votes for the Secure Fence Act

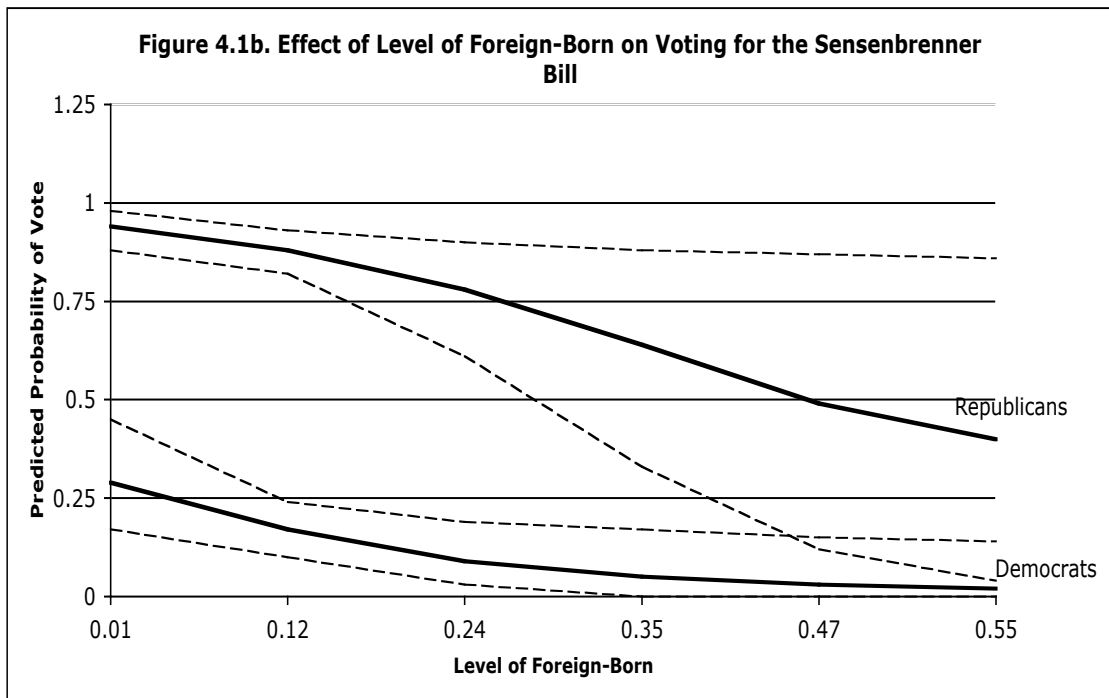
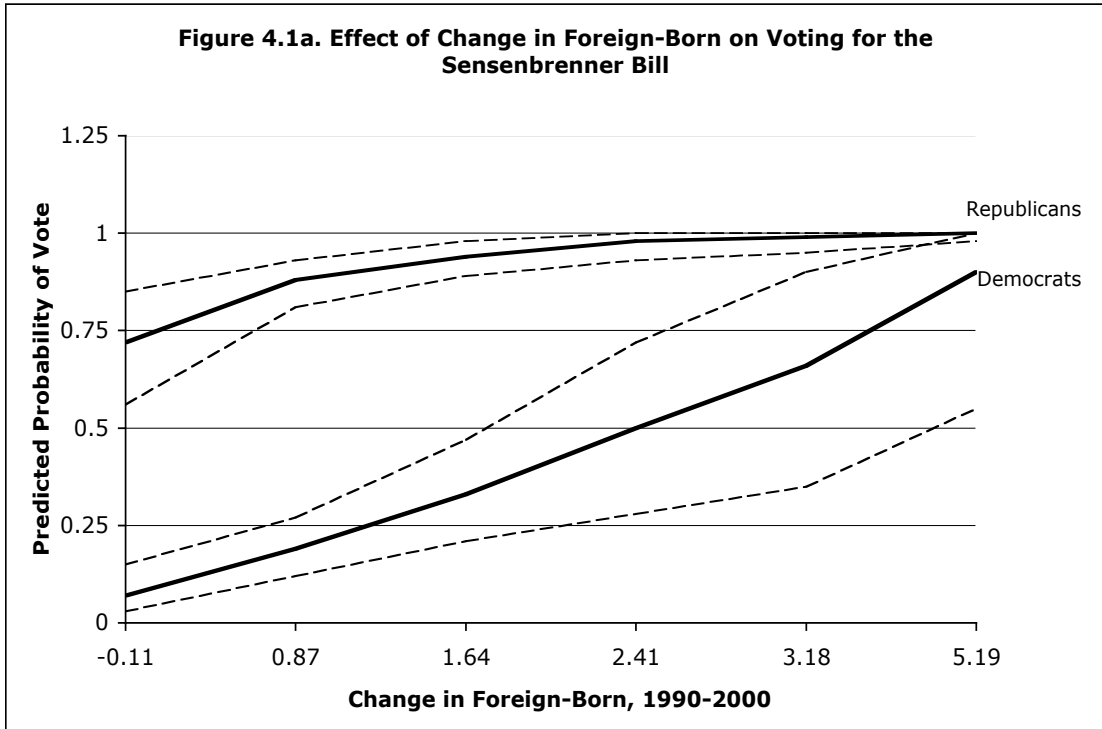
	Change in Foreign-Born	Level of Foreign-Born
public opinion on immigration	5.66** (1.54)	7.56** (1.64)
% change in foreign-born	1.18 (0.76)	----
public opinion x change in foreign-born	-1.40 (1.13)	----
% foreign-born	-0.54 (1.42)	9.48* (4.09)
public opinion x foreign born	----	-19.5** (7.22)
Member party	-2.52** (0.34)	-2.42** (0.29)
% black	-2.13** (0.66)	-1.93** (0.62)
% Latino	-3.01** (1.04)	-2.49** (0.95)
Constant	-0.55 (1.00)	1.51** (0.97)
n	407	419
log likelihood	-95.0	-101.7
Pseudo R ²	0.63	0.62

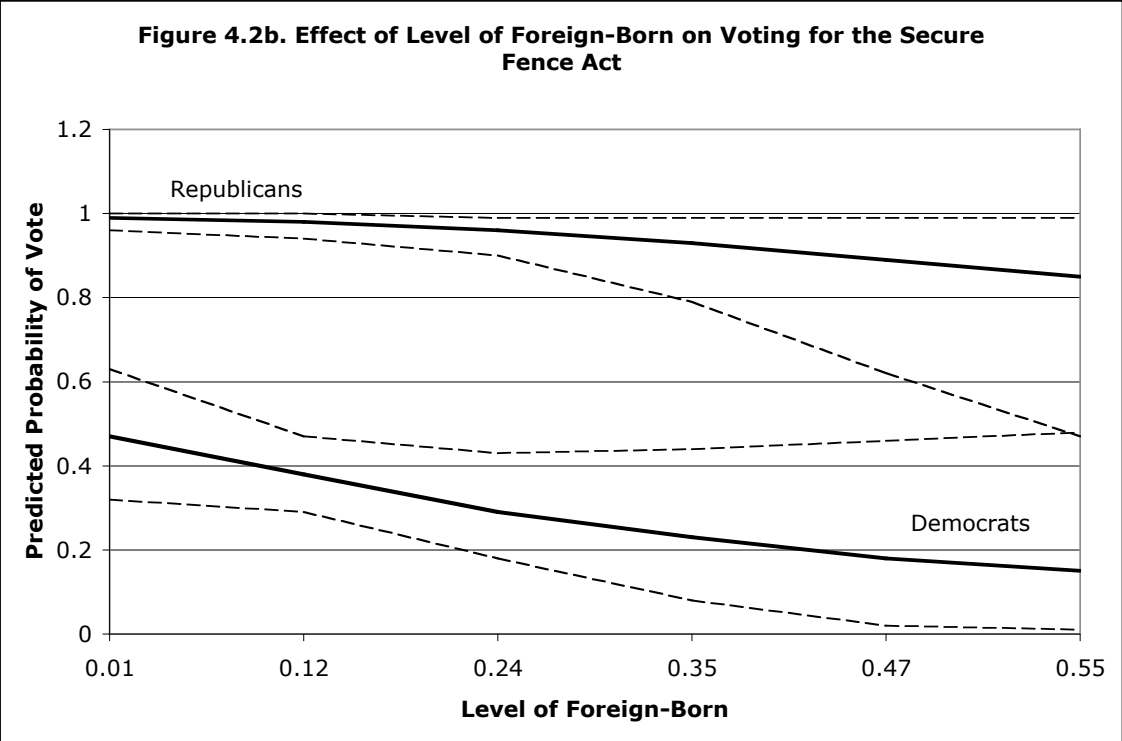
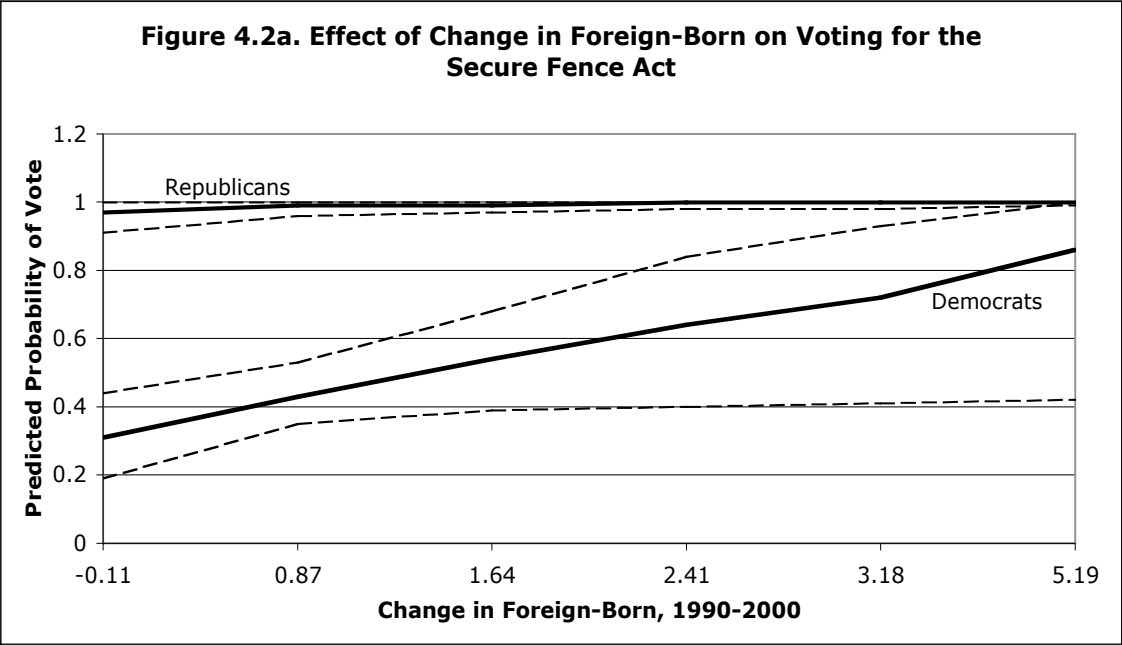
* p < 0.05, ** p < 0.01
Source: 2005 ACS, 2004 NAES

Table 4.3b. Effect of Minority Legislators, Economic Interests and Racial Threat on Roll Call Votes for the Secure Fence Act

	Minority Legislators	Economic Interests	Racial Threat
Minority member	-1.94** (0.48)	----	----
% of district in agriculture	----	18.0** (5.69)	----
% of district in construction	----	10.4* (5.19)	----
% of district in service industry	----	-0.87 (6.07)	----
unemployed x foreign born	----	----	66.5* (40.1)
% unemployed	----	----	-8.45 (8.32)
% foreign-born	-3.64** (1.27)	-0.68 (1.41)	-7.85* (3.06)
Member party	-2.29** (0.26)	-2.38** (0.27)	-2.34** (0.26)
% black	1.64 (0.96)	-0.91 (0.57)	-1.22 (0.74)
% Latino	-0.62 (0.98)	-4.24** (1.19)	-2.38** (0.95)
Constant	2.55** (0.26)	1.86** (0.53)	3.50** (0.62)
n	421	421	421
log likelihood	-110.6	-112.5	-119.4
Pseudo R ²	0.58	0.58	0.55

* p < 0.05, ** p < 0.01
Source: 2005 ACS, 2004 NAES





5.1 Effect of Public Opinion, Demographic Change, and Level of Foreign-Born

Public opinion supporting more government restrictions on immigration had a positive effect on voting for the Sensenbrenner Bill and the Secure Fence Act at standard levels of statistical significance, as seen in Tables 4.2a and 4.3a. Legislators in districts favoring increasing government restrictions on immigration were more likely to support the Sensenbrenner Bill and the Secure Fence Act. Demographic change due to immigration had a positive and significant effect on voting for the Sensenbrenner Bill but not on voting for the Secure Fence Act. That is, legislators representing districts with a greater change in the foreign-born population were more likely to vote for the Sensenbrenner Bill, but were not more or less likely to support the Secure Fence Act. The level of foreign-born in a district had a similar effect as public opinion, where increases in the level of foreign-born had a positive effect on voting for both bills.

