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2014

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UNIVERSITY OF CALIFORNIA, SAN DIEGO

Immigration, Public Opinion, and State Policy Responsiveness

A dissertation submitted in partial satisfaction of the requirements for the degree of
Doctor of Philosophy

in

Political Science

by

Michael Uriel Rivera

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2014

The Dissertation of Michael Uriel Rivera is approved, and it is acceptable in quality and

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Chair

University of California, San Diego

2014

DEDICATION

To my family.

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ACKNOWLEDGEMENTS

I am very thankful for my incredibly supportive parents. Thank you for always pushing me to do my best. Thanks, Jessica, for encouraging me and always making sure I am well fed.

Without the help of Zoltan Hajnal, this dissertation would not have been possible. Zoli is a great mentor, a great scholar, and a gentleman.

The input from my committee members is always very thoughtful and appreciated. Thank you for constantly reminding me that both theory and empirics are important. Thank you, Marisa Abrajano, Gary Jacobson, Thad Kousser, Karthick Ramakrishnan, and John Skrentny.

To Lauren, all my friends, and all my loved ones, thanks for tolerating me during grad school. It has been known to make one grumpy.

Thanks to Zumbar Coffee for keeping me awake. Your coffee is fantastic, but it's the people that keep me coming back. Thanks for putting up with me.

Finally, to all the members of my extended family, thanks for always reminding me how proud you are of my accomplishments. You always make me smile.

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"Immigration, Latinos, and the Transformation of White Partisanship" (Book Chapter) with Zoltan Hajnal in *White Backlash: Immigration, Race, and American Politics.* Marisa Abrajano and Zoltan Hajnal. Princeton University Press. (Forthcoming)

ABSTRACT OF THE DISSERTATION

Immigration, Public Opinion, and State Policy Responsiveness

by

Michael Uriel Rivera

Doctor of Philosophy in Political Science

University of California, San Diego, 2014

Professor Zoltan Hajnal, Chair

Over the last decade states have been increasing their involvement in the immigration process in the United States. In my dissertation I seek to understand the factors behind the growth of anti-immigrant legislation at the state level. I explore the influence public opinion has on state immigration policy and critically find that while legislatures are generally responsive to public opinion, there are important distortions. There is variation in both when opinion matters and whose opinion matters.

I demonstrate that when immigration is most salient, politicians are responsive to the public, but when immigration is not relevant, the public will is largely ignored. Critically, I also show that majority-controlled legislatures only respond to the sentiment of their own party and largely ignore minority public opinion. Finally, I reconceptualize the role immigrants themselves play in shaping policy. Existing studies that do account

for the size of the Latino population only see them as being a threat to native residents. I find that states with large Latino populations pass more restrictionist policy; however, as the population becomes significantly large and electorally relevant, the anti-immigrant legislative wave reverses. Latinos also play an important role in the passage of pro-immigrant policy, but have the most influence on symbolic legislation.

This dissertation is the most complete study of state immigration policy to date and these findings have important implications for representative democracy. Politicians do respond to public sentiment under unique conditions; however, the majority will dominates and the welfare of immigrants is in question.

Introduction

While the federal government is responsible for setting formal immigration policy, U.S. states are becoming more involved in the immigration process. States can play a critical role in servicing the needs or limiting the rights of the immigrant population; states do everything from offering prenatal care services to the undocumented to criminalizing the transport of undocumented day laborers.

In all of this state activity, there is a real concern of a backlash against immigrants. Part of this concern stems from the fact that public sentiment toward immigrants and immigration is often negative.[1] Half or more of all Americans believe that immigrants are a "burden" or feel that immigrants "take jobs."[2] And when we look at opinion by state, there are some states with very anti-immigrant sentiment. The concern of a possible backlash is amplified by increasing state activity on immigration. In the last 8 years states have increased their involvement in legislating immigration, passing over 1,700 bills. With the passage of Arizona's restrictionist[3]

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[1] Public sentiment, public opinion and public attitudes are used interchangeably.

[2] See Pew (2013) and Abrajano and Hajnal (forthcoming). At the national level, about 52 percent of Americans believe that immigrants pose a burden (PEW 2006) and a majority would like to build a wall across the entire US-Mexican Border (CNN 2008). Also see Hainmueller and Hiscox (2010); Hainmueller and Hopkins (2012) for an overview of general US sentiment on immigration.

[3] Restrictionist and anti-immigrant policy are used interchangeably. The focus of this project is on those polices that restrict the rights of immigrants. In the final chapter I explore pro-immigrant policy.

policy in 2010, Alabama's policy in 2011, and the passage of similar omnibus bills in recent years, this anti-immigrant wave may be getting worse.[4]

Despite the recent growth in anti-immigrant legislation, there is considerable variation in outcomes from state to state. Some states allow undocumented students to pay in-state tuition at public universities, while other states partner with U.S. Immigration and Customs Enforcement (ICE) to actively enforce federal immigration laws. What drives some states to pass anti-immigrant legislation, while other states abstain from legislation is still unclear, and we are largely unsure if this negative wave will continue.

This leads to the central question of this project: *What drives state immigration policy?* Many argue it is all about partisanship.[5] That is, immigration is just like any other partisan issue and we should expect Republican states to pass restrictionist policies and Democratic states to pass inclusive polices. While we often observe this pattern, we frequently also see counterintuitive outcomes—Republican states passing pro-immigrant policy and Democratic states passing anti-immigrant legislation. For example, South Carolina passed a bill expanding the rights of immigrants in 2012. This traditionally conservative red state provided further protection for immigrants who are victims of domestic violence. On the other hand, Massachusetts passed anti-immigrant policy in 2012. This traditionally liberal blue state passed strict identification requirements in order to register a vehicle. There is clearly a puzzle at hand.

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[4] Arizona (SB1070) and Alabama (HB56) See (NCSL) "State Omnibus Immigration Legislation and Legal Challenges" for more on state omnibus bills and court challenges of restrictionist policies.
[5] See Ramakrishnan and Gulasekaram (N.D.), Ramakrishnan and Wong (2010) and Ramakrishnan (forthcoming).

Beyond partisanship, some studies claim it is all about economics. Still other studies claim this policy is driven by state demographics. That different studies offer contradicting findings suggests we really do not know what causes immigration policy.

The contributions of this dissertation are both substantive and methodological. Methodologically, I address the empirical limitations of exiting literature by exploring more years, by focusing on a more complete model of policy passage, and by better measuring public sentiment. This dissertation is the most complete study of state immigration policy and differs from existing work both in how it measures public opinion and in its scope.

In addition to the mix of contradictory findings in the literature, one essential flaw is the inattention to public attitudes. In this project I seek to better understand the role public opinion plays in state immigration policy. What is missing from the immigration policy narrative is a measure of issue-specific public sentiment. While studies claim to measure public sentiment by using proxy contextual variables, no previous study directly measures the effects of public sentiment on state immigrant policy.[6] By focusing on the attitudes of state residents we gain significant insight into what leads to this policy.

A core empirical finding in this dissertation is that public sentiment is the main driving force behind state immigration policy (Chapters One and Two). Public opinion, however, is not equally influential all the time. I theorize and show where and under what conditions public sentiment matters. First, I contend that the salience of the issue is a central intermediary factor (Chapter Three). When immigration is salient and when residents are particularly concerned about immigration, politicians heed and follow issue-

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[6] But see Lax and Phillips (2011) on a range of other policy issues.

specific public sentiment; however, when immigration is not relevant, public sentiment is largely ignored. Second, I argue that electoral concerns lead legislatures to consider the views of their followers, while ignoring others (Chapter Four). Critically, I show that in a majority-controlled legislature, the majority party is only responsive to the public opinion of their own party. Minority party opinion is ignored.

I also address an important critique of the existing literature. Studies that do account for the size of the Latino population only conceptualize them as being a threat.[7] More specifically, studies view the Latino population as a reason whites mobilize and push for restrictive legislative action. This view, however, ignores the role immigrants themselves can play in shaping policy. I find that growing Latino populations first shift policy to the right—evidence of a backlash. But once the Latino population becomes significantly large and electorally relevant, the anti-immigrant legislative wave reverses (Chapter Five). This suggests that while the immediate future will likely include restrictionist legislation, as the U.S. population becomes more diverse, states will adjust their legislative agenda.

Finally, I am the first to systematically study polices that expand the rights of immigrants. I find that pro-immigrant policies are not simply the opposite of anti-immigrant policies (Chapter 6). First, a great deal of pro-immigrant policy is symbolic. This allows legislatures to appease the Hispanic constituency without angering the native base. Second, public opinion does not influence the passage of symbolic policy. This is because the public does not care about pro-immigrant legislation that lacks concrete fiscal

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[7] The term Latino and Hispanic are used interchangeably. But see Zingher (2014) who provides a first look at the electoral influence of Hispanics. This, like many existing studies, only focuses on a sub-type of anti-immigrant policy. The other theoretical and empirical challenges of this study will be addressed later.

or institutional effects. Finally, the Hispanic population has a positive influence on policies that expand the rights of immigrants. The immigration narrative is mostly negative, yet these findings suggest that states do recognize the growing electoral importance of immigrants.

This project has important implications for representative democracy. Recent legislation that has limited immigrant rights has not simply been driven by conservative politicians pushing legislation without regard to the public will. Democracy works as designed and politicians are responsive; however, one should be concerned about tyranny of the majority and the ongoing welfare of immigrants.

Chapter 1:
The Role of Public Opinion in State Policymaking

Theoretically, why might states pass anti-immigrant policy? Much of the existing

research borrows from literature on other state policy issues. The emerging literature that

does specifically addresses state level immigration policy, often relies on a very short

time-series or only explores a subtype of policy. Nevertheless, the literature provides

three explanations for why states might pass anti-immigrant legislation: 1) an economic

health prospective, 2) a demographic account, and 3) a partisanship explanation.

1.1   Economic Considerations

One view is that greater economic resources allow or encourage states to be more

generous to immigrants. For example, states that are fiscally healthy may not be as

concerned with the costs of immigration. Supporting this view, Zimmerman and Tumlin

(1999) find that states with higher per capita income are more likely to provide aid to

immigrants in the form of programs that provide cash, food, and health assistance.[8]

Similarly, others find that in better economic times, states tend to pass more public

benefits and civil rights legislation (Eyestone 1977, Savage 1978, Berry 1990, Gray

1973).

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[8] Interestingly, large state surpluses do not seem to matter.

On the other hand, some suggest that states *are* concerned about the costs of immigration. As costs rise, native born residents should be more and more opposed to expanding access. For example, states with generous welfare programs may not want immigrants taking advantage of their charitable welfare system. Supporting this notion, Hanson et al. (2004) find that states with a more generous welfare policy pass more anti-immigrant legislation.[9] Similarly, evidence suggest that support for California's anti-immigrant Proposition 187 in the 1990s, aimed at limiting the use of state-funded social services by undocumented immigrants, was due to concerns over poor economic conditions (Alvarez and Butterfield 2000) and the cost of illegal immigration (Calavita 1996).[10] While the evidence is mixed,[11] it is reasonable to believe that concerned about cost, states may pass restrictionist legislation in a "race to the bottom."[12] That is, in an effort to discourage immigrants from settling in a state, legislatures may aim to pass the most restrictionist policy.[13]

1.2   Demographics and Racial Threat

Others argue that demographics play a more powerful role in shaping immigration policy. From this perspective the size of the immigrant group is what matters. Size

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[9] This study is grounded in the economics literature. While some basic political theories are addressed, this is largely an economic study.

[10] The extensive literature on California's Proposition 187 also suggests that debate about immigration is often racialized (see for example Garcia 1995).

[11] See Boushey and Leudtke (2011) who find that existing per capita welfare spending does not affect the passage of state immigrant policy

[12] Fore more on "race to the bottom," see Bailey and Rom (2004) on health and welfare programs and Konisky (2007) on environmental regulation.

[13] Another economic explanation is that industries that rely on low-skilled labor might lobby for pro-immigrant policies. In states where the agriculture, construction, or meat packing industries are a prominent force, we might observe more pro-immigrant policy. There is some evidence that campaign contributions from industries that employ immigrants lead to more immigrant-friendly legislation (Nicholson-Crotty and Nicholson-Crotty 2011) however, others find only limited effects of contributions (Newman 2012). Also, when I test the influence of the agriculture and construction industry on policy passage, I do not find an effect of campaign contributions (see Chapter 2 appendix).

matters because increased contact to a distinct out-group leads to perceived economic competition and racial animosity.[14] Many media accounts in the 1970s (Fox 2004) and today (Chavez 2008) emphasize immigrants' use of welfare and medical services, their propensity to turn to crime, and their tendency to displace citizens from jobs.[15] More recently, post- 9/11 there was an urgent move to address new and old threats to national security, including immigration. The issue of immigration often takes on a very alarmist tone and the Latino Threat[16] is relevant in many issue areas, including those not explicitly about immigrants (Chavez 2008).

The most sophisticated research on state immigration provides mixed evidence on demographic explanations. Some find support for the racial threat hypothesis; a rapidly growing immigrant population compels states to limit immigration (Boushey and Leudtke 2011; Ramakrishnan and Gulasekaram N.D.). On the other hand, when looking specifically at state adoption of the workplace enforcement program, Newman et al. (2012) and Ramakrishnan and Gulasekaram (N.D.) do not find evidence that a growing immigrant population effects the adoption of E-Verify. Similarly, Ramakrishnan (forthcoming) dismisses demographic explanations.[17]

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[14] This view is derived from the racial threat theory (Key 1949, Blalock 1967). Also see Huddy and Sears (1995) who further explore the threat logic. They find evidence that Anglo opposition to bilingual education programs in the states "originates in both prejudice and the defense of realistic interests" (Huddy and Sears 1995: 142). Their prejudice theory suggests that subjective threat is the by-product of negative racial attitudes. On the other hand, the realistic interest theory suggests that perceived threat and negative racial attitudes are rooted in personal experience.

[15] Fox's study (2004) provides interesting results about views of Latinos and welfare. In areas with high concentrations of Latinos, and when Whites view Latinos as hardworking, Whites want to spend less on welfare. Fox proposes two possible explanations: 1) Whites think Latinos can make it on their own without welfare, so spending should be decreased, or 2) If the welfare system becomes too large, Latinos will follow the paths of Blacks and become lazy.

[16] The Latino Threat, Racial Threat, and Immigrant Threat are used interchangeably, as they all emphasize fears about a minority out-group.

[17] More specifically, demographic explanations fall short because we observe an increase in anti-immigrant municipal policies in areas that have small foreign-born populations. Similarly, Ramakrishnan & Wong

While the findings within the state and local immigration policy literature are mixed, we find a great deal of support for demographic explanations in related state politics literatures. For example, the size of the foreign-born population is a strong predictor of state English only laws (Schildkraut 2001). Many whites feel they may have to compete with Latinos for similar jobs, housing, education and other economic resources.[18] Similarly, because diversifying localities make residents unsure about the future, residents are less willing to vote for increased local taxes to invest in long-term projects (Hopkins 2009).

Outside of the realm of policy, there is evidence that demographic context affects individual attitudes. Increased exposure to the Latino population often results in increased negative attitudes toward immigrants and Latinos (Abrajano and Hajnal forthcoming; Hopkins 2010). While there is evidence that increased levels of immigration lead to racial animosity and perceived economic competition (i.e. racial threat), the opposite relationship is at least theoretically possible. Some argue that more contact with immigrants should lead to more favorable attitudes, as increased personal interaction with a minority out-group can disconfirm negative stereotypes (Allport 1954). Supporting this racial contact theory, there is evidence that increased exposure to minorities can under the right circumstances lead to *less* racial animosity (Jackman and Crane 1986, Welch et al 2001, Kinder and Mendelberg 1995).[19]

(2010) do not find support for the immigrant threat theory, as an increase in the number of foreign born and the number of Spanish households do not have an effect on anti-immigrant municipal policy.

[18] This is especially a concern for less educate and less affluent Whites (Huddy and Sears 1995).

[19] See Dixon and Rosenbaum (2004) for an overview of the debate between racial threat and contact theories.

1.3   Partisanship

Distinct from economic and demographic explanations, others argue that party dynamics are primarily responsible for state immigration policy. The partisan theory implies that the more Republican constituents in a state, the more anti-immigrant policy one should see. For example, there is evidence that the size of the republican population predicts restrictive state (Ramakrishnan and Gulasekaram N.D.) and municipal immigrant policies (Ramakrishnan and Wong 2010).[20] Similarly, the partisan composition of the legislature should influence policy. This view focuses on the fact that Republicans generally oppose immigration (Wong forthcoming). The more Republicans in a state legislature, the more restrictionist policy we should see passed. Republican legislators are elected and feel they have a mandate to pass conservative, Republican policy. While this logic seems intuitive, support for this theory is mixed. Many studies focus exclusively on the partisanship of residents. Those studies that *do* focus on state party control find limited support for the idea that republican controlled legislatures pass more anti-immigrant policies (Nicholson-Crotty and Nicholson-Crotty 2011; Boushey and Leudtke 2011; Newman et al 2012).[21]

1.4   Other Potential Considerations

Besides the core theories presented above, research suggests other factors that might affect policy. One explanation emphasizes the involvement of activist groups and special interests. The theory suggests that activist groups and political entrepreneurs aid the policy process by setting the agenda and serving as spokespersons for the issue

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[20] See also Ramakrishnan (forthcoming).
[21] In a later chapter I explore how legislative majorities affect policy responsiveness to public opinion.

(Mintrom 1997).[22] For example, conservative media personalities such as Lou Dobbs,

and conservative organizations that seek to reduce immigration levels, such as the

Federation for American Immigration Reform (FAIR) and Numbers USA,[23] can become

leaders of restrictionist policy and can be instrumental in bill passage (Ramakrishnan

forthcoming refers to these leaders as issues entrepreneurs). While I do not doubt that

issue entrepreneurs and interested parties can help frame the debate and serve as

spokespersons for the issue, these actors have their greatest influence at the national

level. Their reach is far beyond the borders of their state and their greatest strength is

their ability to frame the *national* debate.[24]

Finally, the state politics literature suggests it is important to explore the impact of

direct democracy on policy passage. This institution is another mechanism for citizens to

express their opinion and it may make legislatures more responsive to citizen desires

(Gerber 1999). More specifically, we would expect states with the direct initiative to

generally pass more policies because if legislatures do not act, the public will. Although

the results are mixed, the influence of direct democracy should be taken into account

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[22] Mintrom (1997) also discusses the role of federal involvement in speeding up the legislative process. Interest groups can also provide legislators with information about the effects policy will have on their district and via their lobbying efforts can exert significant influence (Wilson 1990; Wright 1996).

[23] See http://www.fairus.org/ and https://www.numbersusa.com.

[24] Many issues entrepreneurs occupy the national spotlight. Even state issue entrepreneurs have a reach that is far beyond the borders of their state (e.g. Jan Brewer or Sherriff Joe Arpaio from Arizona). Since their influence effects all states equally, I am not required to account for them in my model. While Thangasamy (2010) only looks at a few sub-categories of policy (prenatal care availability, in-state tuition access, and driver's licenses) and focuses exclusively on policies affecting the undocumented population, he finds that pro-immigrant and activist groups, such as the Mexican American Legal Defense and Educational Fund (MALDEF) and the American Civil Liberties Union (ACLU), have a notable role in the passage of policy toward undocumented immigrants. While these organizations have national, rather than state-specific impact, this logic will be explored in the book project.

when exploring anti-immigrant state policy (see Lupia and Matsusaka 2004 for an

overview of the effects of direct democracy).[25]

2   Theory: A Public Opinion Approach

While the literature offers a number of compelling theories about state

immigration policy, it suffers from a number of critical flaws. Specifically, it is both

empirically underdeveloped and narrow in scope. Many studies focus on sub-categories

of policy, explore a few states, or only explore a short time series. This results in a mix

of contradictory findings that leave us with little clear sense of what drives immigration

policy. By exploring more years, by incorporating a more complete model of the factors

that influence state immigration policy, and by including a more accurate measure of

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[25] There is also a vast literature on the effects of professionalization on state legislatures (see for example J.D. King 2000, Kousser 2005, Mooney 1995, Squire 1992). Professional legislatures, compared to semi-professional or citizen legislatures, have longer session lengths, more staff, and legislate full time (i.e. legislators have ample salaries and are not required to keep their day jobs). More resources improve legislatures' ability to consider more bills in a given session and some argue that more professional legislatures are better able to respond to public sentiment. While I included the widely accepted Squire Index of professionalization (Squire 1992) which captures salaries of legislators, size of staff and session length, I ultimately leave it out of the final model, since it does not increase legislative responsiveness to public opinion.