The interaction of demographic change and public opinion affected voting for the Sensenbrenner Bill but did not affect on voting for the Secure Fence Act. That is, members from districts with increasing support of restrictions on immigration and greater rates of change in the foreign-born population were less likely to vote for the Sensenbrenner Bill, taking a more liberal position on immigration. However, interaction effects in probit models are difficult to evaluate based solely on the sign of the coefficient since the interaction effect may have a different sign for different values of the covariates. In other words, the sign of the coefficient does not necessarily reflect the sign of the interaction effect (Ai and Norton 2003, 124). To better interpret the effect of public opinion and demographic change, I estimated the predicted probabilities of voting for each bill, as shown in Figures 4.1a and 4.2a.

Figures 4.1a and 4.2a demonstrate that Democrats are much more responsive to the effects of public opinion in areas experiencing demographic change than Republicans. That is, at the lowest level of change in the foreign-born population, Republicans are still more likely to vote for both of these bills, and their likelihood of voting for these bills increases as the change in foreign-born population increases. As shown in Figure 4.1a, at the lowest level of change in the foreign-born population, Republicans have a predicted probability of 75 percent of voting for the Sensenbrenner Bill. As the change in foreign-born increases, Republicans become almost certain to vote for the bill, such that in districts with the maximum level of change in the foreign-born population, Republicans are 100 percent likely to support the Sensenbrenner Bill.

On the other hand, Democrats are initially less likely to support these bills when there is little change in the foreign-born population. At the lowest level of demographic change, Democrats have a predicted probability of 5 percent of voting for the bill. When demographic change is at two standard deviations above the mean (241 percent increase in the foreign-born population), Democrats become equally likely to vote for or against the Sensenbrenner Bill, and at two standard deviations above the mean, Democrats become much more likely to support the bill. While Republicans remain highly likely to support the Sensenbrenner Bill, Democrats become more responsive to public opinion as the change in foreign-born increases. As seen in Figure 4.2a, Democrats and Republicans exhibit a similar pattern when voting for the Secure Fence Act.

To contrast the effect of change in the foreign-born population, Tables 4.2a and 4.3a show the effects of the level of foreign-born on legislators' votes for the Sensenbrenner Bill and the Secure Fence Act. The effect of the foreign-born population

was generally negative across the different models tested, although its effect was stronger in some models than others. Previous studies on roll call voting on immigration bills have argued that larger foreign-born populations makes it more likely that members will support more expansive immigration policies (Wong 2006). In light of past work, I expect that the greater the foreign-born population in a district, the more likely a legislator would be to vote against the Sensenbrenner Bill or the Secure Fence Act.

As seen in Tables 4.2a and 4.3a, the percentage of foreign-born in a district had a negative effect on roll call voting for the Sensenbrenner Bill than for the Secure Fence Act. Legislators from districts with higher levels of foreign-born were more likely to vote against these bills than legislators representing districts with smaller foreign-born populations. The level of foreign-born does not significantly affect voting for the Sensenbrenner Bill, but it does have a positive effect on voting for the Secure Fence Act, which was a narrower in scope than the Sensenbrenner Bill.³⁷ The interaction of public opinion and level of foreign-born did not affect voting for the Sensenbrenner Bill, but had a negative effect on voting for the Secure Fence Act. In other words, legislators from districts characterized by support for greater restrictions in immigration and higher levels of foreign-born were less likely to support the Secure Fence Act.

To better interpret this result, Figures 4.1b and 4.2b show the effects of the level of foreign-born population in voting for the Sensenbrenner Bill and the Secure Fence Act, holding public opinion at its mean. These figures show that the level of foreign-born affects members' votes on these bills differently than the change in the foreign-born population. That is, as the level of foreign-born increases, both Democrats and

³⁷ The Secure Fence Act focused on building a fence along the US-Mexico border, whereas the Sensenbrenner Bill was more comprehensive, including provisions to eliminate the diversity immigrant visa and to mandate employers to verify workers' immigration status.

Republicans become less likely to support both bills. Figures 4.1b and 4.2b also show that the level of foreign-born affects Republicans much more than Democrats. The predicted probability of Democratic members of Congress supporting either bill is about 50 percent or less for both bills, and this probability decreases further as the size of the foreign-born population increases. Republican members of Congress, however, go from being almost 100 percent likely to vote for the Sensenbrenner Bill at lower levels of foreign-born to less than 50 percent when over half of a district is foreign-born. The effect is not as strong for the Secure Fence Act. In this case, Republicans' likelihood of voting for the bill decreases, but still remains over 80 percent when the level of foreign-born is at its maximum value.

5.2 Effect of Minority Legislators

Minority members of Congress, particularly African American legislators, are thought to be more responsive to the interests of minorities, in their districts and beyond (Fenno 2003, Swain 1995). Therefore, given that immigrants in today's context are predominantly ethnic minorities, I expect minority members to be more responsive to their interests. Being a minority member of Congress had a significant and negative effect on voting for the Secure Fence Act but did not have an effect of voting for the Sensenbrenner Bill, as seen in Tables 4.2b and 4.3b. Minority members of Congress were less likely to vote for the Secure Fence Act than white members of Congress, even after controlling for members' political party and black and Latino populations in their districts.

5.3 Effect of Economic Interests

Industries that depend on immigrant labor, particularly agriculture, have worked with immigrant advocacy groups to advocate more generous immigration policies (Wong 2006). Because such industries hire immigrants at lower wages, they have a vested interest in more open immigration policies. Therefore, I expect members representing districts employing high percentages of the population in industries dependent on immigrant labor to support more open immigration policies or to vote against more restrictive immigration bills. As shown in Tables 4.2b and 4.3b, I introduce three variables that measure the extent that a district's population is employed in the following three industries: agriculture, construction, and the service industry.

The effect of these economic variables on roll call voting for both bills is mixed. In Tables 4.2b and 4.3b, these economic industry variables are not statistically significant except for the construction industry for roll call voting for the Sensenbrenner Bill and the Secure Fence Act and the agriculture industry for roll call voting for the Secure Fence Act. The percentage of the district employed by the construction industry had a positive and statistically significant effect on voting for the Sensenbrenner Bill and for the Secure Fence Act, as shown in Tables 4.2b and 4.3b. That is, the greater the percentage of the district's population employed in construction, the more likely a member was to support these bills. This is in the opposite direction than expected, given that the construction industry spoke out on its dependence on immigrant labor and advocated more open policies.³⁸ The construction industry, however, also generally supports Republican candidates, and Republican members were more likely to vote for these bills. Therefore,

³⁸ See Anne Riley, 2007, "Border Patrol Series: Immigration and Construction," at <http://www.opensecrets.org/news/2007/06/border-patrol-series-immigrati-6.html>.

one reason behind the unexpected positive effect may be because the industry generally supports Republicans, who are more supportive of restrictive immigration policies.

In addition to the construction industry, Table 4.3b shows that the percentage of those employed in agriculture also had an effect on voting for the Secure Fence Act at conventionally accepted levels of statistical significance. Similar to the effect of the construction industry, agriculture had an unexpected positive effect on voting for the Secure Fence Act, such that the greater the percentage of the district employed in agriculture, the more likely a member of Congress was to vote for it. The positive effect is surprising, given the coalitions between immigration advocacy groups and agriculture lobbying groups for more open immigration policies (Wong 2006). The agriculture industry is highly dependent on immigrant labor. Therefore, one would expect that members from such districts would oppose more restrictive policies and would have been more likely to vote against the Secure Fence Act.

5.4 Effect of Racial Threat

Racial threat is based on the idea that increasing numbers of an outgroup will generate competition for scarce resources and therefore, engender hostility between the ingroup and outgroup.³⁹ Accordingly, legislators may support anti-immigration policies in response to growth in the immigrant population and economic threat. Economic threat could be exacerbated by competition over scarce resources, such as jobs and public schools, which are brought about by an increase in the size of the immigrant population.

According to the racial threat hypothesis, legislators representing districts with growing immigrant populations and higher levels of unemployment would vote for more

³⁹ For a summary of racial threat theories, see Hopkins (2010, 41-42).

restrictive immigration bills. As seen in Tables 4.2b and 4.3b, the interaction term of unemployment and the level of foreign-born did not have a statistically significant effect on voting for the Sensenbrenner Bill but did have a significant positive effect on supporting the Secure Fence Act. That is, legislators from districts experiencing higher levels of unemployment and a greater level of foreign-born were more likely to support a bill supporting greater restrictions on immigration from Mexico by building a fence along the US-Mexico border. Unemployment did not have any effect on voting for these bills, but the effect of unemployment and the level of foreign-born affected members' votes on the Secure Fence Act.

5.5 Control Variables: Effects of Black and Latino Population and Political Party

Black and Latino Populations

I added the percentage of a district's population that are black and Latino to control for the effect of a minority member of Congress, since minority legislators in the 109th Congress generally represented majority-minority districts that are heavily African American and/or Latino (Clerk of the House; American Community Survey 2005). The African American population in a district generally had a negative effect on voting for both bills, where members from districts with larger African American constituencies were less likely to support both bills.

Districts' Latino populations affect legislators' voting for the Secure Fence Act much more than for the legislators' voting for the Sensenbrenner Bill. When faced with voting for the Secure Fence Act, the Latino population had a significant negative effect in all of the models tested except for the model testing the effect of minority legislators.

When examining the effects of public opinion, economic interests, and racial threat on voting for the Secure Fence Act, members from districts with larger Latino populations were less likely to vote for the Secure Fence Act. One possible reason the size of the Latino population had a greater effect on voting for the Secure Fence Act is because the Secure Fence Act specifically targeted immigration from Mexico with its proposal to construct a fence along the US-Mexico border.

Political Party

Previous analyses of Congressional roll call voting has found that political party affects roll call voting, where Republicans support more restrictive policies and Democrats support more expansive policies (Wong 2006; Gimpel and Edwards 1999). In the models tested, legislators' political party consistently affected voting on both the Sensenbrenner Bill and the Secure Fence Act. Political party was a strong and robust predictor across all models, where Democrats were more likely to vote against these bills and Republicans were more likely to support them. The effects of political party held constant across all models at the highest level of statistical significance, indicating that the probability that political party had no effect on roll call voting for these two bills was less than 1 percent.

In summary, in this section, I discussed the results from analyzing the roll call votes from the Sensenbrenner Bill and the Secure Fence Act in this section. Tables 4.2a and 4.3a show that members were responsive to public opinion on immigration in their districts when casting their votes for two key immigration enforcement bills in the 109th Congress. Figures 4.1a and 4.2a and show that public opinion matters less for

Republicans in areas experiencing increasing change in the foreign-born population but that public opinion becomes more salient to Democrats in districts experiencing greater demographic change. Minority members of Congress were less likely to vote against the Secure Fence Act but not the Sensenbrenner Bill. Members also took the interests of the construction industry into account when voting for both of these bills, and agricultural interests into account when voting for the Secure Fence Act, but these interests made them more, not less likely, to support these bills. The effect of threat, measured by growing unemployment and increasing foreign-born populations, also affected voting for the Secure Fence Act, where members from these districts were more likely to support the Secure Fence Act. Finally, political party had a strong and robust effect on roll call voting for the Sensenbrenner Bill and the Secure Fence Act, but the results in Figures 4.1a, 4.1b, 4.2a and 4.2b suggest that Republicans and Democrats are affected by different factors when voting for these bills. In the next session, I discuss the implications of these results for the hypotheses introduced in this chapter.

6. DISCUSSION OF RESULTS

In this chapter, I tested the effects of public opinion along with alternative hypotheses testing the effects of minority legislators, economic interests, and racial threat. The results of the statistical analyses in the previous section provide support for the public opinion hypothesis (Hypothesis 1), but we cannot yet rule out the minority legislator hypothesis (Hypothesis 2), and the racial threat hypothesis (Hypothesis 4).

First, the results show that public opinion on immigration matters in how legislators vote on immigration policy issues. Support for increasing restrictions on

immigration impacts members' voting on immigration enforcement bills. Members are more likely to vote for restrictive immigration bills as more and more constituents support greater restrictions on immigration. In the 109th Congress, legislators took their cues on how to vote on these bills from their constituency and acted as delegates of their constituents' preferences. Although the coefficient for the interaction of public opinion and demographic change was negative, further analyses of predicted probabilities indicate that the effect of public opinion in areas with greater demographic change varied among Democrats and Republicans. The effect of public opinion is more salient to Democrats in areas experiencing demographic change from immigration. Republicans becomes slightly less likely to support these bills, but they are still overwhelmingly likely to support both bills. The effect of public opinion suggests that Hopkins' (2010) theory on politicized change could be extended in that legislators, particularly Democrats, are responding not just to recent and rapid demographic change at the local level, but at the federal level as well.

The results also provide support for the Minority Legislator Hypothesis by showing that minority legislators were more likely to respond positively to immigrants' interests in voting against both bills. This supports the idea that minority legislators may see themselves as not just representing their own particular ethnic or racial groups, but may see their roles as representing minorities more generally.

The results also provide support to the Racial Threat Hypothesis. Based in part on Key (1949), who argued that whites grew more resentful as economic threat and minority populations increased, and on previous work that declining economic conditions foster greater resentment toward immigrants, I expected that as unemployment and the number

of immigrants increased, legislators would respond by cosponsoring more anti-immigration bills. The results for members' votes on the Secure Fence Act provide support for this and suggest that as immigrant populations increase, native residents may feel threatened and favor more restrictive policies. Therefore, growing proportions of foreign-born may lead to greater proportions of those favoring more restrictive immigration policies. One reason may be that the Secure Fence Act proposed a fence along the US-Mexico border and as such, targeted undocumented immigration from Mexico. And while undocumented immigrants arrive from many other countries besides Mexico, the national debates on immigration have focused predominantly on undocumented immigration coming through the US-Mexico border. Therefore, members from areas experiencing high unemployment and a growth in the foreign-born population may be more likely to support to support this bill, although the unusually large size of the coefficient warrants a bit of caution in interpreting this result.

Finally, the results also do not support the Economic Interest Hypothesis. Based on previous studies suggesting industries dependent on immigrant labor support more expansive immigration policies (Wong 2006), I expected legislators in districts employing greater numbers of constituents in industries dependent on immigrant labor would be less likely to vote for these two bills. However, the effects of the construction and agricultural industries had the opposite effect. That is, the effect of the construction industry was positive. Members were more likely to support these bills as more constituents were employed in construction. One reason for this may be because many of those in the construction industry support the Republican Party, and Republican members were much more likely to support both these bills. The agricultural industry also affected

voting for the Secure Fence Act, where the greater the size of the district employed in agriculture, the more likely members were to vote for this bill.

Finally, the results of the statistical analyses of roll call votes for the Sensenbrenner Bill and the Secure Fence Act provide the strongest support for the idea that political party matters in immigration policymaking. Republicans were more likely to support both bills than Democrats. This effect held consistently across all variations of the models tested. The results also indicate that Republicans and Democrats respond differently to immigration bills. Republicans were only affected by Latino constituents when voting for the Sensenbrenner bill, such that they were more likely to be against it if they represented districts with larger Latino populations. Democrats, on the other hand, were also affected by restrictionist public opinion, demographic change, and the black and Latino populations such that they were more likely to follow restrictionist public opinion and support both bills, but were less likely to support these bills if representing districts with greater black and Latino populations.

7. CONCLUSION

The focus of this chapter was to determine what factors affected legislators' voting on two major immigration bills in the 109th Congress: H.R. 4437, the 2005 Border Protection, Antiterrorism, and Illegal Immigration Control Act, and H.R. 6061, the 2006 Secure Fence Act. In particular, this chapter examined the impact of public opinion and demographic change on members' likelihood of supporting either or both of these bills, as well as the impact of political party, minority legislators, economic interests, and racial threat. Public opinion and minority legislators affected members' likelihood of voting for

both these bills, but the effects of other predictors are inconsistent between the two bills. The analyses in this chapter also tell us that political party is the most consistent predictor of how a member will vote.

In summary, this chapter presents us with five key findings: (1) immigration is an issue very much divided along party lines, but Democrats and Republicans differ in what factors affect their roll call votes; (2) the effect of public opinion is more salient for Democrats than Republicans in districts experiencing a large change in the growth in the foreign-born population; (3) minority legislators are more likely to be against restrictive immigration policies; (4) industries dependent on immigrant labor have a significant effect on legislators' roll call votes in supporting more restrictive enforcement policies; (5) the effect of racial threat may also influence members' votes, particularly in voting for bills specifically targeting immigration from Mexico.

These findings raise several implications. The first is that while in the past, immigration was an issue that cut across party lines; this is no longer the case. As political parties have become increasingly polarized in Congress, the effect of political party on immigration policymaking has strengthened.

Second, minority legislators may consider themselves to represent not just the interests of their own ethnic group, but minorities more broadly. Their ideas of which groups comprise their constituency may extend beyond the voting age population in their districts to include immigrants who cannot vote, both within their districts and beyond.

Third, even though the level of foreign-born has an effect, where legislators are more likely to vote against restrictive policies in districts with greater foreign-born populations, members are also responsive to support for more restrictive policies. Given

that legislators want to maximize their probability of reelection, they are more likely to side with the stronger group (Fiorina 1974). In a given Congressional district, the voices of voters who want greater restrictions on immigration are more likely to be stronger than those of the foreign-born. Therefore, even when the foreign-born population matters to a legislator's voting decision, public opinion may outweigh those considerations.

Finally, although previous studies on immigration policymaking emphasized the importance of industries dependent on immigrant labor, these business interests may not be as strong of an influence as previously thought. That is, whether a district had many jobs in areas traditionally dependent on immigrant workers—namely, service industries, agriculture, and construction—had a positive effect on legislators' roll call votes for either bill, such that members were likely to support greater restrictions on immigration enforcement. For example, the larger the size of a district's agricultural workforce, the more likely a legislator was to support the Secure Fence Act. Considering that the Secure Fence Act sought to limit undocumented immigration from Mexico, where a large majority of temporary agricultural workers are from, one would initially expect that legislators representing districts with a large agricultural workforce would be more likely to vote against the Secure Fence Act. This unexpected result suggests that as more and more immigrants settled in districts to work in these industries, the resulting demographic change caused public opinion to favor more restrictive immigration policies. Given a legislator's desire for reelection, the impact of public opinion could outweigh the influence of industries dependent on immigrant labor. In other words, the effect of public opinion could be stronger than any benefits from these industries in how legislators

decide to vote. While members of Congress may not have been responsive to public opinion on immigration in the past, they are more responsive today.

This chapter focused on bills that emphasized the enforcement sector of immigration policy, particularly border control issues. But immigration policy covers several other dimensions, such as the rights of immigrants once within the US and guest workers. Do these same factors analyzed in this chapter affect members' votes on other areas of immigration policy? And do these same factors affect other ways a member might respond, such as bill co-sponsorship? I turn to these questions next in Chapter 5.

Chapter 5

Beyond Roll Call Voting: Cosponsoring Immigration-Related Bills

1. OVERVIEW

In previous chapters, I discussed legislative responsiveness toward immigrant constituents in members' districts, and the political vulnerability of immigrants given their lack of voting and overall small but growing population size. In Chapter 2, I argued that in light of rapid demographic changes in new areas of immigrant settlement, public opinion on immigration has become more salient to legislators when facing decisions on immigration policy. In Chapter 3, I examined the factors affecting public opinion on immigration and found that demographic change brought about by immigration is associated with support for increased restrictions in immigration. In Chapter 4, I examined the effect of public opinion and demographic change on legislators' responsiveness through analyzing roll call votes of two key immigration enforcement bills that passed the House of Representatives during the 109th Congress.⁴⁰ These analyses found that greater support for restrictions in immigration is associated with members' votes on more restrictive immigration bills. Democrats and Republicans, however, differ in how responsive they are to public opinion, particularly in districts experiencing demographic change due to immigration.

⁴⁰ I analyzed roll call voting from the 2005 Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) and the 2006 Secure Fence Act (H.R. 6061). While both bills passed the House of Representatives, only H.R. 6061 passed the Senate and was signed into law (P.L. 109-367).

In this chapter, I expand the analyses in Chapter 4 though examining another form of legislative responsiveness—bill cosponsorship—which has not been addressed in previous studies on immigration policymaking⁴¹. While roll call voting allows us to understand a very public and transparent measure of legislative responsiveness, it does not capture the full range of activities legislators can engage in to respond to their multiple constituencies and interests. Expanding our analyses of legislative responsiveness to include activities beyond roll call voting, such as bill cosponsorship, that are less transparent provides us with a more comprehensive understanding of how legislators respond to various aspects of immigration policy.

In addition to examining a different form of responsiveness, I also examine responsiveness across different dimensions of immigration policy. In Chapter 4, I focused my analyses on immigration enforcement bills—that is, bills addressing the enforcement of immigration laws. Immigration policy, however, also includes dimensions on the admission of immigrants and their political and social integration. Examining legislators’ responsiveness across different dimensions of immigration policy allows us to see whether the same relationships characterize additional types of immigration policy besides enforcement.

In this chapter, I start by discussing the different dimensions of immigration policy and the different types of policies that characterize each dimension. Next, I summarize the immigration-related bills proposed in the 109th Congress. I discuss how bill cosponsorship provides us with another way to measure legislative responsiveness and the advantages and disadvantages this provides, particularly in comparison to roll call

⁴¹ Previous work on immigration policymaking have focused their analyses on roll call votes, such as Gimpel and Edwards (1999) and Wong (2006).

voting. I then discuss the measurement of the dependent and independent variables, the hypotheses tested, and the statistical models used to test them. Finally I present the results of the statistical analyses and a discussion of these results. I conclude with a summary of the key findings from this chapter and the implications of these findings.

2. DIMENSIONS OF IMMIGRATION POLICY

Immigration bills proposed in the 109th Congress focused primarily on immigration enforcement. However, immigration policy covers several different dimensions in addition to enforcement. As seen in Table 5.1, scholars have proposed frameworks with as many as four and as few as two categories of immigration policy, based on the stage of the immigration process (pre- or post-entry) or the larger distribution of costs and benefits (Hammar 1985; Freeman 2006).

Table 5.1. Frameworks of Immigration Policy

Categories of Immigration Policy	
Hammar (1985)	1) regulating entry of immigrants 2) treatment of immigrants once within a nation's borders
Wong (2006)	1) admissions policy 2) incorporation (integration) policy 3) enforcement policy
Freeman (2006)	1) concentrated distributive policies 2) diffuse distributive policies 3) redistributive policies 4) regulatory policies

Hammar (1985) and Wong (2006) propose similar categories of immigration policy, primarily based on admissions criteria and what happens to immigrants once they reside within a country's borders. For example, Wong's framework categorizes immigration policy into admissions policy, which describes policies regarding the number and origins of immigrants receiving visas as well as the terms of admission, such as length of stay; incorporation policy, which describes policies affecting immigrants once they immigrate, such as English-only language policies; and enforcement policy, which deal with securing the border and with violations of immigration laws.

Freeman (2006) proposes a four-category framework centered on the benefits and costs of immigration policy. Drawing from Lowi (1964) and Wilson (1973, 1980), he proposes four types of immigration policy⁴²:

⁴² These four types of policies correspond to four types of politics, respectively: 1) client politics; 2) majoritarian politics; 3) interest group politics; 4) entrepreneurial politics.

1. Concentrated distributive policies, where benefits are concentrated and costs are diffuse, such as permanent residence visas.
2. Diffuse distributive policies, where both benefits and costs are diffuse, such as tourist visas.
3. Redistributive policies, where benefits and costs are concentrated, such as public benefits for immigrants.
4. Regulatory policies, where benefits are diffuse and costs are concentrated, such as asylum claims.

For the purposes of analyzing bill cosponsorships in this chapter, I use Wong's (2006) categories as a foundation. In addition to the three categories she described, I include a pro/anti-immigration dimension and a dimension focusing on undocumented immigration for the analyses in this chapter, as seen below in Table 5.2:

Table 5.2. Proposed Framework of Immigration Policy

	Admissions	Integration	Enforcement	Undocumented
Pro-immigration	Pro-Admissions	Pro-integration	Pro-Enforcement	Pro-Undocumented
Anti-immigration	Anti-Admissions	Anti-integration	Anti-Enforcement	Anti-undocumented

Pro-immigration positions refer to policies that, for example, expand the number of visas or allow for easier integration into US society. A hypothetical example of a pro-integration policy item would be one requiring public service announcements to be

broadcast in languages in addition to English. Anti-immigration positions refer to those policies that seek to reduce the number of immigrants allowed to enter the US or to restrict benefits and access to services, such as public education, for immigrants. Anti-immigration bills on enforcement include those that seek harsher penalties for those who violate immigration laws.