Other relevant variables to consider are a dummy variable for southern and Mexican border states; however, theoretically we want to account for the underlying determinants of policy. For example, Boushey and Luedtke (2011) find that the Mexican border state dummy variable becomes insignificant in their fully specified model and exclude the variable from their final analysis. I also omit the Mexican border and southern state dummies from the final model since I control for the underlying covariates that give rise to these geographic variables. (Also, see Chapter 2 appendix for a random effects model that accounts for unobserved heterogeneity in the states. This captures any variation that otherwise would have been contained in a south or border state dummy variable. The main results remain robust.)

Finally, policy diffusion may impact a state's likelihood of passing immigrant legislation. States may be more likely to pass immigrant legislation once other states begin passing similar policy (See Gray 1973, Eyestone 1977, Mintrom 1997, Berry and Berry 1999). Diffusion serves an intermediate role and does not explain why states begin legislating in the first place. I instead focus on the factors that lead to initial policy adoption. Exploring policy diffusion is an interesting idea, but is a separate project.

public opinion, I am able to produce the most comprehensive analysis of state immigration policy.[26]

2.1   Does Public Opinion Matter?

One largely overlooked factor in the study of state immigration policy is the public's view on immigration. No existing study incorporates a direct measure of public sentiment, yet there are strong reasons to suspect that attitudes on immigration will be an important driver of immigration policy.

Existing evidence suggests that public opinion theoretically *should* matter. Many studies that focus on general state policies find that state ideology is the primary driver. That is, more liberal states pass more liberal policy over time, and more conservative states pass more conservative policy (Erikson, Wright and Mclver 1993, 2006). Supporting this view, Hero and Preuhs (2007) find that citizen liberalism is the main factor behind state efforts to expand welfare access to immigrants.[27] While this evidence suggests that public sentiment on immigration should influence policy, the literature makes an important distinction between general liberal-conservative ideology and public opinion on a specific issue.

There are a number of reasons why I believe issue-specific public sentiment on immigration should matter in addition to general state ideology. First, the nature of the issue itself makes public opinion particularly relevant. Individuals care about immigration and it is salient. Second, immigration is relatively simple and symbolic. Residents can follow what is happening both in their communities and at the state capitol.

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[26] I explore 8 years in this project and will include 16 total years in the book project.
[27] On the other hand, Boushey and Leudtke (2011) find only modest support that more conservative states pass more immigration control laws.

Constituents are likely to notice the actions of legislatures and should be able to tell if the

legislature has acted for or against their wishes. Third, there is a lot of variation on

immigration views across states. Some states are extraordinarily anti-immigrant while

others are pro-immigrant. Given the range of views, ignoring public sentiment could

prove electorally consequential.[28] In states where residents are on one side of the issue,

acting against the will of the people could sway elections.

Finally, there is evidence that on other salient topics, issue-specific public opinion

matters. There is a vast literature demonstrating a significant effect of issue-specific

public opinion on state policy,[29] covering a wide range of issues including abortion,[30] the

environment,[31] capital punishment,[32] and welfare benefits.[33]

While few scholars believe public opinion is the sole driver behind public policy,

and while there is disagreement over how much impact public sentiment has on the

decisions of legislatures, "It turns out that public opinion influences policy most of the

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[28] While here I theorize about the legislature as a whole, my theory relies on the reelection logic of individual legislators. I expect legislators to behave as if single-minded seekers of reelection (Mayhew 1974). Even if politicians want to pass "good policy," their effectiveness as legislators is contingent upon being reelected. Politicians should be aware of how policy decisions affect their state and how their constituency will react to new legislation.

[29] See for example Burnstein (2003), Brace et al. (2002), Hill and Hinton-Anderson (1995), Erikson, Wright, and McIver (1993, 2006).

[30] See Wetstein and Albritton (1995), Arceneaux (2002), Norrander (1999) on issue-specific public opinion and abortion policy.

[31] See Johnson and Brace (2005), Hill et al (1995) on issue-specific public opinion and environmental policy.

[32] See Norrander (2000), Mooney and Lee (2000) on issue-specific public opinion and capital punishment.

[33] See Hill et al. (1995), Ringquist et al. (1997) on issue-specific public opinion and welfare policy. Also see Lax and Phillips (2011). Preliminary evidence suggests that public opinion about bilingual education, drivers' licenses for illegal immigrants, in-state tuition for children of illegal immigrants, and verification of citizenship in the work place, affect state level policy (Lax and Phillips 2011). While this is a good first step, their method (MRP) restricts their focus to majority opinion. As I explore later in the project, perhaps policy is responsive to the majority party median voter. Also, Lax and Phillips (2011) explore general legislative responsiveness, and to the extent that they do address immigration, it is only one of many issues they explore; immigration is not their focus.

time, often strongly" (Burstein 2003:29). Especially on salient topics like immigration, issue-specific opinion should matter.[34]

Before moving on, I will address some reasons to be skeptical about the influence public opinion can have on policy. First, though public sentiment is poorly conceptualized in the existing literature on immigration policy (i.e. proxy measures), there is little available evidence that opinion matters. Second, perhaps attitudes on immigration are simply a proxy for ideology and are just a part of the larger liberal-conservative story. That is, perhaps attitudes on immigration are simply capturing individuals' general ideological leanings.[35] Third, as reviewed earlier, many argue that other factors dominate the passage of state immigration policy—economics, demographics and partisanship.[36] Finally, no research has directly tested the impact of anti-immigrant sentiment on immigration policy. While I am not the first to claim that public opinion on immigration should matter, I am the first to include a direct measure.[37] Thus the effect of public sentiment remains an open question.

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[34] It is important to think broadly about the conditions under which states legislate. Generally speaking, states legislate when there is a (perceived) public policy problem, especially when politicians are seeking to rally their political base. States may also respond to the lack of federal action on immigration (see Ramakrishnan forthcoming).

[35] I find, however, that attitudes toward immigration are not simply a measure of ideology. The correlation between attitudes and ideology is only 0.3.

[36] I find, however, that even controlling for these other explanations, public sentiment has a significant impact on the passage of immigrant policy.

[37] Some studies purport to look at public sentiment but in fact only measure various contextual variables, like the estimated size of the undocumented population (Nicholson-Crotty and Nicholson-Crotty 2011) or the percent Latino. Results from recent studies support the immigrant threat hypothesis at best, but it is important to note that they *are not* measuring public opinion. The debate between the racial threat and contact theories is far from settled, and one should be cautious about studies that rely heavily on the racial threat theory when purporting to measure public sentiment. This project instead directly tests the effects of public attitudes.

I have presented reasons to believe that public opinion matters, and there is reason to believe that issue-specific sentiment affects policy.[38] This leads to the following hypothesis about the influence of public opinion:

> Hypothesis 1: As public opinion toward immigration becomes more negative, legislatures will pass more anti-immigrant policy.

In the remainder of this chapter, I outline the hypotheses that will be elaborated and tested in subsequent chapters.

2.2   When Does Public Opinion Matter?

It is important to recognize that the role of opinion is complex. We should expect sentiment to matter more under certain circumstances and less under others. The legislative reelection logic is critical to this point. Politicians seeking reelection need votes.[39] When constituents are paying attention to a particular issue, and care about that topic, politicians should pay more attention to issue-specific sentiment. There is evidence that public sentiment matters more for some issues, and especially for policies that "…are made under a strong public spotlight," there is every reason to believe that legislatures will pay great attention to "potential reactions from various segments of the public" (Erikson, Wright, and McIver 1993: 90, also see Arceneaux 2002 on issue salience).

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[38] Public opinion is known to legislators—public opinion defines a viable policy space in which politicians can operate in. I am not suggesting that legislators know or care about public sentiment for each and every bill, but rather suggest that there is some recognized policy space that politicians can (with relative accuracy) navigate (See Erikson, Wright and McIver 1993). Public opinion is communicated to legislators via signals provided during election season, via rallies, through news stories, via public opinion polls, and through election results. While not the only factor at play, and while interest group activity can counterbalance the influence of public opinion, there is every reason to believe that public sentiment will influence legislators' decisions. (This interest group logic will be further explored in the book project; however, currently I do not find an independent effect of interest group activity on policy passage. See Chapter 2 appendix.)

[39] Perhaps this logic is weaker for legislators not seeking reelection; however, many politicians remain in the public spotlight after leaving office and should desire to maintain a reputation for being responsive to their constituents. Here I directly engage the reelection logic of individual legislators; however, the logic applies to the legislature as a whole.

On the other hand, when an issue is not salient and voters are not thinking specifically about an issue, politicians should pay less attention to issue-specific public sentiment. If people are not talking about it, and people do not care about the issue of immigration, it should be less likely to contribute to a legislator's voting calculus. This leads to the following hypothesis about salience and issue-specific public opinion:[40]

> Hypothesis 2: As the salience of immigration increases, legislatures will pay more attention to public sentiment.[41]

2.3 Whose Public Opinion Matters?

Should we expect everyone's opinion to matter equally? Not necessarily. My theory implies that legislatures respond to the opinion of some residents and ignore the opinion of others. To support this notion, we turn to the U.S. Congress.

State party dynamics are very similar to those in Congress. The majority party has significantly more power than the minority party to control the legislative agenda (e.g. negative agenda control), and the preference of the median member of the majority party is critical in determining the success of legislation (see Cox and McCubbins 1993, 2005). Politicians care more about the people who elected them rather than the general

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[40] There is also early evidence to suggest that professional legislatures may be more responsive to public sentiment (Lax and Phillips 2011); however, I do not find an increased level of responsiveness to public sentiment in more professional legislatures. This variable is omitted from the final model.
Also, some argue that direct democracy makes legislatures more responsive to opinion; however, the results are mixed. Arceneaux (2002) finds that legislatures in states with initiatives and referenda are more responsive to public opinion on abortion policy, although Lax and Phillips (2011) do not find an effect of the initiative on legislative responsiveness to public opinion on a wide variety of issues. Later, I demonstrate that the direct initiative has an independent effect on bill passage, but it does not increase legislative responsiveness (i.e. I do not find an interactive effect when public opinion is interacted with direct democracy).
[41] Since there is no direct measure of salience, I measure salience by the size of the Hispanic population. Other potential measures of salience are discussed in the empirical section, including unemployment rates and media mentions of immigration.

public. In other words, we would expect to see each party driven by the public opinion of their followers.[42]

The implication of this is that minority opinion could be ignored. Critically, immigrants are almost exclusively Democrats and on an issue that deeply impacts their lives, their voices may not have influence in Republican states. Given that there are 27 Republican controlled legislatures and 30 Republican governors (NCSL 2013) the fact that Democratic opinion could be ignored is troubling.

A legislature's response to public opinion should be conditional on who is in the majority and we would expect the majority party in a legislature to be most responsive to the public opinion of their own party. This leads to the following hypothesis about majority control in the legislature and public opinion:

> Hypothesis 3: State policy will be more responsive to the public opinion of members of the majority party than the public opinion of members of the minority party.

2.4   Understanding Demographics and Changing Diversity

One missing element in all of the previous literature is the role of immigrants themselves. Of the studies that include Latinos, they simply use the population as a proxy for racial threat.[43] From this view, a large Latino population mobilizes white activity. As an area diversifies, states should pass more anti-immigrant legislation

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[42] While this seems entirely intuitive, see Kreibel (1998) who downplays the role of parties and argues that it is the median member in congress who is pivotal, rather than the median member of the majority party.
[43] But see Thangasamy (2010) who finds that pro-immigrant activist groups, such as the Mexican American Legal Defense and Educational Fund (MALDEF) and the American Civil Liberties Union (ACLU), can have a notable role in the passage of policy toward undocumented immigrants. Also see Zingher (2014) who provides a first look at the electoral influence of Hispanics, but only looks at bills related to employment, mandatory state law enforcement of federal immigration policies, and state omnibus bills. For reasons discussed later, this study has quite a few empirical and theoretical issues.

because of concerns about changing state culture and racial threat.[44] What the literature

ignores theoretically and empirically is the role immigrants themselves can play: the

minority population also equals minority votes.

Immigrants can have an influence themselves. My theory is that as the size of the

Hispanic population increases and becomes a significant portion of the electorate, states

should adjust their legislative agenda. As growing Hispanic populations become

electorally relevant, the anti-immigrant legislative wave should reverse.[45] This leads to

the following hypothesis about the size of the Hispanic population and the passage of

anti-immigrant policy:

> Hypothesis 4: As the Hispanic population becomes significantly large, legislatures
> will pass fewer anti-immigrant policies.

The next chapters test these four hypotheses.

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[44] See Schildkraut (2001), Huddy and Sears (1995), Alvarez and Butterfield (2000), Calavita (1996),
Boushey and Leudtke (2011).

[45] Some may argue that if I am evoking the electoral importance of the Hispanic population, I should focus
on the voting eligible segment of the Hispanic population. While some recent immigrants are not eligible
to vote, this broad policy affects recent immigrant, their families, friends and colleagues. Even if a
particular individual cannot vote, they know someone who can. Also, the Hispanic population and the
Hispanic citizen voting age population (CVAP) are highly correlated. The Hispanic CVAP and the
Hispanic population in a state are correlated at 0.98 (United States Census Bureau 2014). (To obtain this
estimate I took the average size of the Hispanic population in a state from 2008-2012. I then compared that
to the 5 year (2008-2012) estimate of the Hispanic CVAP). While the Hispanic CVAP and Hispanic
population are highly correlated, in the book project I will look at the effect of the Hispanic CVAP.
(Currently, there are only 5-year estimates of the Hispanic CVAP. To take advantage of this estimate,
rather than looking at the number of bills passed annually, I would instead focus on the number of bills
passed since 2005).

Chapter 2:
Evaluating the Influence of Pubic Opinion on the Passage of Anti-Immigrant Policy

To test the hypotheses presented in Chapter One I use data on state level immigration policy from the National Conference of State Legislatures (NCSL) from 2005 to 2012. With more years and a more complete model, I am able to produce the most comprehensive analysis of state immigration policy.[46] The NCSL is a bipartisan organization that provides state legislatures with technical assistance and offers legislation databases on policies ranging from the environment to immigration. The NCSL uses State Net (a LexisNexis company) legislative tracking services to identify bills passed related to immigration in the states. Relevant bills are identified by searching State Net using key words such as immigration, immigrant, undocumented, etc.[47] These immigration bills cover a wide range of policy areas including education, employment and voting.[48] Two important distinctions should be noted. First, there is a clear

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[46] The book project will explore NCSL data through 2013. I will also incorporate data from the Migration Policy Institute and the Progressive States Network, extending back to 1997.

[47] The NCSL uses State Net (a LexisNexis company) legislative tracking services to identify policy related to immigration. While the exact search terms for the NCSL are not available, a similar example is the Migration Policy Institute (MPI) search terms: "After conferring with research specialists at LexisNexis, the exact search terms devised were: alien OR immigra! OR "nonimmigra!" OR citizenship OR noncitizen OR "non-citizen" OR "not a citizen" OR undocumented OR "lawful presence" OR "legal! presen!" OR "legal permanent residen!" OR "lawful permanent resident" OR migrant OR "basic pilot program" OR "employment eligibility" OR "unauthorized worker" OR "human trafficking" AND NOT ("responsible citizenship" OR "good citizenship" OR "citizenship training" OR unborn OR alienate OR alienation OR "alien insur!" OR "alien company" OR "alien reinsur!")" (Migration Policy Institute 2007: 29).

[48] Immigrant legislation covers various policy areas, or sub-categories. Categories include: education, health, human trafficking, identification & licenses, law enforcement, legal services, public benefits, voting, or miscellaneous. These categories are not mutually exclusive. Coding legislation into different policy areas allows one to break down the dependent variable and explore if the determinants of bill passage vary depending on type (i.e. are the determinants of policy dealing with education distinct from legislation about law enforcement?). Future research will explore these differences.

difference between immigration policy (as identified by legislative key words) and policy

relevant to immigrants. The legislative tracking service will only identify bills that have

key terms. On the other hand, it will miss policy that immigrants care about but do not

contain such terms. For example, recent immigrants who plan to start their own business

or desire to work in a particular industry may care about legislation regulating agriculture

or small businesses. Such regulations apply to *all* individuals, not just immigrants.

These policies will be missed. Second, there is a clear difference between bills explicitly

and implicitly about immigration. The former will be identified by the legislative

tracking services, while bills implicitly about immigration, such as crime bills and

sentencing laws that do not contain key words will be missed. Since the immigration

narrative encompasses many policy areas including health, criminal justice, and

education (see Chavez 2008 for an overview) future work should better conceptualize

bills that are only implicitly about immigration. These ideas will be further explored in

the book project.

1.1   Outcome of Interest and Coding Methods

The outcome of interest (or dependent variable) is the number of anti-immigrant

bills passed annually in a given state. While one could explore the factors that lead to the

introduction of legislation, I focus on bills that passed. In other words, the following two

scenarios are equivalent: 1) bill failure and 2) the issue of immigration never made it

onto the legislative agenda. At the proposal level, there are many factors that influence

the number of bills introduced in a state legislature (e.g. legislative capacity, legislative

rules, and professionalism) (See for example Squire 1998, Kousser 2004). Empirically,

there is too much idiosyncratic variation at the introduction level to distinguish between

states that proposed immigration legislation but failed, and states where immigrant issues were never addressed. Also, theoretically, one should ultimately be concerned about policy outcomes.

Legislation is coded as anti-immigrant, pro-immigrant, or neutral based on the legislative synopsis provided by the National Conference of State Legislatures.[49] Examples of anti-immigrant bills are those that reduce access to public benefits/services, English only laws, and those promoting more stringent requirements to obtain state-issued identification (e.g. driver's license). Examples of pro-immigrant bills are those that expand access to public benefits/services, assist immigrants with incorporation into society, or help facilitate commerce (e.g. accepting consular identification cards as official identification). Two research assistants coded a subset of policies as a robustness check. Intercoder reliability is 0.85. (A comprehensive set of coding rules can be found in the appendix.)

The focus of this project is on anti-immigrant bills. In the final chapter, I turn to policies that expand the rights of immigrants. As I explain in great detail in Chapter 6, pro- and anti-immigrant polices are different. Many pro-immigrant bills are entirely symbolic, and the factors that lead to pro-immigrant bills are distinct from those that lead to anti-immigrant legislation. One must analyze these policies separately.

I also focus on bills with concrete policy implications. Resolutions and bills are treated as equivalent as they are functionally the same; however, some resolutions lack

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[49] While the legislative tracking service searches the entire text of the bill for key words, only the legislative synopsis is provided to the user via NCSL. Occasionally the synopsis does not make it clear how a bill affects immigrants. I code these as "unsure" and exclude them from the analysis. Basic legislation information is also recorded—bill number, companion bill citation, title, author, and status (i.e. enacted, vetoed). Again, I only look at policies passed and signed by the governor.

policy implications, such as those recognizing a specific individual or group for an achievement. These are excluded from the analysis.[50]

1.2   Measuring Public Opinion

Existing studies do not explicitly measure public sentiment on immigration. To measure issue-specific public opinion I use a range of questions and surveys including data from the Cooperative Congressional Election Study (CCES). In this chapter I focus on data from 2006, 2007, 2010 and 2012. The CCES is a useful data source because it has good questions on immigration, it covers many years, and has large states samples.[51] Sample sizes are sufficiently large to produce accurate state level estimates of public sentiment. For example, the average number of respondents who were asked in 2010 if they supported granting legal status to the undocumented is 1,100 per state.