In addition, I introduce a dimension to capture whether a policy specifically focuses on undocumented immigration. Given the prominence of undocumented immigration in the post-9/11 debate and particularly in the 109th Congress, I include this dimension to discern any differences in responsiveness based on whether a policy item is specifically focused on undocumented immigrants. I do not include asylum or refugee policy items because these types of immigration policy are often influenced by foreign policy goals and concerns, which are outside the scope of this dissertation. Now that I have defined the framework guiding my analyses, I next turn to a discussion of the immigration-related bills proposed in the 109th Congress

3. IMMIGRATION BILLS PROPOSED IN THE 109TH CONGRESS

In Chapter 4, I focused my analyses on two key immigration bills, the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) and the Secure Fence Act (H.R. 6061). These two bills represented the overall focus of immigration legislation in the 109th Congress on immigration enforcement. While immigration-related bills in this Congress focused heavily on immigration enforcement, bills representing the other dimensions of immigration policy, particularly integration, were also proposed. Among enforcement and integration bills, the bills proposed also

discussed provisions related to undocumented immigrants. In this section, I summarize the range of bills proposed in the 109th Congress and provide examples of each type of immigration policy bill.

3.1 Immigration Enforcement

Bills pertaining to immigration enforcement addressed several areas, including border security, the roles of the U.S. military, civilian patrols, and state and local law enforcement agencies in enforcing immigration laws; alien smuggling and detention, and enforcing prohibitions on employing undocumented immigrants (Bruno et al. 2006, 1). In addition to the two bills analyzed in Chapter 4, another example of this type of bill is the REAL ID Act (H.R. 418). The REAL ID Act included provisions to improve the security of state-issued drivers' licenses and personal identification cards, such as establishing minimum standards for drivers' licenses and personal identification cards. States were also required to verify an applicant's legal status before issuing drivers' licenses or personal identification cards (Bruno et al. 2006, 4-5).

3.2 Immigrant Admissions

Bills pertaining to immigrant admissions address visa issuance, such as tourist or student visas, and other guidelines for who can enter the US (see Wong 2006, 25). Admissions policy also covers temporary workers. Temporary workers generally enter the US under the H visa, which covers both high-skilled and low-skilled workers. The H-1B visa is given for professional workers, such as software engineers, and the H-2A visa and H-2B visa are given for agricultural and nonagricultural workers, respectively (Bruno

et al. 2006, 17). An example of an admissions bill in the 109th Congress is H.R. 884, the Agricultural Job Opportunities, Benefits, and Security Act of 2005. This bill proposed to streamline the process of bringing H-2A workers and proposed changes to existing H-2A requirements for minimum benefits and working conditions (Bruno et al. 2006, 17-18). Among all the different types of immigration bills proposed in the 109th Congress, bills on admissions policy represent the least common type of bill proposed.

3.3 Immigrant Integration

Immigrant integration bills focus on the rights of immigrants once they reside in the United States. These bills deal with issues such as public benefits, naturalization, and legal permanent residency (Wong 2006, 26). Several key bills in the 109th Congress addressed immigrant integration. Some bills were pro-immigration, while others were anti-immigration. For example, the DREAM Act enabled certain undocumented immigrants who entered the US before the age of 16, had a high school diploma or equivalent, and were admitted to a postsecondary institution to apply for legal permanent resident (LPR) status (Bruno et al. 2006, 23). Other bills proposed included one that would have English become the official language of the United States, and another that would prevent birthright citizenship to children born to undocumented immigrants in the US.

Now that I have discussed the types of bills proposed in the 109th Congress, I turn to a discussion of the methodology used to select the bills, the dependent and independent variables, and the statistical models.

4. METHODOLOGY

In this chapter, I analyze bill cosponsorships for ten immigration-related bills with the greatest number of cosponsors. The independent variables remain the same as those tested in Chapter 4. Since the number of bill cosponsored is a discrete variable, I use an event count model to analyze the relationship between the independent variables and the number of bills cosponsored by a legislator. In this section, I describe the selection of immigration-related bills, the measurement of the independent and dependent variables, and the statistical model.

4.1 Selection of Immigration-Related Bills

To determine the universe of immigration-related bills in the 109th Congress, I searched THOMAS, the Library of Congress's Congressional bill archive, for all bills related to immigration. For this analysis, I excluded symbolic bills such as the Korean Immigration Commemorative Coin Act because they do not have any direct, measurable benefits or costs. I also excluded appropriations bills because these bills are only sponsored by committee chairs and accordingly, may be different from regular bills that do not have any such restrictions. I excluded bills related to refugees or asylees because these are based on other dimensions, such as foreign policy goals, that are outside the scope of this dissertation.

To test the variability of legislators' responsiveness across different immigration policy dimensions in the 109th Congress, all bills were first coded for whether they were generally pro- or anti-immigration in tone. Pro-immigration bills expanded admissions to

the US, expanded benefits for immigrants once within in the US, or included less stringent enforcement provisions. Anti-immigration bills sought to limit admission to the US, restricted benefits of immigrants already in the US, or supported more stringent enforcement of US borders and laws. Bills were then coded for whether they were related to undocumented immigration. Bills were also coded according to the type of immigration policy they generally addressed: admission, enforcement, or integration. For example, the DREAM Act, which proposed to allow certain undocumented immigrants brought to the US as children to attend college was coded as being pro-integration and also focused on undocumented immigrants. While some bills addressed more than one dimension of immigration policy (e.g., integration and enforcement), bills were coded based what type of dimension best represented the overall bill. A research assistant also coded these bills to ensure intercoder reliability and validity of the coding scheme.⁴³

4.2 Measuring Legislative Responsiveness

In this chapter, the dependent variable of interest is legislators' response to immigration issues. I measure this using the number of bills cosponsored among a sample of ten bills with the greatest number of cosponsors. Looking at the ten most heavily cosponsored bills provides us with a sample covering the greatest number of legislators. Similar to roll call voting, bill cosponsorship reflects underlying policy responsiveness. Unlike roll call voting, however, bill cosponsorship allows us to examine more expansive forms of policy responsiveness beyond the dichotomous vote choice. More specifically, measuring responsiveness through bill co-sponsorship is

⁴³ See the Appendix for further details about the coding scheme used to determine the number of immigration-related bills proposed in the 109th Congress.

advantageous because it allows us to look at members' revealed intensities⁴⁴. Examining revealed intensities also allow us to compare how legislators respond when engaging in less traceable actions⁴⁵. Furthermore, looking at revealed intensities allows us to examine a third aspect of legislative activities, credit-claiming⁴⁶ (Mayhew 1974). Specifically, because cosponsoring bills is less traceable, cosponsoring bills provides members a low-cost way to let their constituents know they care about an issue (Kessler and Krehbiel 1996; Sulkin 2005, 29).

In Chapter 4, I examined roll call votes on two key immigration bills. These roll call votes provided insight into legislators' revealed preferences in requiring all members of Congress to cast a vote for or against a bill.⁴⁷ Because all members have to cast a vote, a roll call vote reveals a member's position on a bill or issue; however, it tells us little about the extent to which a member participated behind the scenes in crafting the bill and guiding it through the legislative process. In contrast, examining bill cosponsorship

⁴⁴ Hall (1996) contrasts revealed preferences with revealed intensities. That is, "If the preferences of members are revealed (more or less) by their votes on a particular issue, their intensities are revealed by the time and legislative effort they devote to it" (p.3). Roll call voting reveals a member's preferences, while the time and effort a member puts into a particular issue reveals his or her intensities.

⁴⁵ Traceable actions are those that can be plausibly traced back to a governmental action, such as passing a bill, and then back to a legislator's individual contribution, such as a legislator's vote for that bill (Arnold 1990, 47). Bill cosponsorships are less traceable actions than roll call votes because not all bills that a member cosponsors reach a vote. Given that thousands of bills are introduced each Congress, finding a bill's cosponsors would take an ordinary citizen a considerable amount of time.

⁴⁶ Mayhew (1974) describes three types of legislative activities: (1) position-taking; (2) advertising; (3) credit-claiming. Roll call voting is an example of position-taking, where a member clearly expresses his or her position by voting for or against a bill. Advertising refers to members' efforts to develop name-recognition and favorability among constituents (1974, 49). Credit-claiming is defined as "acting so as to generate a belief in a relevant political actor (or actors) that one is personally responsible for causing the government, or some unit thereof, to do something that the actor (or actors) considers desirable" (1974, 52-53).

⁴⁷ Members also can abstain from voting, but abstaining too frequently from roll call voting can lead to perceptions that a member is not working hard.

provides some insight about the extent to which a member cares about an issue. That is, members who cosponsor a bill presumably care more about that bill or issue than members who do not cosponsor that bill. Therefore, the more bills a member cosponsors in a particular issue area, the greater the intensity he or she feels toward that issue.

Examining revealed intensities, as measured by bill cosponsorship, allows us to also study how members behave when participating in less traceable actions. Roll call voting represents one of the most public and traceable ways a member engages in legislative activities. Roll call votes are recorded and are publicly available in the *Congressional Record* and online through websites such as the Library of Congress's THOMAS.⁴⁸ Roll call votes are also covered by the media and are noted by non-profit organizations and advocacy groups with an interest in a particular bill's outcome and are used to measure a member's conservative or liberal index. Therefore, roll call votes are highly visible and public.

Bill cosponsorship, however, is less public. While bill cosponsorship information is available through websites like THOMAS, a bill's cosponsors are less noticed because most bills do not come before the House or Senate floor for a vote. Therefore, a member can cosponsor many bills in a particular policy area to express support or to demonstrate the extent of his or her engagement in an issue. For example, a member could cosponsor many bills in immigration enforcement to express support for more stringent enforcement. A member who cosponsors almost every bill proposed in that issue presumably cares more about that issue than a member who cosponsors no or few bills in that area.

⁴⁸ THOMAS offers information on all bills proposed. In addition to roll call voting, it offers information on cosponsors, summaries, and a summary of legislative actions taken on it. See <http://thomas.loc.gov>.

Finally, examining revealed intensities through bill cosponsorship allows us to look more generally at how members engage in credit-claiming. Members engage in credit-claiming activities to show constituents their hard work in Congress and to show they are doing something in response to the issues constituents care about (Mayhew 1974, 52-53). By cosponsoring bills related to immigration, legislators demonstrate to constituents that they are working hard on immigration issues.

4.3 Factors Affecting Legislative Responsiveness

To determine the effect of district and legislator characteristics and economic interests, I use the same independent variables as in Chapter 4's roll call voting analyses. As detailed in Chapter 4, the independent variables correspond to the four hypotheses tested: (1) public opinion and demographic change; (2) minority members of Congress; (3) economic interests of the Congressional district; and (4) threat brought about by unemployment and the size of the foreign-born population.⁴⁹ More specifically, these include variables such as the proportion of foreign-born in the district, public opinion on immigration, the percentage change in the foreign-born population between 1990 and 2000, as well as whether a legislator is a member of an ethnic or racial minority group. To measure economic interests, I include the percentage of the district that is employed by industries dependent on immigrant labor: agriculture, construction, and the service industry⁵⁰.

⁴⁹ See Chapter 4 for more details on data sources and selection criteria.

⁵⁰ For a discussion on industries that employ immigrants, see Capps, Randy, Michael Fix, Jeffrey S. Passel, Jason Ost, and Dan Perez-Lopez. 2003. "A Profile of the Low-Wage Immigrant Workforce." Washington, DC: The Urban Institute.

As control variables, I include the legislators' political party and variables measuring districts' African American and Latino populations⁵¹. Given that minority members of Congress largely represent majority-minority districts heavily comprised of African Americans and, often, Latinos, I control for these variables to ensure that the effect from minority members is not also measuring the effect from the demographic composition of a district. To measure the effect of racial threat, I interact unemployment with the size of the foreign-born population⁵². All independent variables are coded using a 0 to 1 scale.

4.4 Testing the Effects of Public Opinion, Minority Legislators, Economic Interests, and Racial Threat

Since the dependent variable counts how many of the 10 immigration bills a member has cosponsored, I use a Poisson regression model to examine the effect of public opinion, minority legislators, economic interests, and racial threat on members' cosponsorships of immigration bills. Since the number of bills cosponsored is not continuous (i.e., they are discrete), a linear regression model is not appropriate here (Long 1997, 217). In a Poisson regression model, the probability of a count (here, cosponsoring a bill) is determined by a Poisson distribution. Accordingly, the process underlying a Poisson distribution assumes that events are independent, such that when an event occurs, it does not affect the probability of that event occurring in the future (Long 1997, 219). While the probability of cosponsoring one immigration-related bill may

⁵¹ By "minority" member or legislator, I refer to those members of Congress that are a racial or ethnic minority, not members of the minority party (i.e., Democrats).

⁵² Key (1949) argued that as the size of the minority population increased and as economic threat increased, whites became threatened. For a review of studies on racial threat, see Hopkins (2010, 41-42).

make it more likely that a legislator will cosponsor another bill, goodness-of-fit tests indicated that the Poisson regression fit the data better than a negative binomial regression.⁵³

5. HYPOTHESES

As I discussed in Chapter 4, many different groups have a stake in immigration policy outcomes. Accordingly, what subconstituencies are legislators responsive to? Are legislators more responsive to one subconstituency than another? This chapter addresses these questions by examining the conditions under which these subconstituencies matter. That is, does legislators' responsiveness vary depending upon the type of immigration policy proposed? Does responsiveness vary depending on the type of legislative activity a member engages in?