I am able to capture underlying sentiment toward immigrants, since each respondent is asked multiple immigrant-related questions.[52] I create an alpha factor score for each individual and generate mean state values. The scale reliability coefficients suggest that the questions index well (0.85 in 2006, 0.87 in 2007, 0.76 in 2010, and 0.80 in 2012).[53] Since the questions vary slightly by year, I demean the average state response and standardize the variance to allow for comparison across years. Intermediate values

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[50] Also, due to the intricacies of some policy, many of them related to tax code or employment law, some bills are coded as "unsure." These are also excluded from the analysis.

[51] See appendix for question wording. I use CCES data from 2006, 2007, 2010 and 2012 because these are the years when immigration questions were asked.

[52] For example, do you support a path to citizenship for the undocumented? Should we increase the number of border patrols on the US-Mexican border? Etc.

[53] The questions index well, and the measure seems reliable, which is not surprising because these questions are tapping into the same underlying construct—attitudes toward immigration.

are interpolated.[54] In practice, it matters little which survey I use to gauge state public

opinion or which questions I focus on. Different surveys and different questions rank the

states very similarly. Results are robust to survey data from the National Annenberg

Election Survey (NAES) and SurveyUSA (see appendix).

To give one an idea of how the public opinion measure ranks the states, those that

are the most liberal on immigration are Vermont, New York, Massachusetts, Maryland,

and California. On the other hand, those that are the most conservative are Tennessee,

Nebraska, Arizona, and South Dakota.[55] These rankings are in line with our prior

expectations given the general liberal and conservative leanings of these states. Again it

is worth noting that immigration specific public opinion differs substantially from more

general liberal-conservative opinion. The two correlate at only about 0.3 at the state

level.

1.3   Other Covariates

While public sentiment is my key variable of interest, I include a series of

covariates in my empirical models that theoretically might affect the passage of state

immigration policy. First, to address the state finance prospective I measure the health of

the state economy by looking at unemployment rates (Statistical Abstract of the Unites

States, US Census).[56] The logic is that concern about immigration is related to the state's

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[54] I discuss the validity of interpolating values in the concluding section of this project. Values for 2005 are
extrapolated. Also, it matters little which survey I use, or if I focus only on one year of data or one
question. The main results remain robust.
[55] These rankings are derived from the 2012 CCES.
[56] Other ways to measure state fiscal health are state budget surpluses and per capita income. While
arguably how much it cost to provide services to immigrants matters, (and hence it is worth looking at state
budget surpluses), it is more relevant to think about unemployment rates; residents may perceive
competition with immigrants for jobs. Similarly, per capita income may be relevant. Perhaps more
wealthy states are less concerned about the costs of immigration (Zimmerman and Tumlin 1999) and more

financial wellbeing. Similarly, because states may be concerned about immigrants' use

of the welfare system, I control for state welfare spending per capita.[57] Third, to address

the racial threat hypothesis I include the proportion of the population that is Hispanic

(Census).[58] To see if larger Hispanic populations influence policy differently once they

reach a critical threshold, I include a Hispanic population squared term. Next, to address

the influence of state ideology I control for the size of the state population that identifies

as conservative (Erikson, Wright and McIver, 2007). Fourth, I include a biennial

legislature dummy variable to account for legislatures that meet in odd years (Council Of

State Governments 2012). Finally, a dummy variable accounts for states that have the

direct initiative (NCSL 2013), as these states may be more likely to pass policy because if

the legislature does not act, the public will act. (See appendix for summary statistics.)

2   An Immigration Backlash

My examination of immigrant legislation reveals that states are increasingly

targeting immigrants. First, there are a large number of bills. In the last 8 years states

have passed over 1,700 pieces of legislation specifically related to immigration. Second,

states are passing more bills over time, suggesting a growing backlash (See Figure 2.1).

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affluent residents are less concerned about competing for jobs with recent immigrants (Huddy and Sears 1995). In the book project, I will explore the effects of per capita income.

[57] See Hanson, Scheve, and Slaughter (2004) who find that states with more generous welfare policy pass more anti-immigrant legislation. Moving forward, it is important to remember that unemployment rates and state welfare spending measure similar, but distinct concepts. Unemployment rates are a purely economic measure whereas state welfare spending is both a measure of economic wellbeing and state politics. The political process determines how well-funded welfare programs are.

[58] I currently focus on the overall size of the Hispanic population because there is reason to believe that as the growing Hispanic populations become electorally relevant, the anti-immigrant legislative wave might reverse. Results remain robust when instead I include the size of the foreign born population. Moving forward I will also look at the growth rate of the Hispanic and immigrant population as perhaps it is not the size of this diverse population, but rather the recent growth (see for example Boushey and Leudtke 2011; Ramakrishnan and Gulasekaram N.D; Zingher 2014).

Third, this legislation appears to result largely in negative consequences for immigrants. While about half the bills are positive, these positive bills are largely symbolic with few, if any, policy implications.[59] The other half is clearly negative.[60]

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[59] Policies that expands immigrant rights do not focus on Latinos. Most positive bills are largely symbolic (e.g. SC SB416, 2011 celebrating Lexington, an area settled by German and Swiss immigrants) while most anti-immigrant bills exclude immigrants from state services, provide penalties for assisting the undocumented, or expand police power to enforce immigration policy (e.g. SC S20, 2011 allowing police to verify legal status during a lawful stop).

[60] Of those that are clearly pro or anti-immigrant and had clear policy implications, 522 were coded as anti-immigrant and 524 were coded as pro-immigrant. A remaining 330 were coded as neutral and the remaining 86 were coded as unclear. The remainder are symbolic pro-immigrant policies. (Total bills passed: 1772.) In the latter part of this project, pro-immigrant bills are analyzed separately. The logic for exploring these bills separately is thoroughly explained in a later chapter.
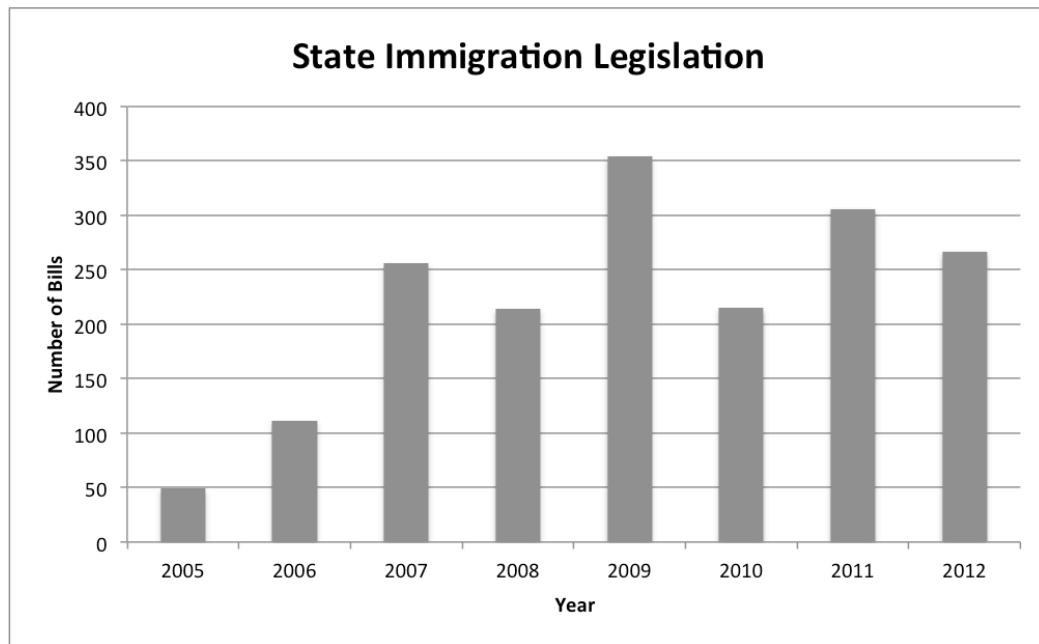
Figure 2.1: State Immigration Legislation (2005 – 2012). Source: NCSL

My analysis also demonstrates that generally positive bills do not "cancel out" negative bills. For example, a state may help immigrants by providing protection and resources for victims of human trafficking (e.g. VA H1188, 2012), but the same state, in the *same year* may restrict immigrant rights by increasing state authority to enforce federal immigration law (e.g. VA HR10, 2012).[61] This suggests that looking at a composite score of the number of pro- and anti-immigrant bills will not tell the whole story. I argue that anti-immigrant and pro-immigrant policy should be analyzed separately and go into this logic in further detail in Chapter 6.[62]

The implications of this mix of policy is that while states do pass some immigrant friendly legislation, there is a real and growing anti-immigrant backlash and anti-immigrant legislation should be analyzed separately.

2.1   Factors Influencing State Immigration Policy

Given that there appears to be a real and growing backlash, I seek to understand what leads to this type of anti-immigrant legislation. I argue that public opinion is an important factor that has been overlooked. I explore the conditions under which legislatures answer to the public will, and more importantly, when politicians ignore public sentiment. Specifically, I test what factors lead to the number of anti-immigrant policies passed in a state in a given year (dependent variable).[63]

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[61] States can increase their authority to enforce federal law be signing a 287(g) memorandum of agreement with the federal government. See "Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act" (ICE 2013) for more information.

[62] In Chapter 6 I explore the theoretical reasons why these bills should be explored separately. That said, the main results hold if I use a composite measure of pro- and anti-immigrant bills passed annually (see Chapter 6 appendix).

[63] More specifically, the unit of analysis is the state-year.

Before getting into the multivariate analysis, I begin with basic tests to demonstrate the plausibility of the relationship between policy and opinion. The correlation between anti-immigrant sentiment and immigrant legislation is 0.3. That is, the more anti-immigrant sentiment in a state, the more anti-immigrant policy we observe. A simple bivariate lowess graph demonstrates that relationship is plausible (Figure 2.2).[64] Anti-immigrant sentiment could be driving the growing backlash.

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[64] The lowess graph explores the relationship between sentiment and anti-immigrant bills. On the other hand, the 0.3 correlation we observe between anti-immigrant sentiment and immigrant legislation is derived using a composite score of legislation. This composite score subtracts the number of pro-immigrant polices from the number of anti-immigrant policies passed. While a composite score may not be the best measure to determine how anti-immigrant a state is (for reasons discussed in Chapter 6), a composite score is useful to examine a very basic relationship between sentiment and immigrant policy. The correlation, however, is 0.11 if instead we focus exclusively on anti-immigrant sentiment and anti-immigrant policy.
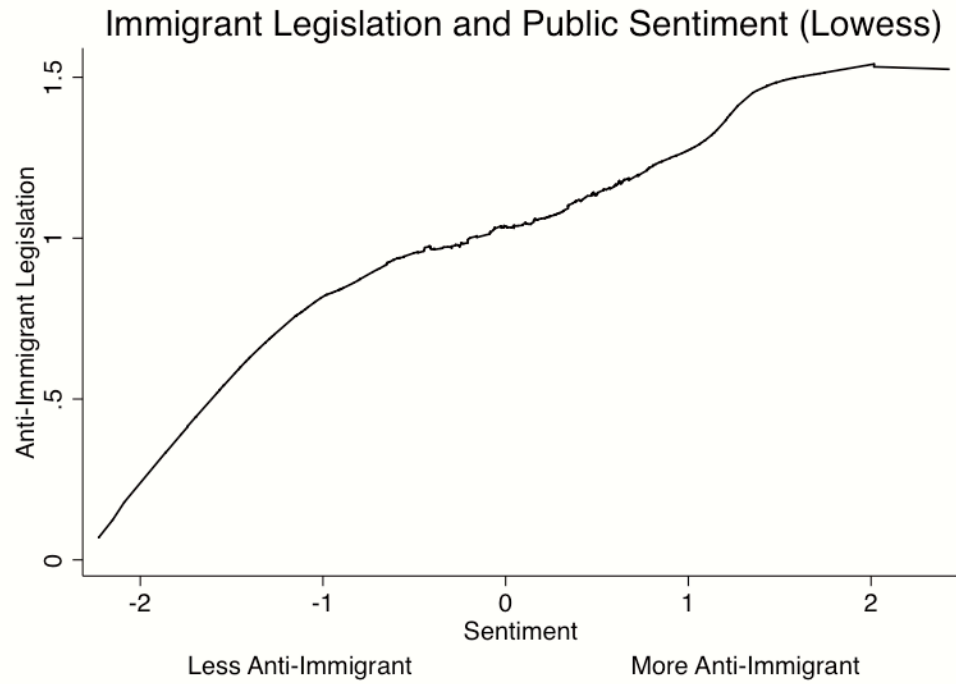
Figure 2.2: Immigrant Legislation and Public Sentiment. This Bivariate lowess graph demonstrates the relationship between public sentient on immigration and state anti-immigrant policy.

Turning to the multivariate analysis, I utilize OLS regression with panel corrected

standard errors (PCSE) (see Beck and Katz 1995). Results are robust to alternative

model specifications[65] and to alternative public opinion surveys (see appendix).[66]

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[65] Results are robust to negative binomial regression and ordered logistic regression (0 bills, 1 bill, 2 or more). Plotting the model residuals over time does not reveal any time trends, so I am not concerned about serial correlation. Also, the Woodridge (2002) test for serial correlation in panel-data failed to reveal the presence of serial correlation (also see Drukker 2003).

[66] Robust to NAES and SurveyUSA data (see appendix). Alaska and Hawaii are excluded from my analysis. State ideology is not readily available for these states, and these non-contiguous states are often omitted from state politics research since their politics are very different. Vermont was also omitted because it was consistently an outlier on anti-immigrant sentiment; it constantly polled very liberal.

Table 2.1: Conventional theories of factors that lead to
Anti-Immigrant legislation.

Conventional Arguments in Literature State Anti-Immigrant Legislation (2005-2012)	
RACIAL THREAT	
Hispanic Population (%)	11.959***
	(1.734)
PUBLIC IDEOLOGY	
Proportion Conservative	0.036***
	(0.009)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.075
	(0.057)
Cost of Immigration	
State Welfare Spending (per capita)	-0.015
	(0.013)
INSTITUTIONS	
Republican Legislature	0.577***
	(0.139)
Direct Initiative	0.652***
	(0.236)
Constant	-1.474***
	(0.426)
Observations	376
R-squared	0.16

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial & demographic controls included. See appendix.
*** p<0.01, ** p<0.05, * p<0.1

I begin by testing a standard model that incorporates the basic arguments put forward in the literature. As Table 2.1 shows, support for existing accounts is mixed. First, there is no support for economic explanations of immigration policy. Whether we account for the role of economics via unemployment rates or welfare spending, a state's economic wellbeing does not have an effect on the passage of restrictionist legislation. This suggests that opposition to immigration is less about fiscal concerns and more about other considerations. Second, the important role that racial threat plays in driving policy is confirmed. That is, as the Hispanic population increases in size, legislatures pass more anti-immigrant policy. This result remains robust if I substitute the proportion of the population that is Hispanic for the proportion foreign born.[67] However, when I include both the foreign born population and the Hispanic population, only the Hispanic population remains significant. This suggests that the ethnic composition of a state's immigrant group is what matters. State policy reactions appear to be about race more than foreign status. Third, I find that parties also matter. There is support for partisanship explanations, suggesting that republican legislatures pass more restrictionist policy. While partisanship cannot explain all the variation, these results suggest that immigration is, at least in part, a partisan issue.[68] Finally, I find that state ideology does influence the passage of immigrant legislation. More conservative states pass more anti-immigrant policy. (These results are robust to the NAES and SurveyUSA surveys. See appendix.)

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[67] See appendix for results that include both the size of the foreign born and Hispanic populations.
[68] The party of the governor does not have a significant effect on anti-immigrant policy and hence was left out off the final model. Later, I interact opinion with state party control. While I find an interactive effect of opinion and state legislative control, I do not find an interactive effect of public opinion and the party of the governor.

At first glance, the existing research appears to do a good job of explaining anti-immigrant policy; however, digging deeper reveals perplexing patterns. We observe conservative, red states passing pro-immigrant policies and liberal, blue states passing anti-immigrant policies. For example, South Carolina, a traditionally conservative red state, passed a bill to help combat human trafficking and address domestic violence by making it a crime to destroy identification documents (H 3757, 2012). On the other hand, Massachusetts, a traditionally liberal blue state, passed a bill requiring proof of legal residence to register a vehicle (H 4238, 2012). This legislative activity is puzzling and suggests that the literature is missing important underlying policy dynamics.

By focusing on public sentiment, we gain more insight into why some states legislate immigration while others do not. To demonstrate this point, I review a few examples of policy passed in 2005, 2006 and 2007—the first three years of the NCSL immigration dataset. In 2005, among red states, those with higher than average anti-immigrant sentiment each passed 2 anti-immigrant bills (Arkansas, Tennessee, and Virginia). On the other hand, red states with lower levels of anti-immigrant sentiment passed no anti-immigrant bills (North Dakota and Wyoming). In 2006, more states are involved in passing anti-immigrant legislation overall, yet states with more anti-immigrant sentiment, such as Georgia and Louisiana, led in the number of restrictionist policies passed (both passed 3 anti-immigrant policies). New Hampshire, a traditionally liberal blue state, but one with above average anti-immigrant sentiment, passed a bill that requires individuals to provide proof of citizenship for voter registration purposes. Finally, in 2007, states with particularly anti-immigrant sentiment passed the highest number of anti-immigrant bills (i.e. Tennessee passed 5 pieces of legislation, and

Louisiana and Oklahoma each passed 4). All this suggests that by incorporating public sentiment, we should improve our ability to explain the passage of policy and improve our ability to explain some of the policy anomalies (i.e. blue states passing anti-immigrant legislation and red states passing pro-immigrant legislation).