In this chapter, I address these questions through the hypotheses described in Chapter 4. To see if those who support increased restrictions on immigration are more salient to legislators' decision-making on immigration policy, particularly in areas with new and recent immigrant growth, I examine the effects of public opinion, particularly in areas with demographic change due to immigration. To see if minority legislators feel a particular obligation to represent immigrants' interests, I examine the effect of being a minority member. To see if legislators respond more to economic interests in their districts that depend on immigrant labor, I examine the effects of the agriculture, construction, and service industries. Finally, to see the effects of racial threat, I examine the effects of the size of the foreign-born population with unemployment. In this chapter,

⁵³ Goodness of fit chi-squared tests performed after each Poisson regression were not statistically significant, indicating that the model reasonably fit the data well. If the goodness of fit chi-squared tests were statistically significant, then this would indicate that the Poisson regression did not fit the data.

however, I test these hypotheses using different measures of the dependent variable. That is, I replace roll call votes with the number of bills cosponsored among different dimensions of immigration policy.

Based on the discussion of legislative behavior in Chapter 1, given that legislators are primarily motivated by reelection and act in a way that will maximize their chances for reelection, I expect that members will respond to immigration policy issues in a way that best maximizes their likelihood of reelection (Mayhew 1972; Fiorina 1984). Most likely, when faced with two groups in a district with contradicting positions on an issue, legislators will side with the stronger group (Fiorina 1974).⁵⁴ Given that immigrants, especially recent immigrants living in districts experiencing demographic change, will most likely be unable to vote, and those that do vote are native-born residents, legislators in such districts are more likely to side with the native-born residents and support more restrictive immigration bills. In other words, they will be more responsive to support for restrictions in immigration, particularly in districts that have experienced rapid demographic change due to immigration.

Based on the literature of minority members of Congress, however, another alternative hypothesis is that legislators who are racial minorities are more likely to respond to immigrants' interests because immigrant constituents are predominantly Latino and Asian. Minority members of Congress may see themselves as not just representing those in their districts, but racial and ethnic minorities in the US more broadly. African American members of Congress, in particular, feel that they not only represent African Americans within the geographic boundaries of their districts, but that

⁵⁴ Fiorina (1974) argues that if legislators are maximizers they will almost always vote with the stronger group.

they represent African Americans and other people of color beyond the geographic boundaries of their districts (Fenno 2003; Swain 1993, 218-219). Given that the majority of today's immigrants are Latino and Asian, this alternative hypothesis would predict minority members of Congress to cosponsor less restrictive immigration policies and abstain from cosponsoring restrictive immigration policies. In addition, despite prior bipartisan immigration reforms, the current high levels of party polarization in both houses of Congress suggests that Democratic members are more likely to support pro-immigration policies than Republican members of Congress.

Additionally, prior analyses of roll call voting on immigration legislation argued that economic interests from industries dependent on immigrant labor—particularly agriculture—could compel legislators to support more generous immigration policies (Wong 2006; Gimpel 1999). Therefore, another alternative hypothesis suggests that legislators from districts with industries dependent on immigrant labor will respond more positively to less restrictive immigration bills. Such legislators would support more generous policies or vote against more restrictive immigration policies than members whose districts' industries depend little on immigrant labor.

Finally, Key (1949) argued that whites in areas, known as black belt districts, with the highest population of African Americans also felt the most threatened as competition for scarce resources increased. As such, anti-black policies received the strongest support from white constituents in these black belt districts, and legislators representing these districts were the most ardent supporters of anti-black policies in Congress. The presence of larger black populations should have led to legislators' supporting more black-friendly policies, but instead, black voters were disenfranchised through Jim Crow policies like

the poll tax. Based on this and the lack of voting among noncitizen immigrants, another alternative hypothesis to consider may be that as the size of the foreign-born population grows, threat arising from competition for scarce resources leads legislators to support more restrictive immigration policies.

The hypotheses tested in this chapter are presented below. As in Chapter 4, I first test the central hypothesis of this dissertation, which looks at the effect of public opinion and demographic change. I refer to this as the Public Opinion Hypothesis:

Public Opinion Hypothesis (Hypothesis 1): The stronger public opinion is on restricting immigration, the more responsive members will be to these constituents and support bills restricting immigration. Given that those who support greater restrictions on immigration are more likely to be native-born citizens who vote, members will be more responsive to this group because legislators are motivated by reelection, and it is far more costly to ignore this group than immigrants, who are far less likely to vote. In light of the recent demographic changes brought about by immigration in districts that previously experienced very limited immigration, public opinion in these districts will particularly affect legislators' cosponsorship of immigration bills.

Next, I test three alternative explanations of legislative responsiveness to immigration policy, as follows:

Minority Legislator Hypothesis (Hypothesis 2): Minority legislators are less likely to support restrictive immigration policies because they are more likely to represent districts with large numbers of Latinos, who comprise a majority of immigrants, especially recent immigrants. Furthermore, they may see themselves as representing the interests of ethnic minorities beyond the geographical boundaries of their districts, which would compel them to support more generous policies and to vote against more restrictive policies. Republican legislators are also more likely to support restrictive policies than Democratic legislators.

Economic Interest Hypothesis (Hypothesis 3): Legislators will support less restrictive immigration policies when greater proportions of workers in the district are employed by industries dependent on immigrant labor. Therefore, the greater the numbers of constituents employed by industries dependent on immigrant labor, the more likely legislators will support less restrictive policies. Legislators

will be more responsive to pro-immigration issues in areas where industries are dependent on immigrant labor.

Racial Threat Hypothesis (Hypothesis 4): As the size of the immigrant population increases, competition over scarce resources ensues. Newly arrived immigrants are less likely to be citizens, and therefore, unable to vote. Therefore, legislators will be more responsive to native-born constituents' interests more because it is more costly to ignore them than the immigrants who are far less likely to affect their reelection chances. Members do become more responsive—but responsive to the discontented citizens in their districts, and not the immigrants who are newly arrived in their districts.

6. RESULTS OF STATISTICAL ANALYSES

In this section, I present results of the statistical analyses of bill cosponsorship. I start by presenting descriptive analyses of the bills analyzed, and then present the results of the statistical models.

6.1 Summary Statistics of Immigration Bills Proposed in the 109th Congress

According to the coding scheme developed, the 109th Congress proposed 177 immigration-related bills. Of these 177 bills, 85 were anti-immigration, 5 were neither anti- nor pro-immigration, and 87 were pro-immigration. The large majority of bills introduced were about integration or enforcement, which comprised of 71 and 75 bills, respectively, and 31 bills were about admissions.

Among these 177 bills, I selected 10 with the greatest number of cosponsors to analyze, also taking into account the type of policy proposed to ensure a diverse sample of bills. These bills are listed below in Table 5.3.

Table 5.3. Bills with Greatest Number of Cosponsors

	Title	Number of Cosponsors
H.R. 418	REAL ID Act	140
H.R. 3137	CLEAR Act	116
H.R. 3006	Permanent Partners Immigration Act	115
H.R. 698	Citizenship Reform Act	87
H.R. 793	Save Our Small and Seasonal Businesses Act	86
H.R. 3188	Immigrant Victims of Violence Protection Act	82
H.R. 98	Illegal Immigration Enforcement and Social Security Protection Act	64
H.R. 3622	Border Protection Corps Act	56
H.R. 884	Agricultural Job Opportunities, Benefits, and Security Act	56
H.R. 5131	American Dream Act	54

Source: THOMAS, Library of Congress

Among the members of the House of Representatives in the 109th Congress, the average number of bills cosponsored among the ten selected was 2, with a maximum of 6 bills cosponsored. Eighty-one members, or 19 percent of the House, did not cosponsor any of these ten bills. Reps. Rodney Alexander and Joe Wilson, Republicans from Louisiana and South Carolina, respectively, cosponsored 6 bills, the greatest number of the bills among the 10 selected.

6.2 Results of Statistical Analyses

The results of the statistical models analyzing the cosponsorship of immigration bills across different dimensions of immigration policy are presented in Tables 5.4 through 5.8. First, I test the key hypothesis of this chapter, which examines the effects of public opinion on bill cosponsorship, particularly the effect of public opinion in districts that have experienced significant demographic change due the immigration. I then test

alternative hypotheses that examine the effects of minority members, economic interests, and racial threat on cosponsoring immigration-related bills supporting fewer or more restrictions on undocumented immigration, support for greater immigrant integration, and support for greater enforcement of immigration laws. Cosponsoring bills supporting fewer restrictions on undocumented immigration and greater immigrant integration indicates support for immigrants' interests (i.e., pro-immigration), while cosponsoring bills advocating for greater restrictions on undocumented immigration and greater immigration enforcement indicates support for greater restrictions on immigration (i.e., anti-immigration). The greater the number of bills cosponsored, the greater the intensity of support for these positions. I now turn to a more detailed discussion of effects of the independent variables across the different models tested.

[See Tables 5.4-5.8]

Table 5.4. Effect of Public Opinion and Change in Foreign-Born on Cosponsorship of Immigration Bills

	Fewer Restrictions on Undocumented	Greater Restrictions on Undocumented Immigration	Support Greater Immigrant Integration	Support Greater Enforcement of Immigration Laws
public opinion on immigration	0.62 (1.00)	1.98* (0.88)	0.19 (0.79)	1.85 (0.98)
% change in foreign born	2.47** (0.76)	0.52 (0.38)	1.99** (0.59)	0.55 (0.44)
public opinion x change in foreign-born	-5.26** (1.48)	-0.60 (0.56)	-4.33** (1.15)	-0.67 (0.64)
% foreign-born	1.93* (0.78)	-0.53 (0.98)	2.06** (0.62)	-0.89 (1.08)
Member party	1.33** (0.24)	-3.17** (0.28)	1.86** (0.22)	-3.02** (0.29)
% black	-0.49 (0.51)	0.53 (0.57)	-0.42 (0.37)	0.37 (0.64)
% Latino	1.00* (0.42)	0.94 (0.61)	0.39 (0.34)	1.17 (0.66)
Constant	-2.27** (0.62)	-0.84 (0.58)	-1.91** (0.50)	-0.93 (0.64)
n	420	420	420	420
Goodness-of-fit χ^2	264.7	402.7	269.8	338.0

* p < 0.05 ; ** p < 0.01

Source: 2005 ACS, 2004 NAES

Figure 5.1a. Effect of Change in Foreign-Born on Cosponsorship of Bills Supporting Fewer Restrictions on Undocumented Immigration

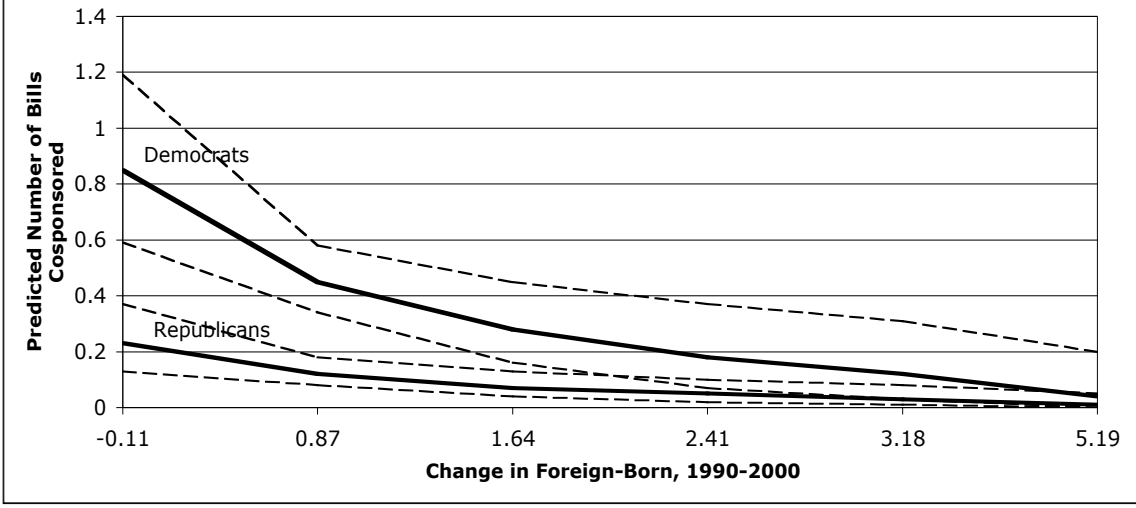


Figure 5.1b. Effect of Change in Foreign-Born on Cosponsorship of Bills Supporting Greater Immigrant Integration