Table 2.2: A Public Opinion Approach to State Anti-Immigrant Legislation

A Public Opinion Approach State Anti-Immigrant Legislation (2005-2012)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.270**
	(0.123)
RACIAL THREAT	
Hispanic Population (%)	14.031***
	(2.231)
PUBLIC IDEOLOGY	
Proportion Conservative	0.031***
	(0.009)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.065
	(0.055)
Cost of Immigration	
State Welfare Spending (per capita)	-0.009
	(0.012)
INSTITUTIONS	
Republican Legislature	0.454***
	(0.160)
Direct Initiative	0.620***
	(0.232)
Constant	-1.410***
	(0.405)
Observations	376
R-squared	0.17

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial & demographic controls included. See appendix.
*** p<0.01, ** p<0.05, * p<0.1

My analysis shows that indeed we gain additional insight by incorporating public sentiment. It is not just ideology that matters, but rather politicians pay attention to issue-specific sentiment. Table 2.2 demonstrates that even when controlling for the proportion of the state that identifies as conservative and other traditional theories, anti-immigrant sentiment has a positive and significant effect on the passage of anti-immigrant policy. This is a critical contribution of this project: even when controlling for state politics, issue-specific opinion affects the number of anti-immigrant bills passed. Because politicians care about reelection, they pay attention to issue-specific opinion on this salient issue.
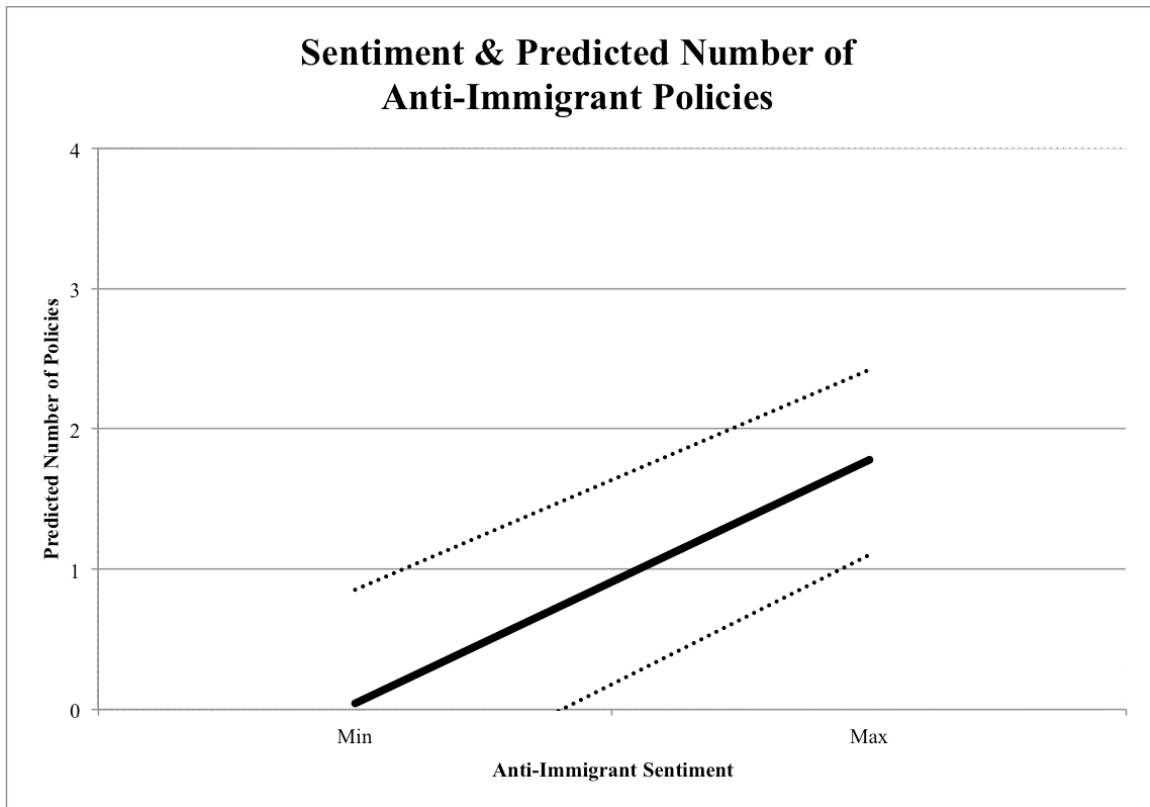
Sentiment & Predicted Number of Anti-Immigrant Policies

Figure 2.3: Public Opinion on Immigration and Predicted Number of Policies. The dotted lines indicate the 95% confidence interval.

The effects are substantively important in addition to being significant. To better understand the substantive effect, I simulate the number of expected bills passed annually in a state. I hold all variables at their mean/modal values and move from low to high levels of anti-immigrant sentiment. We would expect particularly anti-immigrant states to pass about 2 more bills annually than states with particularly low levels of anti-immigrant sentiment (Figure 2.3).[69] This is a substantial difference, as most states pass only one bill annually. These results are robust to alternative surveys (NAES and SurveyUSA) and to other ways of measuring sentiment. While I use an alpha factor score to measure respondents' underlying attitudes on immigration, using a single question or an additive scale produces the same results.[70] After measuring opinion in as many ways as possible, because all results point us in the same direction, we can be confident that there is a real and meaningful relationship between public sentiment and the passage of anti-immigrant policy.

While these results suggest that democracy works, given the persistently negative views on immigrants and immigration, these findings are potentially troubling. We should be concerned about tyranny of the majority and the wellbeing of immigrants. While I have shown that democracy generally works, the relationship between policy and opinion may be more complex. Perhaps legislatures do not respond to public opinion equally under all contexts. In the next chapter, I demonstrate that legislatures are not

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[69] Holding all other variables at their mean, one would expect a state with the minimum value of anti-immigrant sentiment to pass 0 bills, and we would expect a state with the highest level of anti-immigrant to pass 2 bills (predicted values 0.4 and 1.8 respectively). I use CLARIFY (Tomz, Wittenber, King 2003; King, Tomz, Wittenberg 2000). Note, clarify does not work with PCSE, so instead I use OLS with robust standard errors. While the standard errors are slightly larger when using robust standard errors, the point estimates are the same (as we would expect).

[70] See appendix for summary statistics and robustness checks.

consistently responsive to public sentiment and in the following chapter I demonstrate that not everyone's opinion matters equally.

Chapter 3:
When Public Opinion is Most Influential

The results up to this point suggest that politicians are responsive to public sentiment—democracy works for good or bad. I contend, however that this overall pattern disguises substantial distortions in responsiveness. The attention that the public pays to the political sphere is often limited. Even on immigration, which is an issue that tends to raise widespread concern among residents, there is considerable variation in the salience of the issue. I maintain that when the public is not fully engaged, it leaves room for politicians to move in their own direction.

We would expect politicians to respond most to public sentiment when constituents are paying attention to a particular issue, and care about that topic. More specifically, I argue that *as the salience of immigration increases, legislatures will pay more attention to public sentiment on immigration.*

To test the idea that legislatures pay more attention to public sentiment when the issue is relevant, I include an interaction between salience and opinion on immigration. There are a few ways one could measure salience. First, newspaper mentions of immigration could capture the relevance of the issue; however, one cannot determine if media coverage is on state or federal activity without reading every article. Second, unemployment rates may capture relevance; however, earlier results suggest that immigration is less about economics and more about other considerations. Since there is no direct measure of salience and because the Hispanic population is at the core of the immigration debate, I focus on the Hispanic population in a state.

More specifically, I interact public opinion with percent Hispanic.[71] (The salience

measure is discussed in further detail at the end of the chapter.)

I expect that the larger the Hispanic population in a state, the more salient

immigration will be and the more responsive legislatures will be. For example, few in

New Hampshire will be particularly focused on legislative activity on immigration—a

state with a very small Hispanic population (barely 2%). Legislatures, thus, can almost

do whatever they want. But in California, where Hispanics make up more than 35% of

the population, public attention is likely to be much greater (US Census). Thus,

politicians ignore public opinion at their peril. I expect politicians to ignore public

opinion in states like New Hampshire and expect them to be especially responsive in a

state like California. Table 3.1 confirms these expectations.[72]

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[71] I omit the Hispanic squared term in this model because here I am not focused on the electoral
significance of the Latino population. More on the relevance of the Latino population in Chapter 6.
[72] In the latter part of the chapter, I address the concern that the Hispanic variable is doing a lot of work in
the empirical model (both capturing racial threat and the salience of immigration).

Table 3.1: The effect of salience on legislative responsiveness.

Salience and Public Opinion State Anti-Immigrant Legislation (2005-2012)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	-0.084
	(0.130)
SALIENCE	
Sentiment * Hispanic Population	2.593**
	(1.058)
RACIAL THREAT	
Hispanic Population (%)	4.608***
	(1.470)
PUBLIC IDEOLOGY	
Proportion Conservative	0.024***
	(0.009)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.062
	(0.054)
Cost of Immigration	
State Welfare Spending (per capita)	-0.007
	(0.011)
INSTITUTIONS	
Republican Legislature	0.418***
	(0.160)
Direct Initiative	0.753***
	(0.229)
Constant	-0.583
	(0.435)
Observations	376
R-squared	0.17

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included.
*** p<0.01, ** p<0.05, * p<0.1

This table demonstrates that salience is particularly important in determining the influence of public sentiment. When opinion is interacted with salience, the interaction term is positive and significant indicating that in states where immigration is a primary concern of residents, politicians are the most responsive. In states where immigration is most prominent in the minds of residents, and where there exists strong anti-immigrant sentiment, state legislatures pass legislation restricting the rights of immigrants. Critically, I find that when the public is not fully engaged, opinion does not matter as much. That is, sentiment by itself is insignificant. The finding that public opinion does not matter when salience is low provides us with novel insight about how public opinion influences legislatures' decisions.[73] In order for politicians to be responsive, the public must be attentive. Figure 3.1 demonstrates the substantive effect of the relationship between the Hispanic population (or salience) and public opinion.

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[73] Some may contend that if opinion does not matter when the issue is not salient, there is little reason to be concerned about this topic. I argue, however, that individuals possess deep-seated opinions even when an issue is not at the top of their minds. Even when an issue is not the most relevant item on the political agenda, we do not want sentiment to be ignored. In other words, there should not be a disconnect between policy and public sentiment, even for low salience issues.
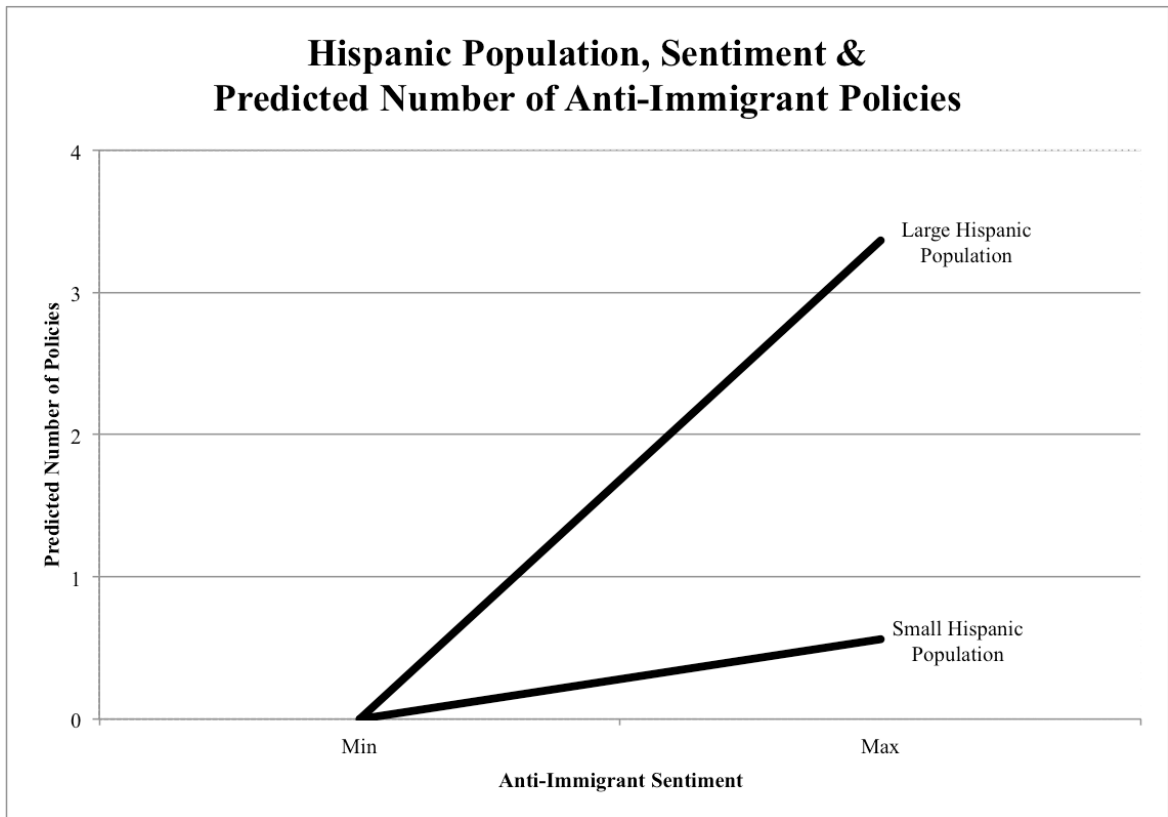
Figure 3.1: The effect of salience on legislative responsiveness. The size of the Hispanic population measures the salience of immigration in a state.

As the figure clearly shows, the effects of public opinion are very different in high salience and low salience states. In states where immigration is particularly salient—the top line—public opinion has a massive effect. Here, anti-immigrant states are predicted to pass about 3 more bills per year than states with particularly low levels of anti-immigrant sentiment.[74] This is a significant difference as most states pass only one bill annually.

By contrast, in low salience states—the bottom line—public opinion makes almost no difference. In fact, when residents are not fully engaged in the issue of immigration or when immigration is not particularly relevant, legislatures are not responsive and largely ignore public sentiment. Among low salience states, those with high levels of anti-immigrant sentiment pass no more bills than those with low anti-immigrant sentiment. The implication is that democracy works as designed, but only when an issue is salient; otherwise, politicians have free reign and can stray dramatically from the public will.

Measuring Salience

Before concluding, I will address two concerns some may raise. First, some may disagree with my measure of immigration salience. While there is no available direct measure of salience, I argue that the best measure of salience is the percent Hispanic in a state. Another way to capture salience is to focus on media mentions of immigration. To do this, I measure the number of newspaper stories about immigration in each state. Using the best-available state newspaper data source (NewsBank), I divide the number of

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[74] In states with a large Hispanic population (90th percentile), moving from the minimum to maximum levels of anti-immigrant sentiment we observe a change from 0 to 3.3 predicted anti-immigrant bills.

immigration stories by the number of newspapers in a state.[75] When I interact this annual

measure of salience with public opinion, we do not observe significant results.[76]

I argue that we do not observe meaningful results because of factors that lead to

noise in this measure of salience. One factor that leads to noise is that the measure does

not uncover the content of the articles. For example, an article may be covering state-

level issues or may be reporting on federal-level activities. We do not know the focus of

the articles and hence do not know if we are capturing national or state-level salience.

Another factor that leads to noise is that NewsBank does not contain the entire population

of newspapers in each state. It is not clear which newspaper sources get into the

NewsBank database. Similarly, the number of sources available each year varies.

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[75] Or more specifically, the number of newspaper sources available via NewsBank. More on this in the next paragraph.

[76] Another way to measure the salience of immigration is to look at state unemployment rates. When I include unemployment rates in my model, they do not have a significant independent effect, (a finding consistent with Nicholson-Crotty and Nicholson-Crotty 2011 and Newman et al. 2012). Also, when I interact public opinion with unemployment, there is no significant interactive effect. This reinforces the idea presented earlier that immigration is less about economic concerns and more about other consideration (such as racial and cultural threat).

Still, some may argue that residents will perceive more competition with immigrants for jobs when unemployment is high. Also, when unemployment is high, politicians might be particularly concerned about reelection, and hence might be more responsive to public opinion. I have presented theoretical explanations and empirical evidence against economic explanations of policy passage. That said, for those that are unsatisfied with racial threat explanations, the lack of significant results for economic theories might be because the 2005-2012 time frame includes particularly high unemployment rates. Most states are experiencing high joblessness, and because there is little change in unemployment over the time period, we may not observe the anticipated effects.

There are two additional explanations for why the unemployment results are not significant. First, unemployment may also capture salience of immigration similar to the size of the Hispanic population (and hence when included in the model it is difficult to disentangle the effects). Second, unemployment rates are also highly correlated with welfare spending in a state, and this may also make interpretation difficult.

Future research will reexamine unemployment rates and will also look at who is unemployed or most effected by the economic recession (e.g. working class). Research suggests that lower income individuals experience more feelings of economic competition with immigrants (see for example Huddy and Sears 1995 and Alvarez and Butterfield 2000). If lower income individuals were also those most hurt most by unemployment, then we would expect a particularly strong immigrant backlash. Similarly, in the future I will break down unemployment rate by industry. If the industry affected most by unemployment also regularly employs a lot of immigrants (e.g. construction in the Southwest), we would also expect a particularly strong immigrant backlash.

The variation in news sources is idiosyncratic across years.[77] Because of these issues, I

do not have confidence in the newspaper measure of salience.[78]

A second concern some may raise is that the Hispanic variable is doing a lot of

work in the empirical model, both capturing racial threat and the salience of immigration.

This is a reasonable concern, yet I argue that the Hispanic population is at the core of the

immigration debate. Even though immigrants come from many different countries, the

immigration debate in the United States focuses almost exclusively on Hispanics and on

the Latino threat (Chavez 2008). To test the importance of the composition of the

immigrant population, I rerun the model and include both the size of the foreign born and

Hispanic populations (see appendix).[79]

In this robustness check only the size of the Hispanic population has a significant

impact on the number of anti-immigrant bills passed.[80] The results demonstrate that it is

not the size of the foreign born population that elicits feelings of threat, but rather is the

specific composition of the immigrant population (i.e. percent Hispanic). These findings

provide support for placing focus on the Hispanic population.

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[77] More specifically, because the number of sources varies idiosyncratically across years, the ratio of immigration stories (number of immigration newspaper stories divided by the number of newspapers in a state) varies in unpredictable ways.

[78] A related issue with the newspaper measure of salience, although it does not directly contribute to noise, is that the measure does not indicate the tone of the stories. One does not know if the stories are painting immigrants in a positive light or not. Future research will consider the tone of articles.

[79] In this robustness check, I account for racial threat by measuring the size of the foreign born population in a state. Even though the immigration narrative is often about Hispanics, bills rarely single-out a specific immigrant group, so this measure of racial threat makes sense. I capture salience by measuring the size of the Hispanic population. Given that the immigrant narrative is almost exclusively about Hispanics, measuring the size of Hispanic population gives one an idea of how relevant immigration is in a particular state.

[80] The main public opinion results remain robust. That is, public opinion on immigration has a significant effect on the passage of immigrant policy.

Chapter 4:
Whose Public Opinion Matters

In this chapter I look at whose opinion matters. Because we observe conditions under which politicians are less responsive to opinion (i.e. when immigration is not salient), and because of the strong roll of the majority party in legislative politics (Cox and McCubbins 1993, 2005) there is reason to believe that legislatures may not respond equally to all segments of the public.

The strong role of the majority party is most apparent in its ability to keep things off of the agenda. The majority party can use negative agenda control to keep items off the floor so that legislators need not take unpopular votes (Cox and McCubbins 1993, 2005). Since legislators care about staying in office and behave as if single-minded seekers of reelection (Mayhew 1974), we would expect legislators to pay the most attention to their followers. Politicians should respond most to those who elected them. Rather than responding to the average state voter, politicians should be most attentive to their constituency. In a legislature with a clear majority, the preferences of constituents of the majority should be given more weight than the preferences of the constituents of the minority party. In this chapter, I test this logic.

More specifically, I argue that *state policy will be more responsive to the public opinion of members of the majority party than the public opinion of members of the minority party.*

In other words, we would expect a legislature's response to public opinion to be conditional on who is in the majority. Because the majority party has an important role in setting the legislative agenda, in a legislature controlled by Republicans, the legislature should be most responsive to public opinion among Republicans and should ignore Democratic sentiment in that state. On the other hand, a legislature with a Democratic majority should respond to Democratic public opinion and should ignore Republican sentiment. Simply put, in states where there is a clear legislative majority, I argue that minority opinion will largely be ignored.[81]

In order to test this, I look at opinion among residents by party. I shift from the Cooperative Congressional Election Study (CCES) to the National Annenberg Election Survey (NAES) because it includes more respondents per state. As such, using the National Annenberg Election Survey I am able to obtain more precise estimates of immigration views by party. In each state, the mean number of Republican respondents is 207, and the mean number of Democratic respondents is 232.[82] To measure views on immigration respondents are asked: "The rate of immigration into the United States—is this an extremely serious problem, serious, not too serious or not a problem at all?"

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[81] Another possibility is that legislatures focus primarily on the majority preference, but also keep in mind the median voter in a state. The preference of the median voter in each district will be contained in the preference of the majority party in the legislature; however, a state's median voter may not be. Because the majority party would like to stay in power, there might be some mix between paying attention to their constituents and paying attention to the median voter in the state.

If the majority party has a strong legislative majority, we might expect even more responsiveness to the majority party preference. On the other hand, if the majority is weak, we might expect a legislature to be more responsive to the median state voter. Perhaps the degree to which a majority-controlled legislature pays attention to the median voter depends on the degree of competition in the state. Preliminary tests suggest that legislative competition does not increase responsiveness. When I measure party competition by the absolute difference in number of seats held between the two parties, I do not find an increase in legislative responsiveness. That said, the book project will revisit this logic.

[82] In the 2000 NAES, the median number of Republican respondents is 159 and the median number of Democratic respondents is 173. Due to collinearity, I used the proportion of liberals in a state instead of the proportion conservative. In line with previous models, AK and HI are omitted.