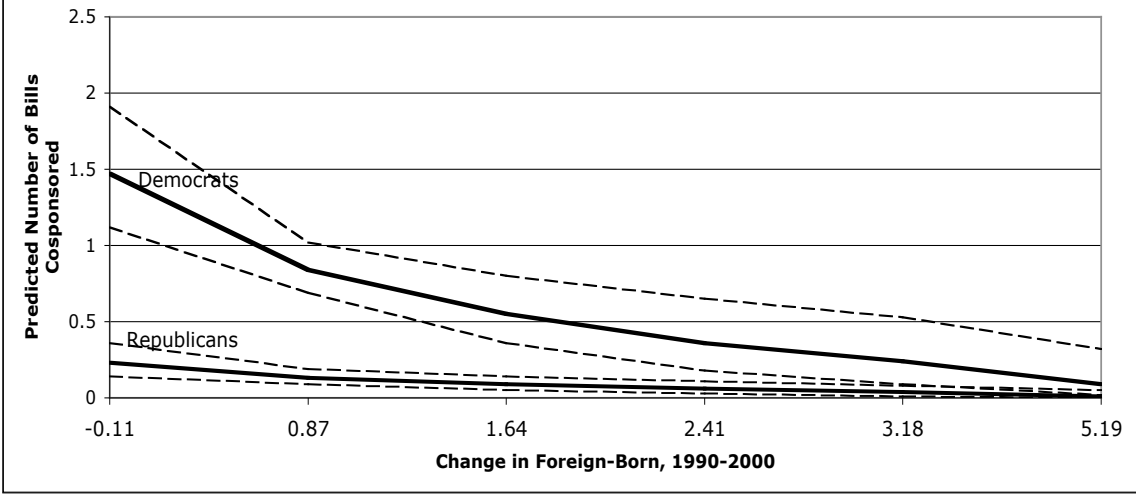


Table 5.5. Effect of Public Opinion, Level of Foreign-Born on Cosponsorship of Immigration Bills

	Fewer Restrictions on Undocumented	Greater Restrictions on Undocumented Immigration	Support Greater Immigrant Integration	Support Greater Enforcement of Immigration Laws
public opinion on immigration	-6.24** (1.30)	1.36 (0.86)	-6.07** (1.01)	0.92 (0.95)
% foreign-born	-6.61** (2.45)	-0.85 (3.70)	-6.39** (1.96)	-2.05 (4.08)
public opinion x % foreign-born	17.1** (4.59)	0.15 (5.84)	16.8** (3.67)	1.47 (6.45)
Member party	1.39** (0.23)	-3.25** (0.28)	1.88** (0.20)	-3.09** (0.29)
% black	-0.80 (0.51)	0.69 (0.56)	-0.69 (0.37)	0.53 (0.63)
% Latino	0.83* (0.40)	0.89 (0.60)	0.24 (0.33)	1.14 (0.65)
Constant	1.17 (0.77)	-0.28 (0.55)	-1.26* (0.61)	-0.20 (0.60)
n	432	432	432	432
Goodness-of-fit χ^2	277.4	426.3	282.7	357.0

* p < 0.05 ; ** p < 0.01

Source: 2005 ACS, 2004 NAES

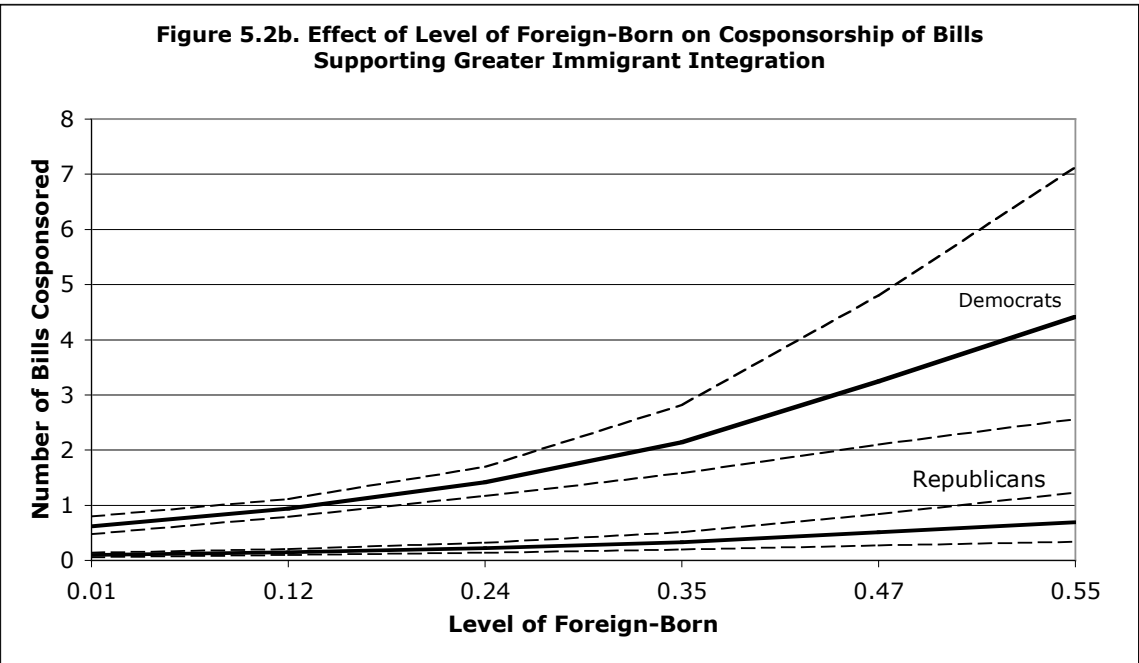
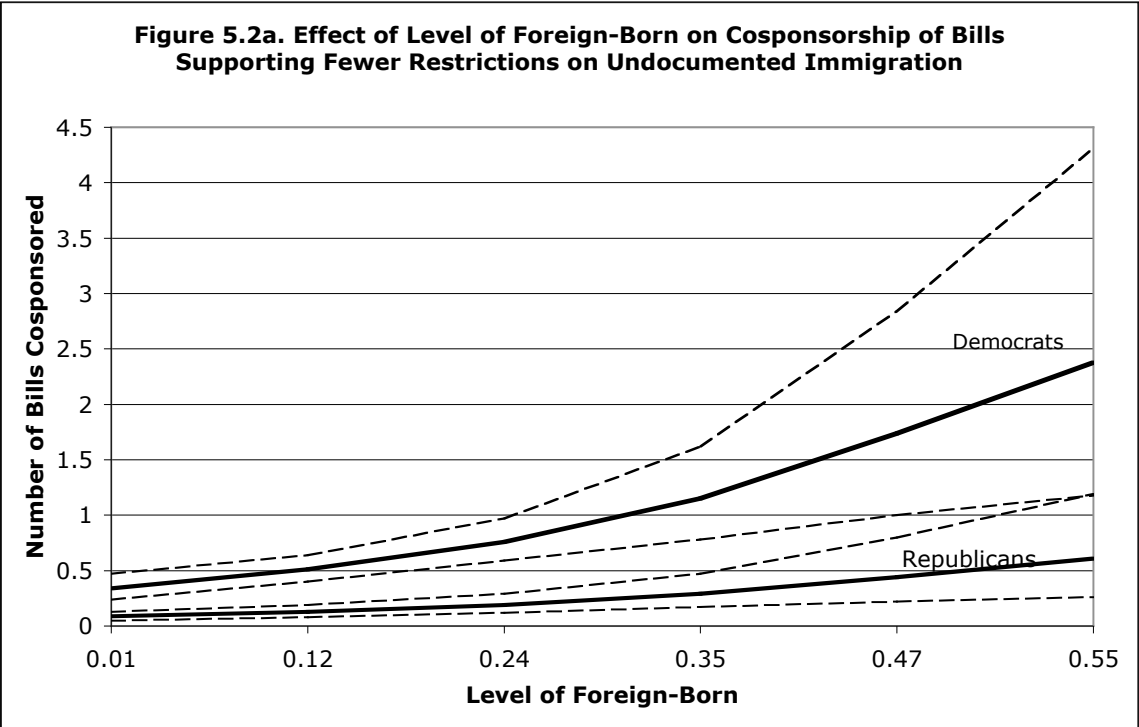


Table 5.6. Effect of Minority Legislators on Cosponsoring Immigration Bills

	Fewer Restrictions on Undocumented Immigration	Greater Restrictions on Undocumented Immigration	Support Greater Immigrant Integration	Support Greater Enforcement of Immigration Laws
Minority member	0.20 (0.24)	-1.25** (0.46)	0.19 (0.19)	-1.03* (0.47)
Member party	1.58** (0.22)	-3.16** (0.28)	2.06** (0.20)	-3.02** (0.29)
% foreign-born	2.97** (0.71)	-0.60 (0.96)	3.14** (0.56)	-0.98 (1.05)
% black	-1.16 (0.64)	1.46* (0.56)	-1.04* (0.48)	1.17 (0.63)
% Latino	0.65 (0.52)	1.31* (0.58)	0.04 (0.42)	1.50 (0.62)
Constant	2.48** (0.22)	0.46** (0.10)	-2.30** (0.20)	0.29** (0.10)
n	435	435	435	435
Goodness-of-fit χ^2	303.3	423.5	324.0	354.6

* p < 0.05 ; ** p < 0.01

Source: 2005 ACS, 2004 NAES

Table 5.7. Effect of Economic Interests on Cosponsoring Immigration Bills

	Support Fewer Restrictions on Undocumented Immigration	Support Greater Restrictions on Undocumented Immigration	Support Greater Immigrant Integration	Support Greater Enforcement of Immigration Laws
% of district in agriculture	2.18 (2.68)	-2.67 (3.11)	-0.73 (2.69)	-3.18 (3.43)
% of district in construction	-5.66 (3.50)	9.49** (2.65)	-5.89* (2.81)	8.90** (2.94)
% of district in service industry	1.04 (4.47)	-4.03 (3.81)	0.34 (3.52)	-3.89 (4.22)
Member party	1.55** (0.22)	-3.27** (0.28)	2.04** (0.20)	-3.11** (0.29)
% foreign-born	2.75** (0.77)	-1.50 (1.08)	2.65** (0.61)	-1.88 (1.18)
% black	-0.84 (0.52)	0.79 (0.56)	-0.81* (0.38)	0.53 (0.63)
% Latino	1.18* (0.49)	0.89 (0.67)	0.71 (0.39)	1.17 (0.72)
Constant	-2.19** (0.41)	0.16 (0.30)	-1.89** (0.34)	0.01 (0.33)
n	435	435	435	435
Goodness-of-fit χ^2	300.3	419.6	320.4	352.9

* p < 0.05 ; ** p < 0.01

Source: 2005 ACS, 2004 NAES

Table 5.8. Effect of Racial Threat on Cosponsorship of Immigration Bills

	Support Fewer Restrictions on Undocumented Immigration	Support Greater Restrictions on Undocumented Immigration	Support Greater Immigrant Integration	Support Greater Enforcement of Immigration Laws
unemployed x foreign-born	-17.2 (27.4)	-2.42 (44.3)	-15.7 (21.7)	11.5 (46.7)
% unemployed	3.90 (7.72)	-9.19 (5.53)	1.80 (5.87)	-9.13 (6.05)
% foreign-born	4.24 (2.18)	-1.91 (2.80)	4.21* (1.71)	-2.90 (3.00)
Member party	1.58** (0.22)	-3.26** (0.28)	2.07** (0.20)	-3.12** (0.30)
% black	-0.92 (0.67)	1.66** (0.61)	-0.66 (0.50)	1.34* (0.68)
% Latino	0.94 (0.50)	1.65** (0.63)	0.42 (0.41)	1.73* (0.68)
Constant	-2.80** (0.54)	1.10** (0.35)	-2.50** (0.42)	0.91* (0.38)
n	435	435	435	435
Goodness-of-fit χ^2	303.6	426.8	324.3	356.7

* p < 0.05 ; ** p < 0.01

Source: 2005 ACS, 2004 NAES

6.3 Effect of Public Opinion, Demographic Change, and Level of Foreign-Born

Public opinion on immigration had a positive effect on cosponsoring bills supporting more restrictions on undocumented immigration, as seen in Table 5.4. Support for more government action to restrict immigration was associated with increased cosponsorship of bills to restrict undocumented immigration. Demographic change due to immigration also had a positive significant effect on cosponsoring bills that placed fewer restrictions on undocumented immigration and supported more immigrant integration. That is, the greater the increase in foreign-born, the more favorable bills on undocumented immigration and integration legislators would cosponsor.

When demographic change interacts with public opinion, however, this effect has the opposite effect on cosponsoring these pro-immigration bills. More specifically, public opinion and demographic change had a significant negative effect on cosponsoring bills calling for fewer restrictions on undocumented immigration and greater immigrant integration, as seen in Table 5.4. Legislators representing districts experiencing a large increase in the foreign born population and increasing support for restrictions on immigration cosponsored fewer pro-immigration bills affecting undocumented immigrants and fewer pro-immigration bills supporting greater social and political integration of immigrants.