The dependent variable once again is the number of anti-immigrant bills passed annually in a state. The National Conference of State Legislatures (NCSL) provides researchers and states with various bill databases, including one on immigration. Bills that contain key words such as "immigration" and "undocumented" are identified as immigrant policies (see Chapter 2 for an overview of the dependent variable). I employ the same empirical strategy used in earlier chapters (OLS with panel corrected standard errors) and include an interaction between public opinion disaggregated by party and state legislative control.[83]

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[83] Results remain robust if I measure racial threat with the size of the foreign born population rather than the size of the Hispanic population. See appendix.

Table 4.1: Public Opinion on Immigration by Party and State
Anti-Immigrant Legislation

Public Opinion by Party State Anti-Immigrant Legislation (2005-2012)		
PUBLIC OPINION		
Anti-Immigrant Sentiment	2.230*** (0.550)	--
INTERACTING OPINION & PARTY		
Rep. Sentiment * Rep. Legislature	--	4.204** (2.114)
Dem. Sentiment * Rep. Legislature	--	-1.678 (1.544)
OPINION BY PARTY		
Republican (Rep.)	--	-1.318 (1.210)
Democratic (Dem.)	--	2.045* (1.093)
PARTY CONTROL		
Republican Legislature	0.533*** (0.141)	-6.931 (4.422)
RACIAL THREAT		
Hispanic Population (%)	2.766*** (0.787)	2.745*** (0.812)
PUBLIC IDEOLOGY		
Proportion Liberal	-0.002 (0.018)	-0.009 (0.017)
ECONOMIC CONSIDERATIONS Fiscal Conditions		
Unemployment Rate	0.071 (0.058)	0.068 (0.057)
Cost of Immigration		
State Welfare Spending (per capita)	-0.007 (0.011)	-0.005 (0.011)
INSTITUTIONS		
Direct Initiative	0.758*** (0.237)	0.807*** (0.251)
Constant	-6.071*** (1.530)	-1.495 (1.345)
Observations	384	384
R-squared	0.16	0.16

Note: Panel corrected standard errors in parentheses. Unit of analysis is state-year.
AK, HI omitted. Biennial control included.
*** p<0.01, ** p<0.05, * p<0.1

The first column demonstrates that the relationship between public sentiment and immigration policy holds when using the NAES; the results mirror those found earlier when using the CCES. In other words, the relationship between policy and opinion is not an artifact of using a particular survey. Even when accounting for party control and other conventional theories, anti-immigrant sentiment on immigration has a positive and significant impact on the number of anti-immigrant bills passed.

Based on legislators' desire to be reelected and majority party politics, we would expect a majority-controlled legislature to respond to their constituents and to almost ignore minority party opinion. The results match expectations. Column 2 demonstrates that a legislature's response to public opinion is conditional on who is in the majority.[84] When Republicans are a majority, the legislature is responsive exclusively to Republican public opinion.[85] On the other hand, Democrats have little to no say when Republicans are in control of the statehouse.[86] Figure 4.1 presents predicted probabilities for this interaction and illustrates the relationship between public opinion and immigration policy passage under Republican legislative control.

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[84] As I discovered in earlier analysis, the party of the governor does not have a significant effect on anti-immigrant policy and was left out of the final model. Also, the interaction between governor control and public opinion is insignificant and is left out of the final model. This suggests that sometimes governors ignore public sentiment, while perhaps at other times they are more responsive (e.g. when they have higher political aspirations).

[85] The Opinion by Party variables, Republican (Rep.) and Democratic (Dem.), demonstrate the effect of Republican and Democratic opinion when the Republican Legislature dummy variable is zero. That is, when Republicans do not hold a majority in the legislature, then Democratic opinion matters.

[86] I explore the consequences of Democratic control in subsequent pages.
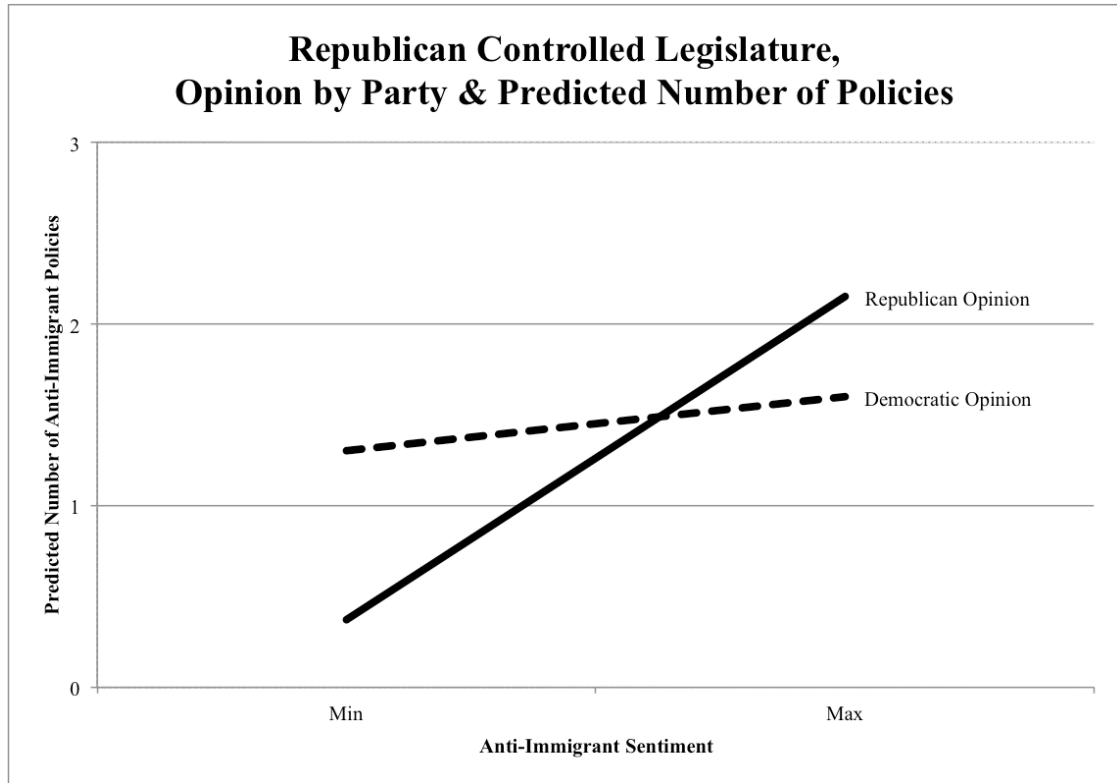
Figure 4.1: The Effect of Pubic Opinion in a Republican Controlled Legislature

Here, I focus on Republican controlled legislatures. The steep, solid line indicates that the majority party in a legislature is most responsive to the public opinion of their own party. In this scenario, a Republican controlled legislature is highly responsive to their followers. On the other hand, the flat dashed line demonstrates that minority party opinion, or Democratic opinion, has little to no effect when Republicans are in control.[87] The majority party in a legislature is most responsive to the public opinion of their own party.

I also look at Democratic control of the legislature and the results hold—the majority party in a legislature is most responsive to their followers. Figure 4.2 demonstrates the relationship between public opinion and policy passage under Democratic legislative control.

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[87] At low levels of Democratic anti-immigrant sentiment, it appears that the expected number of bills passed is higher than the expected number of bills passed at low levels of Republican anti-immigrant sentiment. This is due to the simulation process; when I simulate the effect of Democratic opinion I set Republican opinion at its mean value. The main takeaway point from this figure is that Republican-controlled states virtually ignore Democratic opinion.
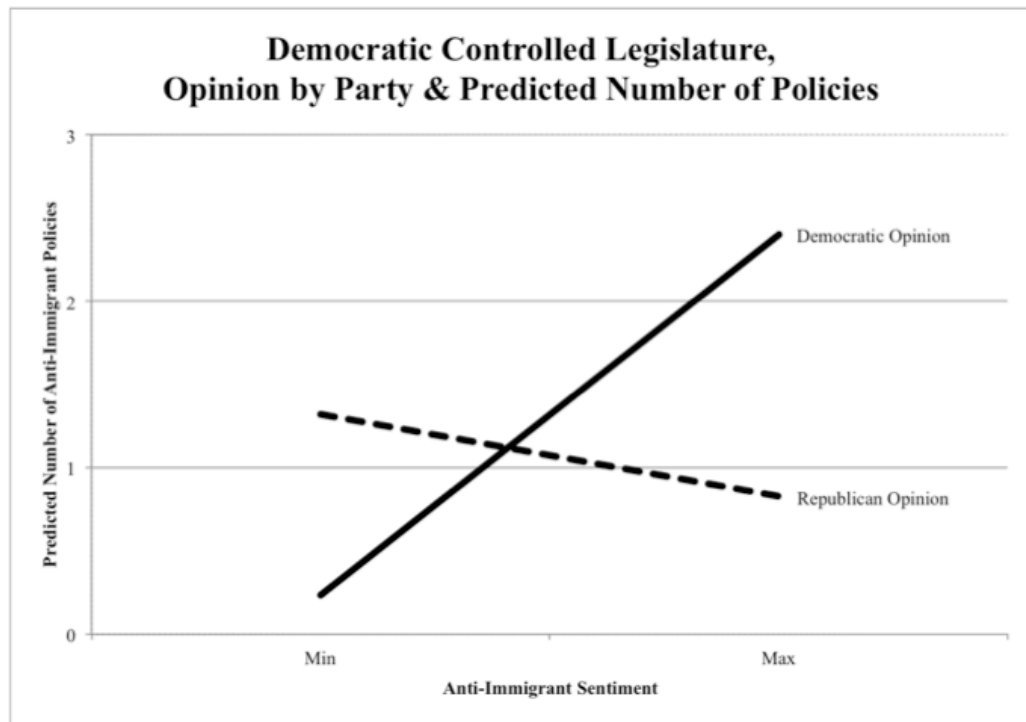
Figure 4.2: The Effect of Pubic Opinion in a Democratic Controlled Legislature

Here, I examine legislatures controlled by Democrats. Again, there is a significant difference between legislative responsiveness to majority and minority opinion. The steep, solid line indicates that the majority party in a legislature is most responsive to the public opinion of their own followers, and the flat dashed line demonstrates that minority party opinion, or Republican opinion, is largely inconsequential when Democrats are in control (see appendix for results).

These empirical findings have critical implications. Normatively, it is unclear if one should be concerned about the inattention to minority party opinion. If voters elect a majority into the legislature, it is unclear if that serves as a mandate to pass policy in line with the majority opinion. Whether or not minority sentiment *should* have any influence on policy remains an open question.

What is particularly troubling is if the target of these policies is also in the minority opinion. Currently, Republicans control 27 legislatures.[88] The target of immigrant bills is often Hispanics and Asians, and they almost exclusively align with the Democratic party. This raises a clear concern. While Hispanics and Asians are most affected by these immigrant policies, they have little representation in most states. When the political minority (Democrats) and ethnic minority (Hispanics and Asians) overlap, this raises clear questions about tyranny of the majority.

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[88] There are 27 Republican controlled legislatures and 30 Republican governors (NCSL 2013).

Chapter 5:
Reconceptualizing the Role of Latinos

Up to this point, I have presented a very negative account of the role of Latinos in affecting policy outcomes. First, feelings of racial threat are magnified in areas with large Latino populations, leading to more anti-immigrant bills. Thus, where there are more Latinos, policy is least in line with Latino interests. Second, when Republicans are in charge (as is the case in most states) immigrants and Latinos have little voice. My results confirm existing literature in that there is little positive role for Latinos, but I contend that the literature is missing something important.[89] The discussion leaves out the role of immigrants themselves. As theorized earlier, I expect that as the Hispanic population increases in size, a state will pass more anti-immigrant policy *until* the Hispanic population becomes a substantial portion of the electorate. In other words, recognizing that the minority population also equals minority votes, we would expect states to adjust their legislative agenda accordingly.

Supporting this notion, a New Mexico legislator suggested that states pay attention to public opinion and recognize the importance of the immigrant population. I spoke with this legislator at the National Conference of State Legislatures *Fall Forum* in 2013. New Mexico allows undocumented residents to obtain driver's licenses.

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[89] But see Zingher (2014) who provides a first look at the electoral influence of Hispanics; however, this study, like much of the existing literature, only focuses on a sub-type of immigrant policy.

In reference to this policy, he said, "The Governor every year proposes a bill to removed IDs from people that are a part of society. And every year that bill fails because the people don't want it" (*NCSL Fall Forum* 2013). While only one anecdote, this supports the idea that states respond to public opinion and value this demographic.

More specifically, I argue that *as the Hispanic population becomes significantly large, legislatures will pass fewer anti-immigrant policies.* I employ the same empirical strategy used in earlier chapters (OLS with panel corrected standard errors), but focus on a non-linear measure of the Hispanic population. The Hispanic population squared variable seeks to determine if there is a non-linear relationship between the Hispanic population and policy passage. I argue that a growing Hispanic population will elicit feelings of racial threat, motivating legislatures to pass anti-immigrant policies; however, once the Hispanic population becomes electorally relevant, legislatures will recognize the importance of this group and will minimize the passage of restrictionist immigration polices. Table 5.1 confirms these expectations.

Table 5.1: Reconceptualizing the role Latinos play in anti-immigrant policies.

Reconceptualizing the Role of Latinos State Anti-Immigrant Legislation (2005-2012)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.270**
	(0.123)
RACIAL THREAT	
Hispanic Population (%)	14.031***
	(2.231)
Hispanic Population Squared	**-25.134***
	(4.921)
PUBLIC IDEOLOGY	
Proportion Conservative	0.031***
	(0.009)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.065
	(0.055)
Cost of Immigration	
State Welfare Spending (per capita)	-0.009
	(0.012)
INSTITUTIONS	
Republican Legislature	0.454***
	(0.160)
Direct Initiative	0.620***
	(0.232)
Constant	-1.410***
	(0.405)
Observations	376
R-squared	0.17

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included. See appendix.
*** p<0.01, ** p<0.05, * p<0.1

The results confirm this relationship. The size of the Hispanic population has a positive and significant effect on the number of anti-immigrant policies passed. Generally, states with large Hispanic populations pass more legislation limiting the rights of immigrants; however, there is a silver lining to this immigration narrative. The squared Hispanic term (in bold) is negative and significant indicating that as growing Hispanic populations become significantly large, the anti-immigrant legislative wave reverses. Figure 5.1 demonstrates this non-linear relationship between the size of the Hispanic population and policy passage.
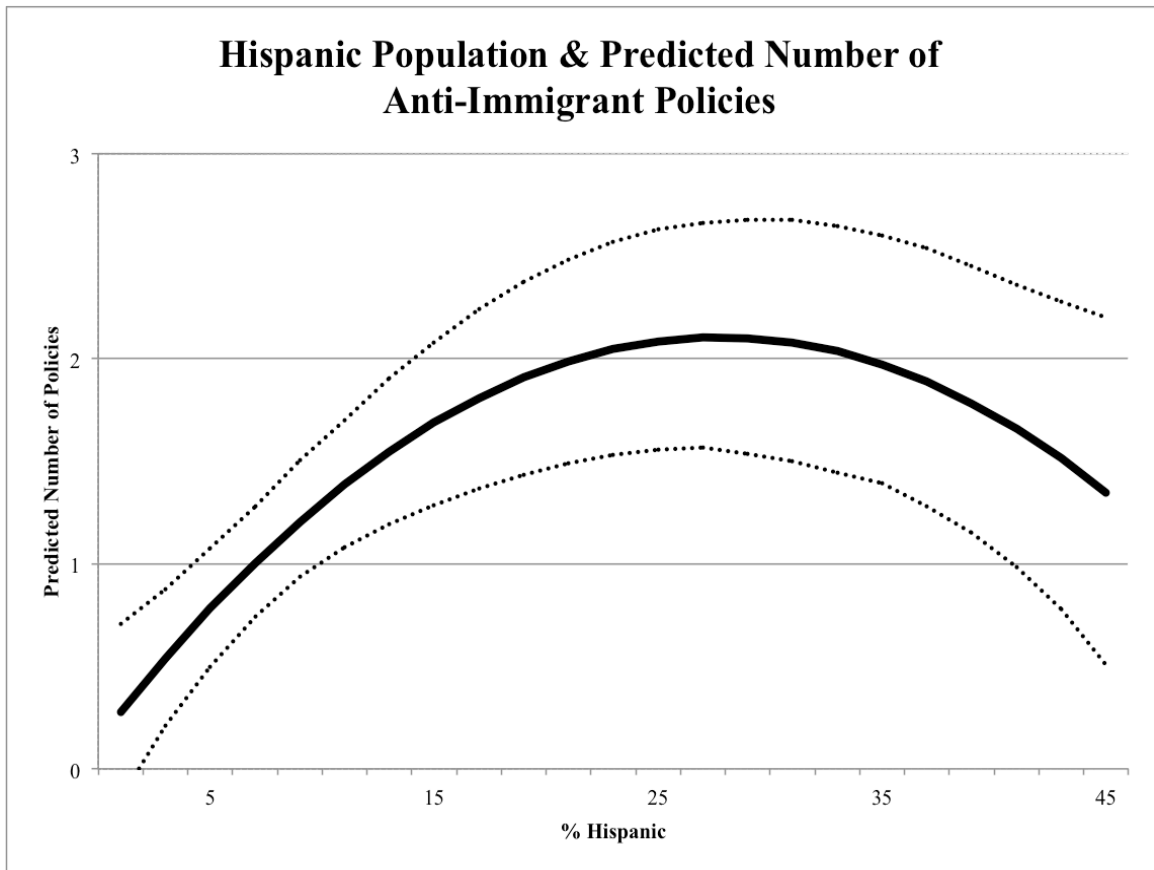
Figure 5.1: The Hispanic population and predicted anti-immigrant policies. The dotted lines indicate the 95% confidence interval.

Simulating the expected number of bills reveals that generally in the early stages of population growth, states pass more legislation limiting the rights of immigrants; however, as growing Hispanic populations become electorally relevant, the anti-immigrant legislative wave reverses. As the Hispanic population reaches about 20% of a state's population, states begin to pull back on the number of anti-immigrant policies passed, and once a state's Hispanic population reaches 29%, the anti-immigrant legislative wave begins to reverse.

To illustrate this non-linear relationship between the Hispanic population and immigrant policy, I provide a few examples. If we focus on states with large Hispanic populations, we see that most states pass policy in line with the expectations derived from my theory. That is, states do recognize the importance of a large Hispanic population. If, however, immigration was all about partisanship, then we would see conservative red states passing very large numbers of anti-immigrant policies. But in red states with large Hispanic populations, we do not see that. For example, Texas and Nevada, both traditionally conservative red states, pass fewer than expected anti-immigrant bills. If we look at the average number of anti-immigrant bills passed annually (i.e. total bills passed between 2005-2012 divided by 8 years), Texas and Nevada pass fewer bills than we would expect, given their strong conservative leanings (Texas: 2 and Nevada: 0.5). These two states have large Hispanic populations—Texas' population is 38% Hispanic and Nevada's population is 27% Hispanic—and conventional racial threat theories would suggest that these states would respond quite negatively to their large immigrant

population. [90] While less conservative than Texas, Florida's legislative activity is also in line with this pattern. With a large Hispanic population (23%), Florida only passes 1.5 anti-immigrant bills annually. What conventional theories leave out is the role immigrants themselves can play in shaping policy. This is a core contribution of this project. States recognize the electoral relevance of this population and pass fewer bills than conventional racial threat theories would predict. Some argue that immigrant bills are entirely driven by partisanship (Ramakrishnan forthcoming), but the evidence presented above suggests that even in Republican strongholds, legislatures respond to the relevance of the Hispanic population.

Conventional immigrant threat theory would also predict more anti-immigrant legislation in liberal states with large Hispanic populations. For example, California and New Mexico, both traditionally liberal blue states with large Hispanic populations, pass 1.5 and 1 bills respectively (i.e. annual averages). Traditional demographic theories would predict a particularly strong anti-immigrant backlash, especially because California's population is 38% Hispanic and New Mexico's population is 47% Hispanic, but we do not observe such backlash. Again, recognizing the electoral consequences of passing restrictionist policy in a state with a large Hispanic population, these states pass fewer bills than we would theoretically expect.

Figure 5.2 demonstrates that if one was to model the relationship between the Hispanic population and policy linearly, one overestimates the number of anti-immigrant bills passed.

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[90] These and subsequent population figures come from the Census estimates of the size of the Hispanic population in 2012.
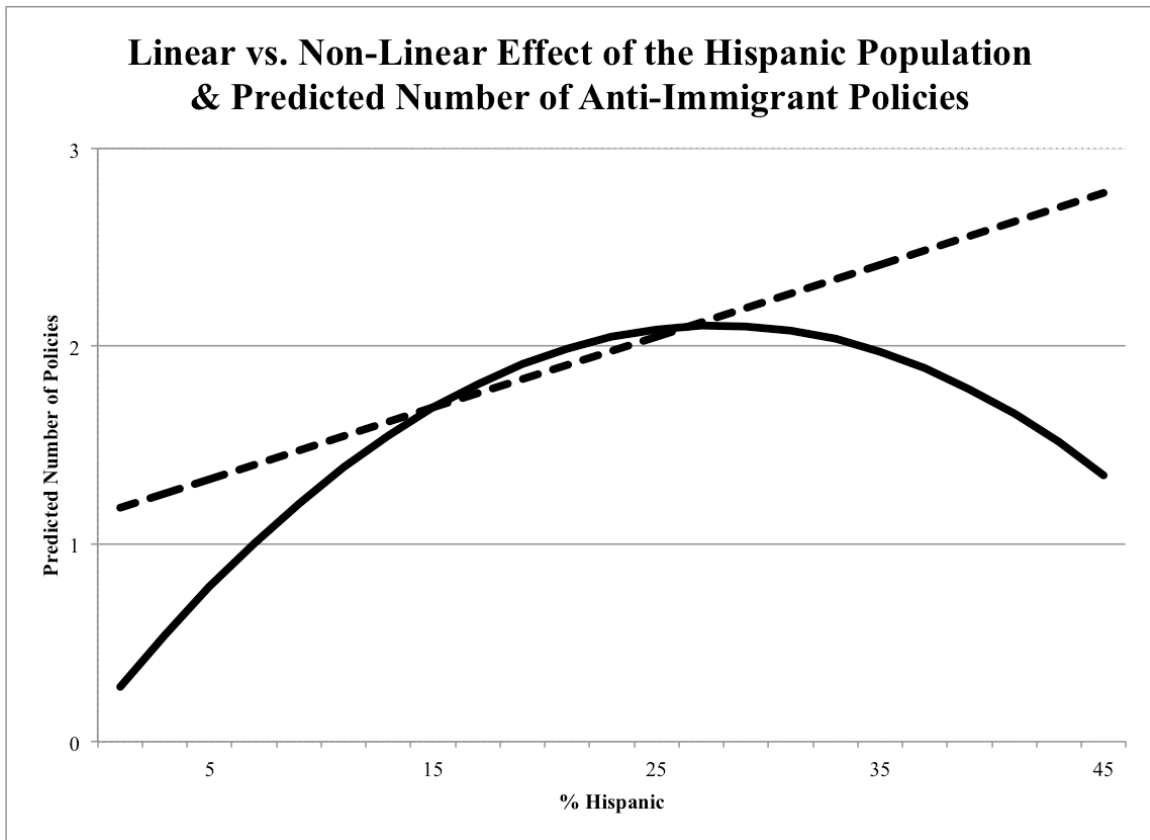
Figure 5.2: Linear vs. Non-Linear Effect of the Hispanic Population.
The solid line is the predicted number of anti-immigrant bills when the Hispanic population is modeled in a non-linear fashion. The dotted line is the predicted number of bills when the Hispanic population is modeled in a linear fashion. The non-linear model is better at predicting bill passage in states with small and large Hispanic populations.

Ignoring the electoral relevance of the immigrant population would lead us to overestimate the number of anti-immigrant bills passed annually in states with large Hispanic populations. If we model the effect of the population in a linear fashion (i.e. without the Hispanic squared variable), the model would predict New Mexico would pass 3 bills annually. The non-linear model is more accurate; it predicts that New Mexico will pass one bill annually. Between 2005 and 2012, on average, New Mexico passed one bill annually. Similarly, the linear model would predict Texas would pass 3 bills annually. The non-linear model, however, predicts Texas would pass just over 2 bills annually. In fact, Texas passed 2 bills each year.

The non-linear model also has more predictive power in states with *small* Hispanic populations. States like South Dakota, New Hampshire, and Montana all have small immigrant populations (about 3% of the state). The linear model predicts these states would pass about 1.5 bills annually. In contrast, the non-linear model predicts these states would pass about 0.5 bills annually. Between 2005 and 2012, these states each passed about 0.5 bills annually, or one bill every other year. Clearly there are multiple factors at play in these examples aside from demographics; however, the cases presented here serve as anecdotal evidence suggesting that the non-linear relationship between the Hispanic population and policy passage is plausible.

I have explained the overall patterns up to this point. The next challenge is to explain those cases that do not fit the general trends. While 5 out of the 6 states with the largest Hispanic populations appear to respond to this increasingly important demographic, there is one exception. Among states with a large Hispanic population, Arizona does not follow the general pattern. One plausible explanation is that Arizona

has many strong conservative political entrepreneurs, and these entrepreneurs have led the particularly strong anti-immigrant backlash (Ramakrishnan forthcoming). This coupled with a large Hispanic population is perhaps the prime condition for the passage of restrictionist policy. This logic will be further explored in the book project.[91]

These examples suggest that Hispanic and immigrant populations can have a meaningful impact on policy. While the immediate future may continue to include policy that restricts the rights of immigrants, this changing legislative tide may help increase feelings of political efficacy among minorities and help with mobilization efforts. Realizing they can have a significant impact on policy can help increase feelings of political importance among this minority group. There is evidence that feelings of political influence are critical for Hispanic political participation (Bedolla 2005) and my findings can further inform minority mobilization efforts. By emphasizing political influence on immigration policy and group solidarity, political groups can be more effective at encouraging Hispanics to vote, contract their representative, and engage in other forms of political activity.

While the immediate prospects for more inclusive legislation is limited, as state demographics continue to change and as Hispanics continue to become a significant portion of the electorate, these results predict that states will adjust their legislative agenda and write more inclusive legislation.

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[91] My model does not explain each and every case, but rather I present general patterns across the United States.

Chapter 6:
Pro-Immigrant Policy: The Role of Opinion and the Latino Population

Up until this point, I have focused on the factors that lead to anti-immigrant policy. I find in the early empirical chapters that politicians do not simply turn to ideological heuristics, but rather pay attention to issue-specific sentiment on immigration. From my theory elaborated in Chapter one, I expect public opinion also will affect pro-immigrant legislation. This chapter explores pro-immigrant policy to assess whether the same public opinion logic applies to policies that expand the rights of immigrants.[92]

I begin by exploring the factors that drive the entire set of all pro-immigrant policies. Then, for reasons I outline below, I analyze symbolic policies and policies with concrete implications separately. I will further develop my theory of how public opinion affects policies that expand the rights of immigrants, but begin with a discussion of why pro- and anti-immigrant policies are distinct and require separate analysis.

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[92] An example of a pro-immigrant policy is California's 2012 bill to appropriate "...funds for adult basic education, English as a Second Language for legal permanent residents and citizenship and naturalization preparation services" (A 1464). In the same year, Virginia passed a pro-immigrant bill that required "...the dissemination of human trafficking awareness and training materials for local school staff, including strategies for the prevention of child trafficking" (S 259).

1.   Pro-Immigrant and Anti-Immigrant Policies Are Not Equivalent

A measure designed to capture state policy output on immigration that simultaneously captures both pro- and anti-immigrant policy raises several concerns: 1) The factors that lead to pro-immigrant policy may be fundamentally different than the factors that lead to to anti-immigrant policy; 2) Much of pro-immigrant policy is symbolic and lacks fiscal or institutional effects, and 3) A composite legislative score of zero is difficult to interpret. For these reasons reviewed below, I explore pro-immigrant policies separately from anti-immigrant policies.

First, I explore pro-immigrant policies separately because the factors that lead to pro-immigrant policies may be distinct from what determines anti-immigrant policies. Earlier in this project, I show that anti-immigrant legislation is driven by public sentiment. Americans generally have concerns about immigrants (Pew 2013; Abrajano and Hajnal forthcoming) and especially when immigration is salient, urge politicians to take action. It is plausible, however, that pro-immigrant policy is not as important to the general public as anti-immigrant policy is. Residents only care about legislation that specifically targets and restricts the rights of immigrants; however, the public does not care as much about pro-immigrant policy. Because of this lack of public attention, legislatures are less responsive to public sentiment when considering policies that expand the rights of immigrants. Thus, it is worth testing the impact of public opinion.

Second, a composite score (i.e. the number of anti-immigrant bills passed annually minus the number of pro-immigrant bills passed in a state) assumes pro- and anti-immigrant bills cancel each other out; however, it is not at all clear that these bills are equivalent. Over a third of pro-immigrant policy is symbolic, while virtually all anti-

immigrant legislation has clear policy implications. For example, in 2012 Pennsylvania

passed a bill that "…recognizes October 2012 as "Polish American Heritage Month" and

honors the contributions of numerous Polish immigrants and Polish Americans in the

United States" (SR387). This policy is an important recognition of immigrant

contributions, but is purely symbolic. To combine this type of bill with anti-immigrant

policies that have tangible negative effects does not seem appropriate. Even when

positive bills have concrete implications, they may not be equivalent to or cancel out

negative bills. New legislation might nullify old policy, but this would be the case *only*

under a very narrow set of circumstances.

In the future, it is important to look at sub-categories of immigration policy where

pro-immigrant bills might theoretically cancel out anti-immigrant bills. The various sub-

categories of policy include: education, health, human trafficking, identification &

licenses, law enforcement, legal services, public benefits, and voting.[93] It is conceivable

that within a specific sub-type, policies might offset each other. One example of this

would be a state that passed a bill offering driver's licenses to undocumented residents in

one year, and then in a subsequent year passed a bill that requires proof of citizenship to

obtain a license. Here, the new bill revoked access to licenses, or reversed the effect of

the old bill; in this particular case these bills theoretically cancel each other out.[94] In the

future I will look within sub-categories of immigrant policy and will examine bills that

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[93] The NCSL also includes a miscellaneous category for policies that do not clearly fit into one of the other areas. These policy areas are not mutually exclusive.

[94] Another example would be a state that passed a bill that offers in-state tuition for undocumented students at public universities. A later bill that prevents undocumented students from receiving in-state tuition "cancels out" or "undoes" the earlier policy.

theoretically cancel out; however, this approach is very nuanced and will be reserved for the book project.

Third, a composite measure of state immigrant friendliness that examines both anti-immigrant and pro-immigrant policy can result in an additive composite score of zero that is difficult to interpret.[95] A state with a value of zero either passed no immigrant policy in a given year, or it passed an equal number of pro- and anti-immigrant policies. In the latter case, anti-immigrant bills *mathematically* "cancel out" pro-immigrant bills, but both cases are observationally equivalent when relying on this composite measure.[96] An aggregate, or comprehensive measure indicating how inviting a state is to immigrants is useful, but would require us to think critically about what exactly we are capturing.

For the reasons presented above, I analyze pro-immigrant policies independently.

2.   What Determines Pro-Immigrant Policy?

Earlier in this project, I present evidence that legislatures respond to pubic opinion on immigration. I also present evidence that while there is generally an anti-immigrant slant to state policymaking, states recognize the electoral importance of the Latino population and under certain conditions adjust their legislative agenda (Chapter 5). States pass polices restricting the rights of immigrants in the early stages of Hispanic population growth; however, once this population becomes significantly large and electorally significant, states pull back on the number of anti-immigrant policies they

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[95] Again, an additive composite measure subtracts the number of pro-immigrant bills passed annually from the number of anti-immigrant bills passed in a state.
[96] Even if we know that the reason for a composite score of zero is that a state passed an equal number of pro- and anti-immigrant bills, the policies may not theoretically cancel out as I discussed in the previous paragraph.

pass. States reduce the passage of restrictionist policies because they are concerned about upsetting this increasingly relevant demographic.

This chapter seeks to assess whether the same public opinion and demographic logic of anti-immigrant policy applies to the passage of pro-immigrant legislation. From my theory developed in Chapter One, I expect public opinion to have a similar effect on pro-immigrant policy as it does on restrictionist policy. There is evidence that state ideology has a strong effect on state policy (Erikson, Wright and McIver 1993, 2006) and evidence that issue specific opinion can have a meaningful effect on a wide range of state policy issues ranging from the environment[97] to capital punishment.[98] My theory of why public opinion matters has three main components. First, because immigration is symbolic and salient, residents care about policy outcomes. Second, since immigration is simple, residents are likely to notice the actions of legislatures and should be able to tell if the legislature is enacting their preferred policy. Finally, because there is variation in opinion on immigration, in areas where the public is on one side of the debate, ignoring public sentiment on this salient issue can prove electorally consequential for legislators. (See Chapter One, where I fully elaborate my theory).

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[97] See Johnson and Brace (2005), Hill et al (1995) on issue-specific public opinion and environmental policy.

[98] See Norrander (2000), Mooney and Lee (2000) on issue-specific public opinion and capital punishment. For an overview of the effects of public opinion on policy, see Burnstein (2003), Brace et al. (2002), Hill and Hinton-Anderson (1995), and Erikson, Wright, and McIver (1993, 2006).

More specifically my theory implies that legislatures should pass fewer pro-immigrant policies in states with stronger anti-immigrant sentiment.[99] This leads to the following hypothesis about the influence of public opinion on pro-immigrant policy:

Hypothesis 1: As public opinion toward immigration becomes more negative, legislatures will pass fewer pro-immigrant policies.

While I expect the influence of public opinion on pro-immigrant policy to be similar to the influence of opinion on restrictionist policy, it is not clear if we should expect demographics to influence pro-immigrant policy in a similar manner. I demonstrate early in this project that the Latino population elicits feelings of racial threat, which motivates states to pass anti-immigrant policy (Chapter Two). Thus we might expect a similar effect here. Responding to racial threat, perhaps a large Hispanic population will motivate legislatures to pass less pro-immigrant policy.

However, racial threat may play less of a role here because of the largely symbolic nature of pro-immigrant policy. My analysis demonstrates that over one-third of policy is entirely symbolic and lacks any concrete implications. In 2012 Louisiana passed a bill that recognizes the March as Irish-American Heritage Month (S 353) and Georgia passed a bill that "…recognizes and commends the Latin American Association on its the mission to further the integration of Latino immigrants into the American society as workers, family members, students, and leaders" (HR 2167). These policies are able to satisfy the Hispanic constituency without angering the largely anti-immigrant native population. Thus, in the realm of pro-immigrant policies, I expect states with large Hispanic populations to pass *more* immigrant friendly legislation. States pass this

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[99] In line with earlier chapters, I maintain a focus on anti-immigrant sentiment. I also keep focus on anti-immigrant sentiment because public opinion on immigration is largely negative. One can think of states as having varying degrees of anti-immigrant sentiment.

legislation in an attempt to appease the Hispanic population[100] without upsetting native residents.[101] The native population cares less about pro-immigrant policy because it is largely symbolic and does not strain state resources. Also, most policy does not specifically target immigrants, and whites care more about those policies that clearly target immigrant rights (i.e. anti-immigrant). Hispanics care, nevertheless, about pro-immigrant policy because they generally have less influence in politics and Hispanics would be pleased to see any legislation passed that benefits them. Conventional racial threat theory, however, views Hispanics as a threat to American culture and American way of life[102] and in response to the immigrant threat, this theory would predict that states with large Hispanic populations would not pass pro-immigrant polices.

My theory, however, is that immigrants can have a meaningful positive influence on policy. As growing Hispanic populations become electorally relevant, especially because a good portion of pro-immigrant policy is symbolic, the number of pro-immigrant polices passed should increase. This leads to the following hypothesis about the size of the Hispanic population and the passage of pro-immigrant policy:

> Hypothesis 2: As the Hispanic population increases in size, legislatures will pass more pro-immigrant policies.

To test these hypotheses, again I turn to data from the National Conference of State Legislatures (see Chapter 2 for an overview of the data). The dependent variable is the number of pro-immigrant bills passed annually in a state. Examples of pro-immigrant

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[100] One cannot assume that all Hispanics desire policies that expand the rights of immigrants. For example, *You Don't Speak for Me!* is a Hispanic group of Americans against amnesty (FAIR 2006); nevertheless a broad state policy agenda that restricts immigrant rights is not a wise strategy in a demographically diverse state.

[101] I will analyze symbolic policy separately in the latter part of this chapter.

[102] See Chavez (2008) for an overview of the Latino and immigrant threat.

bills are those that expand access to public benefits/services, assist immigrants with incorporation into society, or help facilitate commerce (e.g. accepting consular identification cards as official identification). I employ the same empirical strategy used in earlier chapters—OLS with panel corrected standard errors. The dependent variable in the first empirical test is *all* pro-immigrant policy, including policy that is entirely symbolic. After presenting those results, I turn to pro-immigrant legislation that has clear policy implications. Finally, I conclude with a brief analysis of symbolic pro-immigrant policies.[103]

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[103] To be clear, pro-immigrant legislation with clear policy implications and symbolic pro-immigrant policies are a subset of all pro-immigrant policies. As with earlier analysis, Alaska and Hawaii are excluded from my analysis. State ideology is not readily available for these states, and these non-contiguous states are often omitted from state politics research since their politics are very different. Vermont was also omitted because it was consistently a very liberal outlier on anti-immigrant sentiment.

Table 6.1: All pro-immigrant legislation, including symbolic bills.

State Pro-Immigrant Legislation (2005-2012) All Policies Including Symbolic	
PUBLIC OPINION	
Anti-Immigrant Sentiment	-0.388*
	(0.208)
ELECTORAL INFLUENCE	
Hispanic Population (%)	9.152***
	(3.229)
PUBLIC IDEOLOGY	
Proportion Conservative	-0.0648***
	(0.0169)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.365***
	(0.0837)
Cost of Immigration	
State Welfare Spending (per capita)	-0.0169
	(0.0208)
INSTITUTIONS	
Republican Legislature	-0.107
	(0.275)
Direct Initiative	1.389***
	(0.287)
Constant	0.928
	(0.822)
Observations	376
R-squared	0.26

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included. See appendix.
*** p<0.01, ** p<0.05, * p<0.1

My analysis shows that what determines the passage of pro-immigrant policies is similar to the passage of anti-immigrant legislation. The key similarities are that state ideology and public opinion on immigration affect policy passage. More conservative states pass fewer policies expanding the rights of immigrants. Also, states with more anti-immigrant sentiment pass fewer pro-immigrant policies. The implication is that politicians are not simply turning to ideological heuristics, bur rather pay attention to issue-specific sentiment. There are also several important differences. First, the Hispanic population has a positive impact on the passage of policy. This is due to the electoral importance of the Hispanic population and also because a lot of pro-immigrant policy is entirely symbolic. Second, there are not clear partisan differences. Republican and Democratic legislatures pass policies that expand the rights of immigrants at similar rates. Again, this is because a lot of policy is symbolic and without any real implications.

3.　Pro-Immigrant Legislation with Clear Policy Implications: The Role of Public Opinion

I now separate pro-immigrant policy and look only at policy with clear implications. My theory implies that the factors that lead to symbolic policies are distinct from what leads to policies with concrete outcomes. Since there are idiosyncratic factors that lead to these symbolic policies, by focusing exclusively on polices with clear fiscal and institutional effects, we get rid of noise in the measure of pro-immigrant policy.[104] By looking only at policies with tangible outcomes we are able to obtain more precise

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[104] (i.e. the factors leading to symbolic polices are different than those that lead to policies with tangible outcomes).

estimates. In other words, the significant and meaningful impact of opinion on pro-

immigrant policies should become clearer.