To better understand how demographic change interacts with public opinion, Figures 5.1a and 5.1b show the effects of the change in foreign-born on cosponsoring less restrictive bills on undocumented immigration and on cosponsoring bills supporting greater immigration integration, respectively.⁵⁵ These figures show the predicted number

⁵⁵ The interaction of public opinion and demographic change was statistically significant in these models, which justifies further analyses of their marginal effects.

of bills cosponsored, holding public opinion and other independent variables at their means while varying the change in foreign-born. These values of the change in foreign-born represent the minimum, mean, and maximum values, as well as the values at one, two, and three standard deviations above the mean.

Figures 5.1a and 5.1b both show that as demographic change increases, both Democrats and Republicans cosponsor fewer bills that are favorable for immigrants. As Figure 5.1a shows, Democrats and Republicans cosponsor fewer bills that are favorable for undocumented immigrants (that is, they cosponsor fewer bills that decrease restrictions on undocumented immigration). The magnitude of the effect is larger for Democrats than for Republicans. Similarly, Figure 5.1b shows that as demographic change increases, both Democrats and Republicans cosponsor fewer bills that increase immigrants' integration, and as before, the effect is larger for Democrats than for Republicans.

When public opinion interacts with the level of foreign-born, however, members of Congress respond to public opinion in the opposite direction. Table 5.5 shows that support for greater restrictions in immigration has a negative effect on cosponsoring pro-immigration bills. That is, support for greater restrictions in immigration is associated with cosponsoring fewer bills that advocate decreasing restrictions on undocumented immigration and with cosponsoring fewer bills that support greater integration of immigrants. The level of foreign-born also has a similar negative effect. When public opinion and the level of foreign-born interact, it has a positive effect on cosponsoring pro-immigration bills.

To better interpret this interactive effect, Figures 5.2a and 5.2b show the effect of

the level of foreign-born on cosponsoring less restrictive bills on undocumented immigration and on cosponsoring bills supporting greater immigration integration, respectively. As seen in these figures, at increasing levels of foreign-born, Democrats and Republicans will cosponsor more bills decreasing restrictions on undocumented immigration and cosponsor more bills that increase immigrants' integration. While both Republicans and Democrats will cosponsor more of these bills, Democrats experience a greater increase in bill cosponsorship than Republicans.

6.4 Effect of Minority Legislators

As previously discussed in Chapter 4, minority members of Congress, particularly African American legislators, may be more responsive to the interests of ethnic and racial minorities, both in their districts and beyond (Fenno 2003, Swain 1995). Therefore, given that immigrants in today's context are predominantly ethnic minorities, one might expect minority members to be more responsive to their interests. Being a minority member of Congress did not have a statistically significant effect on cosponsoring more pro-immigration bills related to undocumented immigration and immigrant integration, as shown in Table 5.6.

Minority members of Congress were, however, significantly less likely to cosponsor anti-immigration bills related to undocumented immigration and immigration enforcement. This effect persisted at accepted levels of statistical significance for these two models. It suggests that while minority legislators are not any more likely than white legislators to support pro-immigration legislation, they are more likely to cosponsor fewer anti-immigration bills affecting undocumented immigration and immigration

enforcement. This disapproval of anti-immigration legislation directed at undocumented immigrants was evident in floor speeches given by minority legislators. For example, Rep. Linda Sanchez, a Latina member of Congress, spoke against the REAL ID Act:

The truth of the matter is that Republicans are using national security as a facade to alienate law-abiding, hard-working, and tax-paying immigrants. There are 8 million undocumented immigrants in this country who are cleaning our offices, caring for our children and elderly, and picking the fruits and vegetables that we consume. Most of these jobs most Americans do not want. Without these immigrants, our economy would falter...America is a country built by immigrants, and we should remain a country that is opening and welcoming to those who seek freedom... Americans deserve better, and I urge my colleagues to vote "no" on H.R. 418. What we should be doing is allowing immigrants a path to citizenship and access to driver's licenses so they become a part of our American system. This will make our country safer, and it will strengthen our national security. (Congressional Record 2/10/05, p. H546).

In this statement, Rep. Sanchez not only argues that undocumented immigrants should be offered a path to citizenship and a chance to be more integrated into American society, but that doing so increases national security. In contrast to those who argue that increasing immigration enforcement would increase national security, she argues that in fact, greater integration of undocumented immigrants would strengthen, not weaken, national security.

6.5 Effect of Economic Interests

As previously discussed, industries that depend on immigrant labor, particularly agriculture, have worked with immigrant advocacy groups to advocate more generous immigration policies (Wong 2006). Because such industries hire immigrants at lower wages, they have an interest in more open immigration policies. Therefore, one might expect members representing districts with high percentages of the population employed

in industries dependent on immigrant labor to cosponsor bills supporting more open immigration policies or to cosponsor fewer, if any, restrictive immigration bills. To test this hypothesis, I use three variables to measure the extent that a district's population is employed in three industries: agriculture, construction, and the service industry.

Economic interests did not affect the number of bills cosponsored, with the one exception of the percentage employed in construction. Legislators from districts employing constituents working in construction cosponsored more anti-immigration bills specifically aimed at undocumented immigration and increasing immigration enforcement. These legislators also cosponsored fewer pro-immigration bills that would have placed fewer restrictions on undocumented immigrants and bills that would have increased immigrant integration.

These effects are in the opposite direction than theoretically expected, especially given that the construction industry spoke out on its dependence on immigrant labor and advocated more open policies.⁵⁶ The construction industry, however, also generally supports Republican candidates, and Republican members cosponsored more anti-immigration bills and were also more likely to vote for the Sensenbrenner Bill, as seen in Chapter 4. Therefore, one reason behind the unexpected effects may be due to the construction industry's general support of Republicans, who are more supportive of restrictive immigration policies.

In contrast to the effect of the construction industry, the percentage of a district employed in agriculture and the service sector had no statistically significant effect on the number of bills cosponsored. This held among all types of immigration bills

⁵⁶ See Anne Riley, 2007, "Border Patrol Series: Immigration and Construction," at <http://www.opensecrets.org/news/2007/06/border-patrol-series-immigrati-6.html>.

cosponsored. Given the dependence of the agriculture and service industries on immigrant labor—for example, Rep. Sanchez references immigrants “picking the fruit and vegetables we consume” and working as domestics cleaning our offices—these results are also the opposite of what was theoretically expected.

6.6 Effect of Racial Threat

One reason members may support anti-immigration policies are in response to growth in the immigrant population and economic threat. Economic threat could be exacerbated by competition over scarce public resources, such as public schools, which are brought about by an increase in the size of the immigrant population. For example, when introducing the CLEAR Act, Rep. Norwood of Georgia expressed concerns about undocumented immigrants taking up scarce public resources, particularly health care and education:

Our local jails are full of criminal illegal aliens, costing the States billions per year. This could have been prevented by vigorous Federal enforcement at the border. Our local hospital emergency rooms are full of indigent illegal aliens who drive up the cost of health care to a point that hardworking Americans can basically no longer afford it. This could have been prevented by vigorous Federal enforcement at the border. Our local schools are filled with children of illegal immigrants who pay little or no local taxes, but drive up property taxes for hardworking American families to cover the skyrocketing costs of bilingual and special education. This could have been prevented by vigorous Federal enforcement at our borders (*Congressional Record*, House of Representatives, June 23, 2005, p. H5078).

Rep. Norwood’s district, the 9th district in Georgia, experienced a 492 percent change in foreign-born between 1990 and 2000; just 24 percent of the foreign-born population had arrived before 1980, and historically the district was not a destination for immigrants. In addition, his district had a 7.8 percent unemployment rate in 2005, which

was higher than the national average of 5.1 percent (2005 American Community Survey; Bureau of Labor Statistics). According to the racial threat hypothesis, legislators representing districts like Norwood's, i.e., those with growing immigrant populations and higher levels of unemployment, would cosponsor more anti-immigration bills and fewer pro-immigration bills. As seen in Table 5.8, however, the interaction term of unemployment and the foreign-born population did not have a statistically significant effect on cosponsoring any type of immigration bill. That is, the level of the foreign-born population in areas of increased unemployment did not have a statistically significant effect on cosponsorship of either anti- or pro-immigration bills addressing undocumented immigration, integration, or immigration enforcement. Therefore, we cannot rule out the possibility that the level of foreign-born in areas matters more in areas with higher unemployment (in other words, we cannot rule out the null hypothesis).

6.7 Control Variables: Effects of Black and Latino Population and Political Party

Black and Latino Populations

As seen in the analyses of roll call votes in Chapter 4, the percentage of a district's population that are black and Latino entered the models in this chapter to control for the effect of a minority member of Congress, since minority legislators in the 109th Congress generally represented majority-minority districts that are heavily African American and/or Latino (American Community Survey 2005). Congressional districts' Latino population also did not generally affect legislators' bill cosponsorship for all models tested, as shown in Tables 5.4 to 5.8. That is, the level of the Latino population in Congressional districts generally had no statistically significant effect on the number of

bills cosponsored, whether the bills cosponsored supported fewer or increased restrictions on undocumented immigration, or were specifically related to increasing immigrant integration or greater enforcement of immigration laws.

In a few cases, however, the Latino population significantly affected cosponsoring bills dealing with undocumented immigration, as seen in Tables 5.4 through 5.8. For example, the Latino population had a positive effect on cosponsoring bills supporting fewer restrictions on undocumented immigration when examining the effects of economic interests. The greater the size of the Latino population, the more bills legislators cosponsored that were more favorable towards undocumented immigrants. Similarly, the African American population generally did not have an effect in almost all models tested. One example of where the African American population did have an effect was in Table 5.7, where the African American population had a negative effect on cosponsoring bills supporting greater immigrant integration. Legislators from districts with larger African American populations cosponsored fewer, or no, bills that would expand the rights of immigrants once arriving in the United States. The African American population also had a positive significant effect on cosponsoring bills when examining the effect of racial threat, as seen in Table 5.8. Legislators from districts with larger African American populations cosponsored more anti-immigration bills that supported greater restrictions in dealing with undocumented immigration or undocumented immigrants.

Political Party

Previous analyses of legislators' responsiveness to immigration policy have focused on primarily on roll call voting and have found that Republicans support more restrictive policies and Democrats support more open policies (Wong 2006; Gimpel and Edwards 1999). In this chapter, I use a different measure of legislative response, bill co-sponsorship, and find that political party is also the strongest and most consistent predictor of co-sponsoring pro-immigration and anti-immigration bills dealing with undocumented immigration, integration, and immigration enforcement at the highest level of statistical significance.

Across all of the models tested, Democrats were more likely to cosponsor bills supporting fewer restrictions on undocumented immigration and increased immigrant integration, as seen in Tables 5.4 through 5.8. In addition, Republicans were more likely to cosponsor bills supporting greater restrictions on undocumented immigration and more stringent immigration enforcement, as seen in Tables 5.4 through 5.8. In other words, Democrats cosponsored bills generally favorable to immigrants, including legislation that would expand the rights of undocumented immigrants. On the other hand, Republicans cosponsored bills supporting greater enforcement of immigration laws, curtailing undocumented immigration, and restricting the access of undocumented immigrants to public goods and services. The effects of political party held constant across all models at the highest level of statistical significance, indicating that the probability that political party had no effect on cosponsoring immigration-related bills was less than 1 percent. In summary, political party remained a significant and consistent predictor even when we use a different measure of legislative responsiveness. As previously discussed, Figures 5.1a, 5.1b, 5.2a, and 5.2b show that Republican and Democratic members respond in a

similar direction to public opinion in areas with demographic change and areas with increasing levels of foreign born, but that Republicans and Democrats experience difference levels in the number of bills they cosponsor.

7. DISCUSSION OF RESULTS

In this chapter, I tested the effects of public opinion along with alternative hypotheses testing the effects of minority legislators, economic interests, and racial threat. The results of the statistical analyses in the previous section support both the public opinion hypothesis (Hypothesis 1) and the minority legislator hypothesis (Hypothesis 2) but do not fully support the economic interest or racial threat hypotheses (Hypotheses 3 and 4).

First, the results show that public opinion on immigration matters in how legislators respond to immigration policy issues, not just for roll call voting but also for bill cosponsorship, a less visible and public form of responsiveness. Support for greater restrictions on immigration affected the number of both pro- and anti-immigration bills cosponsored, including bills specifically about undocumented immigration and immigrant integration. The effect of public opinion, however, is not constant across different types of immigration policy. Public opinion by itself significantly affects pro- and anti-immigration bills on undocumented immigration and on immigrant integration. In addition, Democrats and Republicans vary in how much they respond to public opinion across demographic change and the level of foreign-born. Support for restrictions on immigration become more salient to Democrats as the change in foreign-

born increases. At the highest levels of demographic change, Democrats and Republicans behave rather similarly and are not very likely to cosponsor any pro-immigration bills.