Table 6.2: Pro-Immigrant Legislation. Only those with clear fiscal or institutional effects

State Pro-Immigrant Legislation (2005-2012) Only Policies With Clear Implications	
PUBLIC OPINION	
Anti-Immigrant Sentiment	-0.372**
	(0.146)
ELECTORAL INFLUENCE	
Hispanic Population (%)	4.499***
	(1.510)
PUBLIC IDEOLOGY	
Proportion Conservative	-0.0399***
	(0.0112)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.135**
	(0.0621)
Cost of Immigration	
State Welfare Spending (per capita)	-0.0114
	(0.0155)
INSTITUTIONS	
Republican Legislature	-0.275*
	(0.151)
Direct Initiative	1.182***
	(0.191)
Constant	1.362**
	(0.606)
Observations	376
R-squared	0.28

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included. See appendix.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

By looking only at policies with clear implications, the model produces more precise estimates. Critically, even when accounting for the basic arguments in the literature, public opinion on immigration has a significant impact on policy passage. More specifically, anti-immigrant sentiment has a negative and significant effect on the number of pro-immigrant policies passed in a state. This is a critical contribution of this project—politicians are not simply turning to ideological heuristics, bur rather pay attention to issue-specific sentiment on immigration. States with more restrictive attitudes on immigration pass fewer policies that expand the rights of immigrants. For example, simulating the predicted number of pro-immigrant polices passed, moving from the 10th to 90th percentile of anti-immigrant sentiment, I find that states with high levels of anti-immigrant sentiment pass about 1.5 fewer policies annually than states with low levels of anti-immigrant sentiment. This is a significant difference as most states pass only 1 bill every other year. The implication is that democracy generally works—states are responsive to public opinion on pro-immigrant policy.

Turning to the other results, support for existing accounts of immigrant policy is mixed. First, there is support for the notion that more conservative states pass fewer pro-immigrant policies. More conservative states are both *less* likely to pass pro-immigrant policy and as I find in Chapter 2, *more* likely to pass anti-immigrant policy. Second, while not significant at conventional levels, the results provided some evidence that Republican legislatures pass fewer pro-immigrant policies. This finding is in line with traditional partisan theories. Third, states with the direct initiative pass more policy, suggesting that legislatures are generally more proactive in states with direct democracy because if they do not act, the public will. Finally, the role of economics is mixed. When

looking at state welfare spending per capita, we do not see an effect of fiscal concerns on the passage of pro-immigrant policy; however, the unemployment rate has a positive and significant effect on policy passage. Earlier we did not see an effect of unemployment rates in the passage of anti-immigrant policy—suggesting that restrictionist policy is less about economics and more about other considerations. When we focus instead on the passage of pro-immigrant policy, we do see an effect of unemployment rates. This is puzzling because one would not expect a legislature to expand the rights of immigrants when the economy is poor, as bills often have fiscal consequences. One plausible explanation for this finding is that because a lot of pro-immigrant policy in fact does not have clear fiscal implications, when the economy is bad, states are more likely to turn to this type of legislation. For example, in 2012, Nebraska passed a bill to train "...law enforcement officers, judges, prosecutors, public defenders, and others regarding issues in human trafficking and methods used to identify victims of human trafficking who are U.S. citizens and foreign nationals" (L1145). While many bills have *some* fiscal effect, this bill does not have major budgetary consequences associated with it. Similarly, in 2012, Iowa passed a law increasing protection against receiving fraudulent legal services. The bill "...prohibits a public notary from acting as an immigration consultant or an expert on immigration matters. It further prohibits them from representing a person in a judicial or administrative proceeding relating to immigration to the United States, U.S. citizenship, or related matters" (S 2265). This law included additional protection for immigrants, but again, does not have clear fiscal impacts.[105]

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[105] The economic logic of pro-immigrant legislation is revisited later when I talk about symbolic policies.

3.1 Pro-Immigrant Legislation with Clear Policy Implications: The Role of the Hispanic Population

Earlier in the chapter I suggest that due to the symbolic nature of pro-immigrant policy, the Hispanic population should have a positive impact on the passage of pro-immigrant legislation. In an effort to satisfy this increasingly important demographic, states pass policies that expand the rights of immigrants or pass policies that at least symbolically recognize them. Earlier, I find that as the Hispanic population increases in size, states pass more pro-immigrant policy. When I examine all pro-immigrant policies (including those that are symbolic), a 20% increase in the size of a state's Hispanic population would lead to about 2 more bills passed annually (Table 6.1). States can pass legislation that is positive and meaningful to the Hispanic population, without upsetting the native population.

When I shift focus to policy with clear implications I would expect the Hispanic population to lose its influence on the passage of pro-immigrant policy. My theory suggests that Hispanics have the most influence on symbolic policies, so when I eliminate symbolic policies from the analysis, I would expect this population to lose its influence. Contrary to expectations, the Hispanic population maintains a role in the passage of pro-immigrant policy. If we focus exclusively on legislation with clear implications, a 20% increase in the size of a state's Hispanic population would lead to about 1 more bills passed annually (Table 6.2). Compared to earlier findings, this is a reduced effect. An equivalent increase in the size of the Hispanic population has about half of the influence

on concrete policies as it does on all pro-immigrant policies.[106] While the immigrant

population maintains a role in the passage of pro-immigrant policy, when we focus on

legislation with clear implications the influence of the Hispanic population is

dampened.[107]

3.2   The Continued Influence of the Hispanic Population

Before moving on, it is important to think through alternative reasons why the

Hispanic population continues to play positive role in the passage of pro-immigrant

policies. Because of electoral concerns, legislatures pass pro-immigrant policies to help

satisfy the Hispanic constituency. This logic is strongest for policies that are strictly

symbolic, but legislatures will continue to pass pro-immigrant policies with clear

institutional and fiscal outcomes in states with large Hispanic populations because these

policies provide hidden benefits to key constituencies without alerting natives.

First, while many anti-immigrant bills directly target immigrants, pro-immigrant

policies most often provide "hidden positives," by including the immigrant population

into larger bills. While restrictionist policies often directly target immigrants in an

attempt to appease native residents, policies that benefit immigrants tend do so in a less

overt way. For example, in 2011, New York passed a bill (A 3304) that established "...a

health-related legal services program, free of charge, for income eligible patients and

their families whose legal matters are created by, aggravated by, or have an impact on the

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[106] In the previous paragraph, when considering all pro-immigrant policy, a 20% increase in the size of a state's Hispanic population would lead to about 2 more bills passed annually (Table 6.1).
[107] Earlier in the project, I find that there exists a non-linear relationship between the Hispanic population and anti-immigrant policy; however, I do not find a non-linear relationship between the Hispanic population and pro-immigrant policy (See appendix.)

patient's health. Legal services will be provided on a volunteer basis regarding a range of matters, *including immigration*" (emphasis added). This piece of legislation and many other pro-immigrant policies include immigrants to the bill language almost as an afterthought. Another example is Illinois House bill H 5053 passed in 2010 that established "...a program in the Department of Public Health to ensure access to psychiatric health care services for all citizens of Illinois, with particular attention given to underserved populations and designated shortage areas, *including migrant health centers*" (H 5053) (emphasis added). This method of covert assistance satisfies Hispanic and immigrant populations without angering natives.

Second, pro-immigrant policies address topics that Hispanics and immigrants care about but native resident may be less focused on. In 2012, about one-third of pro-immigrant policies (excluding resolutions) dealt with public benefits, health, and human trafficking. While public benefits and health legislation might directly affect low-income natives, they are certainly serious concerns for recent immigrants. If states focus on policies that are important to immigrants but do not raise many concerns among natives, this can be an effective strategy to appease the Hispanic constituency.

4. Symbolic Pro-Immigrant Legislation: The Role of Public Opinion

This section explores symbolic pro-immigrant policies. Earlier in this chapter, I find that anti-immigrant sentiment has a negative and significant effect on the passage of pro-immigrant legislation with clear policy implications. Residents care most about policies that have tangible effects and hence we would expect public opinion to have the

most impact on policies that have fiscal and institutional consequences. On the other

hand, I do not expect residents to care much about symbolic policies.

Symbolic policies are important for the incorporation of immigrants into society;

however, the general public does not concern themselves as much with this type of

policy.[108] Legislatures should be able to pass symbolic policies that honor immigrants,

without upsetting native residents.[109] This leads to the following hypothesis about the

role of public opinion and the passage of symbolic pro-immigrant policy:

> Hypothesis 3: Public opinion toward immigration will not have a significant
> effect on the passage of symbolic pro-immigrant policies.

4.1　Symbolic Pro-Immigrant Legislation: The Role of the Hispanic Population

Up to this point, I have argued that the Hispanic population has a positive and

significant effect on the passage of pro-immigrant policies. Here, I look exclusively at

policies that are symbolic and I expect Hispanics to maintain a significant role in the

passage of pro-immigrant policy. Symbolic policy can be particularly valuable because a

legislature can attempt to satisfy the Hispanic population without angering their base.

For example, in 2012 Rhode Island passed a bill that honored "…the legacy of Cesar

Chavez, an American labor leader who forever changed the lives of farm workers in

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[108] I argue that legislatures can pass symbolic policies that honor immigrants, and the general public either does not notice, or the general public does not care. On the other hand, we would expect the most opposition from native residents for legislation that has tangible policy effects. For example, in 2012 California passed a bill that "…allows deferred action recipients, who can provide evidence of their authorized presence in the United States and may be ineligible for a social security number, to receive a driver's license" (A2189). Because of safety or cultural concerns (Chavez 2008), perhaps residents more strongly oppose ID laws than they would oppose symbolic policies. Similarly, residents might oppose legislation such as the 2012 Michigan bill that appropriated $8,878,000 for migrant education (H5372).
[109] Since we can think of symbolic legislation as a kind of throw-away or discard policy legislatures can pass with few if any consequences, it is unlikely that this type of policy will draw opposition from the native population.

America by working with the Community Service Organization (CSO) in San Jose,

California and helping Chicanos with immigration problems" (H7623). Similarly, in

2012, New Jersey passed a bill recognizing and honoring "…the cultures, histories, and

accomplishments of American citizens whose ancestors came from Spain, Mexico, the

Caribbean and Central and South America" (SR 78). These policies are important for the

recognition and incorporation of these immigrant groups into our society, but because

they are entirely symbolic, legislatures can pass these policies without upsetting natives.

This leads to the following hypothesis about the size of the Hispanic population and the

passage of symbolic pro-immigrant policy:

> Hypothesis 4: As the Hispanic population increases in size, legislatures will pass more symbolic pro-immigrant policies.

Table 6.3 explores the factors that lead to symbolic pro-immigrant policies.

Table 6.3: Pro-Immigrant Legislation. Only Symbolic Policies

State Pro-Immigrant Legislation (2005-2012) Only Symbolic Policies	
PUBLIC OPINION	
Anti-Immigrant Sentiment	-0.0166
	(0.0911)
ELECTORAL INFLUENCE	
Hispanic Population (%)	4.653**
	(2.081)
PUBLIC IDEOLOGY	
Proportion Conservative	-0.0249***
	(0.00908)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.230***
	(0.0370)
Cost of Immigration	
State Welfare Spending (per capita)	-0.00547
	(0.00888)
INSTITUTIONS	
Republican Legislature	0.168
	(0.204)
Direct Initiative	0.207
	(0.231)
Constant	-0.434
	(0.378)
Observations	376
R-squared	0.16

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included. See appendix.
*** p<0.01, ** p<0.05, * p<0.1

In contrast to all the other policies I have examined up to this point, the current

analysis demonstrates that symbolic policies are fundamentally different. First, anti-

immigrant sentiment does not have a significant effect on symbolic pro-immigrant policy.

As theorized, this is likely because state residents do not care much about symbolic

policies. Policies that lack fiscal or institutional effects are unlikely to raise real concerns

among natives. Second, states with the direct initiative do not pass any more symbolic

policies than states without it. This is unsurprising because in the absence of symbolic

legislation, it is very unlikely that a state's residents will pass symbolic policy via the

direct initiative process.[110] In the realm of symbolic legislation, the direct initiative does

not serve as a credible threat—legislatures should not feel forced to pass pro-immigrant

policy. A third difference is that legislative majority control does not matter. That the

Republican legislative majority variable is insignificant suggests that Republican and

Democratic controlled legislatures pass symbolic policy at similar rates. This is

unsurprising because this type of pro-immigrant policy is without any real policy

implications. A legislature should pass this type of policy without hesitation to satisfy

Hispanic and immigrant populations. Finally, the Hispanic population maintains a

significant influence over the passage of symbolic policies. My theory predicts this

because symbolic policies are cheap talk. A legislature can appease one constituency

without angering another.

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[110] There are two reasons why we would not expect the direct initiative to increase the expected number of symbolic polices in a state. First, given the amount of money needed to gather the signatures necessary to get an initiative on a state ballot, one cannot imagine a situation where residents would put forth a symbolic initiative. Second, initiatives serve to primarily, if not exclusively, change state statues or constitutions (see NCSL (2014) "Initiative, Referendum and Recall").

In line with earlier findings, unemployment rates have a meaningful effect on the passage of symbolic policies. More specifically, as unemployment rates go up, states pass more symbolic pro-immigrant legislation. Since symbolic policies are costless and without any fiscal or institutional effect, in times of economic downturn, legislatures should be more willing to pass this kind of policy. In poor economic times, rather than passing policies that will strain an already tight budget, legislatures will instead focus on symbolic policies.

5.   Discussion

In this chapter I demonstrate that public opinion has a significant impact on the passage of pro-immigrant policy. States with more anti-immigrant sentiment pass fewer policies that expand the rights of immigrants. I also demonstrate that the Hispanic population has a meaningful role in policy passage. States with a larger Hispanic population pass more pro-immigrant policies. The Hispanic population has an especially significant effect on the passage of symbolic policies.

Future work should continue to examine the relationship between the size of the Hispanic population and the passage of pro-immigrant policy. Perhaps states with more Hispanics pass more pro-immigrant policy *and* more anti-immigrant policy because of the relevance of immigration. In states with a large Hispanic population, there is simply more activity on policy because the issue is more salient. This is in line with my theory, which argues that salience increases the role of public opinion in the passage of policy.[111]

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[111] See Chapter 1 for the development of this salience theory and Chapter 3 for empirical evidence supporting this theory.

I find that when immigration is most salient politicians are most responsive to the public will. In the book project, I will think more about the effect of salience and public opinion on policies that expand the rights of immigrants.[112]

While I present strong theoretical reasons for analyzing pro-immigrant policy separately from anti-immigrant policy, it is important to note that the main results hold if instead I use a composite measure of policy (i.e. the number of anti-immigrant bills passed annually minus the number of pro-immigrant bills passed in a state. See appendix).

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[112] While this chapter begins to explore pro-immigrant legislation, future work must better conceptualize these policies that expand the rights of immigrants. Some argue that certain industries and interest groups are what drive pro-immigrant policy; only focused interests have the motivation and incentive to lobby intensely for pro-immigrant policy. I measure the influence of the agriculture industry (and the effect of the construction industry) by looking at annual contributions to legislatures. I do not find an effect of either industry on the passage of pro immigrant policy (see Chapter 2 appendix). This is not surprising, since support for industry influence in the literature is mixed. Boushey and Leudkey (2011) do not find an effect of the agriculture industry, and those studies that have demonstrated a positive role of industry have focused on a composite measure of policy (Nicholson-Crotty & Nicholson-Crotty 2011). While Nicholson-Crotty and Nicholson-Crotty (2011) use a composite index of policy, they do find that states with prominent industry, especially in states with a large undocumented population, pass more friendly policies.

Chapter 7: Conclusion

Before concluding, I will address a few concerns some may raise about this project. A core finding is that public sentiment is the main driver behind state immigration policy. First, some may argue that attitudes on immigration are simply measuring state ideology. This is not a serious concern because I find that state ideology and public opinion on immigration only correlate at 0.3. Moreover, I include a measure of state ideology in my models and issue-specific public opinion continues to have a significant effect on the passage of policy. Second, perhaps it is not appropriate to interpolate public opinion between years; however, results are robust if I use a static (i.e. single year's) measure of state attitude or if I only examine years that have public opinion data. Finally, there may be important and distinct dimensions of sentiment toward immigration. That is, perhaps individuals have different opinions about illegal versus legal immigration and think differently about different types of policy (e.g. welfare policy versus border security). This is not a concern because respondents are asked multiple immigrant-related questions and I capture a general underlying sentiment toward immigration (see Chapter 2 appendix for question wording).[113] There is also a great deal of evidence that individuals do not make a distinction between legal and illegal when thinking about immigration (see Chavez 2008). That said, future research should separately explore survey questions dealing with legal and illegal immigration. One should consider how survey responses vary between questions that ask about general

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[113] Moreover, questions on all kinds of different aspects of immigration (legal and illegal) all load highly (correlate highly) with this main underlying dimension. Alpha factor scores are typically above 0.8 indicating that all of the items cohere well.

opinions on immigration and those that ask about policy-specific solutions. For example, perhaps individuals in a state generally welcome immigration, but when asked policy-specific questions (e.g. extending public benefits to immigrants), they are quite concerned about specific costs and are opposed to increasing access to public services.

Overview of Findings

This project offers the first comprehensive test of factors that drive state immigration policy. The core empirical finding is that public opinion is the critical force behind legislation. I demonstrate for the first time that politicians pay particular attention to issue-specific public sentiment on immigration (Chapter 2). Legislators do not simply turn to ideology or party identification as readily available cues for which way to vote.

While politicians are generally responsive, there are many conditions that lead to a disconnect between policy and public opinion. The second core finding is that salience is an important factor in determining where and when public sentiment matters (Chapter 3). In states where the issue of immigration is most prominent in the minds of residents, politicians pay particular attention to public sentiment. On the other hand, when residents do not pay close attention to immigration, public opinion is largely ignored. This has important implications. If we strive for democratic responsiveness, legislatures should pay attention to the will of the public, even on issues that are not residents' number one priority.

Additional findings emphasize selective responsiveness. In states where there is a clear legislative majority, the majority party is only responsive to the public opinion of their voters (Chapter 4). In Republican controlled legislatures, Democratic public

sentiment is ignored, and in Democratic controlled legislatures, Republican sentiment is ignored. This is troubling for two reasons. First, sentiment of the minority party is disregarded and a meaningful portion of the electorate is without a voice. Second, ethnic minorities are the target of this immigrant legislation and often align with the Democratic party. Given that Republicans control the majority of states, this bodes poorly for immigrant wellbeing.

While the prosperity of the immigrant population is in question, I discover important patterns for understanding the dynamics of race relations and the future of immigration policy (Chapter 5). Generally, states respond to large Hispanic populations by passing legislation limiting the rights of immigrants. This anti-immigrant wave is persistent and growing.

This project highlights the role of race in American politics. I have demonstrated that white resistance and white backlash to the diversification of the United States is persistent. That said, these findings suggest that as minorities grow in number, they can have a meaningful effect on policy outcomes. As Hispanic populations become a meaningful portion of the electorate, states reverse their anti-immigrant legislative wave. There is a silver lining to the immigration narrative and this project emphasizes the role Hispanic and perhaps Asians can play in the future.

Finally, I am the first to systematically study policies that expand the rights of immigrants. Critically, I find that pro-immigrant policy is fundamentally different than anti-immigrant policy (Chapter 6). There are several important distinctions. First, while virtually all restrictionist policy has clear implications, pro-immigrant policy is largely symbolic. This is strong evidence that supports my decision to analyze this policy

separately, rather than use a composite measure that incorporates anti-immigrant policy.