The results also show that minority legislators have a negative effect on cosponsoring anti-immigration bills. In other words, minority legislators are less likely to support anti-immigration bills on undocumented immigration and immigration enforcement. Minority legislators, however, are not more likely to support pro-immigration bills. In other words, a minority member of Congress might be more likely to withhold cosponsoring anti-immigration bill, but he or she is not more likely to support a bill supporting fewer restrictions for undocumented immigrants or a bill that would expand public benefits for immigrants. Being a minority member of Congress, however, did not have an effect on cosponsoring pro-immigration bills. This suggests that minority members may not actively advocate pro-immigration policies but are significantly less likely to support anti-immigration bills.

Economic interests and racial threat do not seem to have an effect on how legislators respond to immigration policy. The results do not support the hypothesis that members' responses are affected by the extent to which industries in their districts depend on immigrant labor. Industries that depend on immigrant labor, such as agriculture and the service industry, generally do not affect legislators' responses when measured by bill cosponsorships. The one exception was the construction industry, whose effect on bill cosponsorship was opposite of what was expected. This may be due more generally to the construction industry's support for Republican legislators.

The results also do not support the hypothesis that legislators' responses are influenced by racial threat. Based in part on Key (1949), who argued that whites grew more resentful as economic threat and minority populations increased, and on previous work that declining economic conditions foster greater resentment toward immigrants, I expected that as unemployment and the number of immigrants increased, legislators would respond by cosponsoring more anti-immigration bills. The results indicate, however, that the effects of unemployment and demographic change do not have any effect on members' responsiveness at all when measured by bill cosponsorship.

In addition, the results of analyzing bill cosponsorships unequivocally demonstrate the strength of political parties in determining how legislators respond to immigration policy items. The influence of political party not only affects roll call votes, as seen in Chapter 4 and in previous work on Congress and immigration policy (see Wong 2006; Gimpel and Edwards 1999), but also affects both alternative measures of legislative responsiveness and dimensions of immigration policy beyond enforcement policy. Even though bill cosponsorship is a less public and less traceable form of responsiveness than roll call voting, and many bills do not pass both houses of Congress, political party still remains a strong and consistent predictor in how members respond. Whether legislators vote on immigration-related bills or are faced with the decision to cosponsor a bill, Democrats support pro-immigration bills, and Republicans generally support more restrictive bills on immigration. This is consistent with earlier studies of immigration policymaking. The effect of political party also did not vary across types of immigration policy. Whether members cosponsored bills that were generally pro or anti-immigration, or about undocumented immigration, integration, or enforcement, the effect

of political party was consistent. Democrats cosponsored pro-immigration bills, including those about undocumented workers and integration, and Republicans cosponsored anti-immigration bills, including those about undocumented workers and immigration enforcement.

In summary, the results indicate that in matters of immigration, legislators act like delegates – taking constituent opinion very much into consideration when faced with decisions on how to respond to various types of immigration policy. The effect of public opinion, however, is not consistent across different dimensions of immigration policy or among the different ways a legislator can respond to his or her constituents. Legislators act like delegates for bills calling for greater restrictions on undocumented immigrants and greater enforcement of immigration laws. The effect of public opinion in areas with demographic change, however, is conditional, and members respond in these areas by supporting fewer bills that would positively affect undocumented immigrants or immigrant integration. Legislators, who seek foremost to win reelection, engage in bill cosponsorship more readily than casting roll call votes because their less-traceable nature may provide them lower-risk opportunities to engage in credit claiming.

8. CONCLUSION

To better understand to whom and why legislators respond the way they do in immigration policy, this chapter focused on whether the factors affecting roll call voting, as analyzed in Chapter 4, also affected members' responsiveness when examining responsiveness as bill cosponsorship. This chapter also examined whether this responsiveness varied by the type of immigration policy. This chapter examined the

impact of public opinion, minority legislators, economic interests, and racial threat brought about by immigration on legislative responsiveness across different dimensions of immigration policy. As found in Chapter 4, the results of this chapter also indicate that political party is the most consistent predictor of how a member will respond for both pro- and anti-immigration bills, across bills that deal with undocumented immigrants, integration, or enforcement. After controlling for political party, public opinion and minority legislators also affected legislators' responsiveness, but their effects were not consistent across all types of immigration policy.

These findings raise several implications. They further support the implications raised in Chapter 4 that in today's context, immigration is an issue that is very much affected by public opinion, particularly in areas experiencing high levels of demographic change from immigration. In today's post-9/11 world, legislators would severely jeopardize their reelection chances by ignoring public opinion. The findings also suggest that immigration is clearly an issue that falls along party lines in today's political climate. Members may use bill cosponsorship as a way to respond more closely to constituents' concerns about immigration and use these as an opportunity to engage in credit-claiming.

Second, minority legislators may engage in representing not only the interests of their ethnic group, but of minorities more broadly. Their effect, however, is not consistent across all types of immigration policy. In addition, parties have a strong effect on how legislators respond to immigration policy. As the parties have become more polarized, this is reflected in immigration policymaking in Congress.

Despite widespread news coverage of the role immigrants play in the agriculture industry, economic interests may not matter as much to legislators' responsiveness. The

construction industry did have an effect, but this effect was the opposite of what was expected. That is, the construction industry had a positive, not negative, effect on responding to anti-immigration bills. This suggests that despite the active involvement of industry groups in supporting more open immigration policies, legislators base their response on the opinion of their constituents and the interests of their party. Finally, the effect of racial threat is rather limited. Even in areas that experience large foreign-born populations and unemployment, these did not generally affect legislators' response.

As we consider the multiple interests legislators have to consider when making decisions about immigration policy—native born citizens, immigrants who reside in their districts, employers that depend on immigrant labor, and the considerations of their political parties—legislators are primarily influenced by opinion of their districts' constituents and the interests of their party. This then raises questions about the importance of citizenship and accountability and raises normative questions about representation. Are legislators being “good” representatives by following what their constituents want, even if that is at the expense of those in their districts who cannot vote, but who may be able to vote in the future by becoming citizens? Do they also have an obligation towards those who reside within their districts' borders but who have no political rights without citizenship?

Chapter 6

Conclusion

The turn of the 21st century marks a new phase in patterns of immigration to the US. In the past, immigrants have traditionally settled in six key states—California, Texas, New York, New Jersey, Illinois, and Florida. Recent patterns of immigration, however, indicate that immigrants are now settling in areas outside these traditional receiving states, in states such as Georgia and North Carolina (Singer 2008). As such, these areas have experienced rapid demographic change due to immigration. As native-born residents, who previously had little experience with foreign-born communities, adapt to this demographic change, support for restrictions in immigration may be particularly salient in such areas. Therefore, legislators from these types of districts may be particularly responsive to public opinion when faced with immigration policy decisions. As such, the growing salience of support for restrictions in immigration, coupled with the motivations of legislators to seek reelection, make ignoring anti-immigrant opinion more costly for legislators. Given that legislators want to maximize their probability of reelection, they are more likely to side with the stronger group (Fiorina 1974) and to engage in opportunities to claim credit by cosponsoring anti-immigration bills. In a given Congressional district—particularly a district experiencing a large demographic change due to immigration—the voices of voters who want greater restrictions on immigration are more likely to be stronger than those of newly-arrived

foreign-born residents. Therefore, even when immigrants' interests matter to a legislator's voting decision, support for restrictions in immigration may outweigh those considerations.

Using the 2004 NAES, I found that on average, the majority of respondents in districts favored greater restrictions on immigration. Furthermore, support for greater restrictions on immigration was associated with increased demographic change due to immigration. In analyzing the factors that affected legislators' votes on two major immigration bills in the 109th Congress, as well as cosponsorship of immigration legislation, I found that public opinion affected how members responded to these bills. In particular, support for restrictions on immigration was more salient to legislators as demographic change increased, such that members were more likely to support anti-immigration bills. In response to demographic change, Republicans start as being more likely to support restrictive immigration bills and continue to be more likely to support them as the change in foreign-born increases. However, Democrats are initially less likely to support these bills, but their probability of supporting these bills increases as the change in foreign-born increases.

These findings suggest that constituency opinion matters to legislators when they are faced with decisions on immigration policy. That is, legislators behave like delegates in their representation of constituency interests when responding to immigration policy decisions. This contrasts with previous analyses of immigration policymaking, which have argued that public opinion has little effect on immigration policymaking. However, previous studies have examined this in the context of comprehensive and successful immigration reform, whereas the bills examined in this study have largely failed to pass

Congress. Therefore, is public opinion relevant only in cases of failed immigration reform? Do members only act as delegates when immigration reform has failed?

Despite the numerous immigration bills proposed and passed during the 109th Congress, the federal government has yet to enact comprehensive immigration reform to date. Most recently, as the 111th Congress drew to a close, the Democratic-led House of Representatives passed the DREAM Act on December 8, 2010, but the bill failed to reach the Senate floor before the end of the 111th Congress.⁵⁷ While support for restrictions in immigration has translated into immigration reform in some states, the effects of public opinion have not yet translated into comprehensive immigration reform at the federal level. The effects of public opinion seem particularly salient in states that have experienced rapid demographic change due to immigration. For example, in April 2010, Gov. Jan Brewer of Arizona signed into law a bill making failure to carry immigration documents a crime and gave local police broad powers to detain anyone suspected of being in the US illegally.⁵⁸

In addition to the growing influence of public opinion on immigration policymaking, immigration policymaking at the turn of the 21st century also differs from prior efforts due to the strong effects of political party. Previous efforts at immigration reform, such as the 1965 Hart-Cellar Act, have been characterized by broad bipartisan support. However, the results from this dissertation show that the effect of political party on immigration policymaking has strengthened and reflects the growing polarization of political parties in Congress. In analyses of both roll call votes and bill cosponsorship,

⁵⁷ The DREAM Act would allow certain undocumented immigrants who had arrived to the US as children to apply for permanent residency. For coverage of DREAM Act at the end of the 111th Congress, see Julia Preston, "Immigration Vote Leaves Obama's Policy in Disarray," *New York Times* 18 December 2010.

⁵⁸ Randal C. Archibold, "Arizona Enacts Stringent Law on Immigration." *New York Times* 23 April 2010.

Democrats generally are more likely to support fewer restrictions on immigration, and Republicans are more likely to support greater restrictions on immigration. Therefore, will future immigration reform be a partisan effort? Or is successful immigration reform possible only with a bipartisan approach?

AREAS FOR FUTURE RESEARCH

The questions above suggest areas for future research. Of the bills analyzed in this dissertation, just one bill—the Secure Fence Act—passed both houses of Congress and was signed into law; the other bills either passed the House of Representatives or did not make it to the floor of the House for a vote. As such, these bills represent small changes to current immigration policy or failed efforts at immigration reform. Therefore, one area for future research would be to examine the impact of public opinion on immigration for successful comprehensive immigration reform. The findings in this dissertation suggest that members act as delegates by being responsive to public opinion when acting on immigration issues, but do members only act as delegates when voting for marginal changes in immigration? Is it easier for members to take public opinion into account when they know the bill has little chance of passing? In addition, another area for future research to consider is the effect of partisanship on immigration reform. The analyses in this dissertation demonstrate that in general, Republicans support more restrictive immigration policies, and Democrats support less restrictive policies. However, bipartisanship has been key to achieving comprehensive immigration reform in the past. Is future comprehensive immigration reform only possible with a bipartisan effort? Or, is

immigration reform only possible now through a series of partisan and smaller changes to the immigration system?

In addition, the findings here also suggest that minority legislators can affect policymaking whereby they are more likely to support expansive immigration policies. One area for future research could be to explore how minority legislators perceive immigrant constituents in their district, particularly the extent to which they feel as a minority member of Congress, they have a special obligation to act on behalf of minority groups more generally, even if they represent districts with few immigrants.

Furthermore, this research focused on the 109th Congress, which was controlled by Republicans. Therefore, we do not know whether these results would also apply to a Democratic-controlled Congress. Given the partisan nature of immigration policymaking today, future research could examine immigration policymaking during a Democratic-controlled Congress, such as the 111th Congress. Future research could also take a long-term approach and see how the influence of public opinion, demographic change, and political party vary over time.

Finally, a growing body of research has also focused on efforts to reform immigration at the state level. As previously described, recent efforts to deal with undocumented immigration in the state of Arizona suggest that the public is growing more frustrated with the lack of federal action and is seeking to take reform into their own hands. Therefore, another area of future research could be to address the linkages between public opinion and state-level responses, and the links between state and federal responses.

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