Second, while public opinion maintains an effect on the passage of policy with clear

implications, when legislatures consider symbolic pro-immigrant legislation, public

sentiment is largely ignored. The apparent lack of legislative responsiveness is due to the

fact that the public cares less about policy without fiscal or institutional effects. Finally,

the symbolic nature of policy allows states to appease important constituencies

(Hispanics and immigrants) without angering others (whites and natives). The Hispanic

population has a positive influence on the passage of pro-immigrant policy, and while

states may continue to restrict the rights of immigrants, my findings suggest that states

will also pass policies that incorporate immigrants into society.

This project has important implications for representative democracy. Recent

legislation limiting immigrant rights has not been driven by conservative political

entrepreneurs without regard to the public will. For better or for worse, democracy

generally works as designed. That said, politicians do not consistently respond to public

sentiment and are not equally responsive to all segments of the population. We should be

concerned about tyranny of the majority and the ongoing welfare of immigrants.

Related Questions

This project offers the first comprehensive study of what leads to *both* pro- and

anti-immigrant policy. From this project, two related questions emerge. First, future

work should consider how to best account for past legislative activity. Some may argue

that past legislative activity is a good predictor of a state's propensity to pass future

policy; however, there are important distinctions between sub-categories of immigration policy.[114] If a state passes a law requiring proof of citizenship to obtain a driver's license, it is plausible that the state will not pass a similar policy in the subsequent legislative session. On the other hand, if a state passes a bill delineating specific ID requirements in one year, this may not tell us much about the likelihood of passing a bill in the future on access to in-state college tuition fees for undocumented students. That is, if we want to consider past legislative history, one must explore policy by sub-category. The problem with this approach is that we move away from a comprehensive, systematic study of general immigration policy to a more specific, nuanced story about one sub-type of legislation. While this approach may provide us with key details about the intricacies of one sub-category of policy, the results will not provide us with generalizable insight about what leads to the passage of immigrant policy.

Second, future work should explore the possibility that public sentiment may vary depending on the type of immigrant policy. Individuals may actively resist legislation they perceive is changing local culture (e.g. Cesar Chavez Day), but natives may be less concerned about ID laws. Similarly, the public may be more concerned about welfare benefits and how expanding access to recent immigrants may contribute to rising cost,

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[114] Currently I account for unobserved heterogeneity in states by including random effects in my models (See Chapter 2 appendix for these robustness checks). This accounts for unobserved differences among states, including existing states statutes that limit or expand the rights of immigrants. In other words, the random effects account for any state efforts to limit or expand immigration prior to the start of my data set. (The start of my data set, 2005, coincides with the major increase in state legislative efforts to control immigration). In the future I will incorporate data from the Progressive States Network that will extend my analysis back to 1997. This will empirically help to account for past legislative activity, but we must continue to think theoretically about how past state activity would affect current state efforts. Perhaps once states make some effort to legislate immigration, they pull back and no longer consider this type of policy (see Boushey, (2012) for an overview of the punctuated equilibrium theory).

and are less concerned about economic or labor policy in a very specialized industry.

The book project will explore these related questions.

Appendix

Chapter 2 Appendix

Dependent Variable Information

Data Sources Related to State Immigration Policy

After carefully reviewing the existing literature and combing the web for data sources, there are three main sources that relate to state immigration policy. First, The National Conference of State Legislatures (NCSL) is a bipartisan organization that serves to provide state legislatures with information and assistance. They are a clearinghouse of information regarding state level issue areas such as the environment, labor, health, and immigration. Comprehensive data is available from 2005-current. Second, the Migration Policy Institute (MPI) is an independent think tank that primarily focuses on international migration, but has data about state regulation of immigration in the United States for 2007. Finally, the Progressive States Network (PSN) is a public policy group that promotes democracy. PSN provides a list of immigration policy from 1997-2008.[115]

Coding Legislation

Legislation is coded as having a **focus on illegal immigrants** if:

> 1. The bill attempts to address illegal/alien immigrants or illegal immigration; or
> 2. The bill has multiple target groups, but it is clear that illegal immigrants are the main focus.

Legislation that has both **pro and anti-immigrant components** is coded as neutral; however, if there are two components to a bill, one clearly neutral and one clearly positive, then the bill is coded as positive. (Similarly, if one component is clearly neutral and one is clearly negative, the bill is coded as negative).

Bills that mention **more than one immigrant group** are coded as lacking a focus on a specific group.

Omnibus[116] bills are coded as "unsure" unless, the bill is *clearly* pro/anti-immigrant.

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[115] The MPI and PSN will be addressed in the book project.

[116] "…bills combining three or more immigration measures into a single piece of legislation" (MPI 2007, p.22).

Legislation promoting the **REAL ID Act** in most cases is coded as anti-immigrant[117] but in most cases *does not* have a focus on illegal immigrants.[118]

Legislation that encourages state or local government to enter into a **memorandum of understanding (MOU)** with the federal government to enforce current immigration law is coded as anti-immigrant.

Legislation that focuses on immigrants whose intention is a **short-term/temporary stay** in the U.S. (e.g. temporary visas) is coded as neutral.[119]

Bills urging congress to look favorably upon **foreigners seeking asylum** do not focus on illegal immigrants—the individuals are legal refugees.[120]

Legislation providing for penalties for committing **document fraud** is coded as anti-immigrant.[121]

Legislation concerning **human trafficking** is coded as having a focus on illegal immigrants.

Committees, taskforces, and studies are coded as neutral, unless they are specifically anti-immigrant or pro-immigrant.[122]

Bills that prevent the use of **taxpayer ID number** are coded as anti-immigrant**,** but are not specifically focused on illegal immigrants, as other non-citizens who are in the U.S. legally use such taxpayer ID numbers.

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[117] Example of REAL ID related legislation that is **pro-immigrant**—California. 2007. AJR 37 "Urges the President and the United States Congress to amend the federal USA Patriot Act and federal Real ID Act, or to use existing administrative waivers under those laws, to ensure that groups that do not pose a threat to national security, such as the Hmong community, are not denied human rights, citizenship, or entry into the United States."

[118] Example of REAL ID Act that **focuses on illegal immigrants**—Maryland. 2007. HB 11 "Would prohibit, in order to facilitate compliance with the federal Real ID Act, the Motor Vehicle Administration from issuing a new driver's license to an individual who cannot provide certain documentation certifying that the individual is lawfully present in the United States in accordance with federal law, except under certain circumstances; and generally relating to drivers' licenses and individuals who are not lawfully present in the United States."

[119] For Example, Hawaii. 2007. HCR 307 "Urging the US government to ease restrictions on the issuance of temporary visas and extend the stay limit to allow foreign mediators and parties in need of mediation services to enter the state of Hawaii for the purpose of facilitating communication and negotiation between parties to resolve disputes."

[120] For Example, Florida. 2007. HB 1627, HB 1625, or SR 3074.

[121] For example, New York. 2007. AB 6494. "Creates the class D felony of citizenship document fraud in the first degree and the class E felony of citizen document fraud in the second degree to deter the manufacture, distribution, sale, or use of false documents to conceal citizenship or resident alien status."

[122] For example, a bill is neutral if it creates a task force to study the effects of immigration on the state, whereas those that focus on investigating the effects of illegal immigration on the state health system, schools, crime, etc. are coded as negative. Committees, taskforces, and studies that are formed to help **prevent human trafficking** are pro-immigrant and have a focus on illegal immigrants.

Legislation pertaining to **child abduction prevention** is coded as anti-immigrant. When determining award of custody, courts may consider immigration status of parents (i.e. anticipated *change* in immigration status). Such legislation is not coded as having a focus on illegal immigration as a parent may be in the U.S. legally, but his/her visa may soon expire.

Requesting reimbursement or federal aid for services rendered to immigrants, or related to reimbursement of costs incurred in dealing with immigration, is coded as neutral.

Bills related to providing **false documentation for public benefits**[123] are coded as anti-immigrant; however, are not focused on illegal immigrants, unless the bill specifies and focuses on documentation related to citizenship.

Legislation providing an option for individuals to apply for **enhanced drivers license or personal identification cards to help facilitate border crossing** (US/Mexico or US/Canada) are coded as neutral.[124]

Resolutions

Resolutions urging Congress or any government agency to take action are coded as *having policy implications*. Resolutions creating a task force or joint agency study are also coded as having policy implications. On the other hand, resolutions that celebrate or applaud an ethnic heritage, immigrant group, or program, are coded as *lacking policy implications*. Such resolutions that celebrate/applaud an ethnic group are coded as pro-immigrant, as they are a signal that the state is making an attempt to embrace a culture.

Resolutions recognizing an individual (who also is an immigrant,) are coded as lacking a focus on a specific immigrant group—such resolution simply acknowledges the individual's ethnic heritage. A resolution is coded as having a focus on an immigrant group only if the person assists an immigrant population or is affiliated with an immigrant cause. A resolution recognizing an individual is coded as neutral (not pro/anti immigrant) because it is simply recognizing that person on his/her birthday, special day, etc.

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[123] For example, Tennessee. 2007. SB 1652.

[124] For example, Washington. 2007. HB 1289. "Permitting the Department to issue an enhanced driver's license or identicard for the purposes of crossing the border between the state of Washington and the Canadian province of British Columbia to an applicant who provides the department with proof of US citizenship, identity, and state residency."

Survey Wording

<u>Cooperative Congressional Election Study (CCES)</u>

In 2006, respondents are asked two immigration questions: 1) whether or not they support a path to citizenship, and 2) whether or not they prefer stricter enforcement compared to a path to citizenship.[125] Identical questions are asked in 2007.[126] CCES 2008 data is not informative[127] and there is no CCES data available in 2009, but in 2010 respondents are asked: "What do you think the U.S. government should do about immigration? Select all that apply:"

> 1) Fine Businesses; 2) Grant legal status to all illegal immigrants who have held jobs and paid taxes for at least 3 years, and not been convicted of any felony crimes; 3) Increase the number of guest workers 4) Increase the number of border patrols on the US-Mexican border; 5) Allow police to question anyone they think may be in the country illegally; 6) None of these. [128]

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[125] CCES 2006: Immigration Naturalization (v2101): Congress has been debating different policies concerning immigration reform. The Senate proposal has a path to citizenship for illegal immigrants. The House proposal, on the other hand, contains stricter enforcement and deportations of undocumented aliens. Which of these two items of reform do you think is more important?

(v3069) Another issue is illegal immigration.   One plan considered by the Senate would offer illegal immigrants who already live in the U.S. more opportunities to become legal citizens. Some politicians argue that people who have worked hard in jobs that the economy depends should be offered the chance to live here legally. Other politicians argue that the plan is an amnesty that rewards people who have broken the law. What do you think? If you were faced with this decision, would you vote for or against this proposal? For (offering illegal immigrants an opportunity to become citizens)

[126] Stricter enforce vs path (CC06_V2101): Immigration - Does R prefer House or Senate plan Congress has been debating different policies concerning immigration reform. The Senate proposal has a path to citizenship for illegal immigrants. The House proposal, on the other hand, contains stricter enforcement and deportations of undocumented aliens. Which of these two items of reform do you think is more important?

Path to citizenship (CC06_V3069): Roll Call - Illegal Immigrant Citizenship - R Vote What do you think? If you were faced with this decision, would you vote for or against this proposal?

[127] Data from the CCES 2008 is not very informative, as it only includes immigration as a response to the traditional question, "What is the most important problem facing the country today?" Perhaps the most important problem question is a measure of salience. That said, "immigration is a problem" presumably means something different to Democrats and Republicans. Perhaps one believes the federal government must do more to help immigrants or to address the need for low-skilled labor. On the other hand, another individual who says immigration is a problem may feel that immigration rates should be drastically cut. The will be explored in future research.

[128] Question CC322

In 2012, respondents were asked the following question. "What do you think the U.S. government should do about immigration? Select all that apply."[129]

-Grant legal status to all illegal immigrants who have held jobs and paid taxes for at least 3 years, and not been convicted of any felony crimes. (CC322_1)
-Increase the number of border patrols on the US-Mexican border. (CC322_2)
-Allow police to question anyone they think may be in the country illegally. (CC322_3)
-Fine US businesses that hire illegal immigrants. (CC322_4)
-Prohibit illegal immigrants from using emergency hospital care and public schools. (CC322_5)
-Deny automatic citizenship to American-born children of illegal immigrants. (CC322_6)

National Annenberg Election Survey (NAES 2000)
(24, 987 respondents answered the following question)

The rate of immigration into the United States— is this an extremely serious problem, serious, not too serious or not a problem at all? (cBK01)
1   Extremely serious
2   Serious
3   Not too serious
4   Not a problem
998   Don't know
999   No answer

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[129] (Prompt for CC322 1 - CC322 6, 54,535 respondents answered these question.)

Testing Main Results With Additional Surveys

To ensure that results are not driven by any particular survey, I rerun the main results using Survey USA and the National Annenberg Election Survey (NAES).

Survey USA

SurveyUSA is a non-partisan opinion research firm that has been used in published political science research and is a reputable source of survey data (Jacobson 2012). SurveyUSA specializes in local opinion research and using random digit dialing (RDD) produces accurate state-level opinion data over a wide range of issues. While the firm often focuses its efforts on a small subset of states, in 2005 it surveyed all states on the issue of immigration. Respondents in each state were asked: "Which of these 2 statements do you agree with more: One: Immigrants take jobs away from Americans. Two: Immigrants do jobs that Americans don't want" (SurveyUSA 2005b). Each state has 600 respondents.[130]

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[130] Here, using SurveyUSA I focus on one-year estimates of public sentiment. Some may argue that it is not valid to use a static estimate for multi-year analysis. On such a deep-seated issue such as immigration, it is unlikely that opinion changes much over the time frame examined. See Lax and Phillips (2011) on stability of issue-specific opinion. The NAES robustness check also focuses on one year (2000). The book project will incorporate additional years of the NAES.

Main results with SurveyUSA

State Anti-Immigrant Legislation 2005-2012 (SurveyUSA)		
PUBLIC OPINION		
Anti-Immigrant Sentiment	--	0.509***
		(0.130)
RACIAL THREAT		
Hispanic Population (%)	11.959***	18.535***
	(1.734)	(3.019)
Hispanic Population Squared	-22.179***	-31.119***
	(4.280)	(5.717)
PUBLIC IDEOLOGY		
Proportion Conservative	0.036***	0.031***
	(0.009)	(0.009)
ECONOMIC CONSIDERATIONS		
Fiscal Conditions		
Unemployment Rate	0.075	0.022
	(0.057)	(0.059)
Cost of Immigration		
State Welfare Spending (per capita)	-0.015	-0.005
	(0.013)	(0.011)
INSTITUTIONS		
Republican Legislature	0.577***	0.513***
	(0.139)	(0.140)
Direct Initiative	0.652***	0.682***
	(0.236)	(0.238)
Constant	-1.474***	-1.548***
	(0.426)	(0.412)
Observations	376	376
R-squared	0.16	0.19

Note: Panel corrected standard errors in parentheses. Unit of analysis is state-year. AK, HI, VT omitted. Biennial control included.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

Effect of Salience and SurveyUSA

State Anti-Immigrant Legislation 2005-2012 (SurveyUSA)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.039
	(0.084)
SALIENCE	
Sentiment * Hispanic Population	5.093***
	(1.217)
RACIAL THREAT	
Hispanic Population (%)	9.967***
	(2.169)
PUBLIC IDEOLOGY	
Proportion Conservative	0.023**
	(0.009)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.036
	(0.058)
Cost of Immigration	
State Welfare Spending (per capita)	-0.001
	(0.010)
INSTITUTIONS	
Republican Legislature	0.402***
	(0.148)
Direct Initiative	0.760***
	(0.233)
Constant	-0.806*
	(0.447)
Observations	376
R-squared	0.20

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year.
 AK, HI, VT omitted. Biennial control included.

Main Results with National Annenberg Election Survey (NAES)

Respondents are asked: "The rate of immigration into the United States—is this an extremely serious problem, serious, not too serious or not a problem at all?"

State Anti-Immigrant Legislation 2005-2012 (NAES)		
PUBLIC OPINION		
Anti-Immigrant Sentiment	--	0.354***
		(0.090)
RACIAL THREAT		
Hispanic Population (%)	11.959***	13.948***
	(1.734)	(2.006)
Hispanic Population Squared	-22.179***	-27.200***
	(4.280)	(5.213)
PUBLIC IDEOLOGY		
Proportion Conservative	0.036***	0.023***
	(0.009)	(0.008)
ECONOMIC CONSIDERATIONS		
Fiscal Conditions		
Unemployment Rate	0.075	0.056
	(0.057)	(0.056)
Cost of Immigration		
State Welfare Spending (per capita)	-0.015	-0.007
	(0.013)	(0.011)
INSTITUTIONS		
Republican Legislature	0.577***	0.516***
	(0.139)	(0.141)
Direct Initiative	0.652***	0.574**
	(0.236)	(0.242)
Constant	-1.474***	-1.016**
	(0.426)	(0.416)
Observations	376	376
R-squared	0.162	0.180

Note: Panel corrected standard errors in parentheses. Unit of analysis is state-year.
AK, HI, VT omitted. Biennial control included.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

NOTE: Vermont was omitted from the main results (using CCES) since it was an outlier. Vermont is not an outlier in SurveyUSA or NAES data. Nevertheless, I drop Vermont to ensure the results as comparable as possible. Results and interpretation of SurveyUSA and NAES remain unchanged with the inclusion of Vermont.

Measuring Unobserved Heterogeneity

To account for unobserved heterogeneity in the states, I run the main model with random effects. The results remain robust.

State Anti-Immigrant Legislation (2005-2012) RE Model	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.286**
	(0.137)
RACIAL THREAT	
Hispanic Population (%)	15.731***
	(5.814)
Hispanic Population Squared	-28.558**
	(13.591)
PUBLIC IDEOLOGY	
Proportion Conservative	0.039
	(0.024)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.037
	(0.040)
Cost of Immigration	
State Welfare Spending (per capita)	0.004
	(0.009)
INSTITUTIONS	
Republican Legislature	0.254
	(0.241)
Direct Initiative	0.254
	(0.241)
Biennial Legislature	-1.501***
	(0.384)
Constant	-1.637
	(1.047)

R2: Within 0.06; Between: 0.30; Overall: 0.17

Negative Binomial Regression

Some may argue that because of the distribution of policies passed (i.e. most states pass few bills) a negative binomial regression is more appropriate. The results remain robust.

State Anti-Immigrant Legislation (2005-2012) Neg. Binomial	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.219**
	(0.104)
RACIAL THREAT	
Hispanic Population (%)	8.829**
	(3.653)
Hispanic Population Squared	-16.758*
	(9.230)
PUBLIC IDEOLOGY	
Proportion Conservative	0.020
	(0.016)
ECONOMIC CONSIDERATIONS	
<u>Fiscal Conditions</u>	
Unemployment Rate	0.053
	(0.035)
<u>Cost of Immigration</u>	
State Welfare Spending (per capita)	-0.004
	(0.007)
INSTITUTIONS	
Republican Legislature	0.204
	(0.160)
Direct Initiative	0.326
	(0.206)
Biennial Legislature	-2.599***
	(0.742)
Constant	-1.589**
	(0.638)

Ordered Logit

The results remain robust if instead I use ordered logistic regression to model bill passage (0 bills, 1 bill, 2 or more).

State Anti-Immigrant Legislation (2005-2012) Ordered Logit	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.372**
	(0.152)
RACIAL THREAT	
Hispanic Population (%)	10.791***
	(3.717)
Hispanic Population Squared	-20.927**
	(8.537)
PUBLIC IDEOLOGY	
Proportion Conservative	0.026*
	(0.015)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.121***
	(0.042)
Cost of Immigration	
State Welfare Spending (per capita)	-0.002
	(0.010)
INSTITUTIONS	
Republican Legislature	0.422**
	(0.210)
Direct Initiative	0.614***
	(0.232)
Biennial Legislature	-2.895***
	(0.646)
Constant	2.343***
	(0.679)

Log pseudolikelihood = -556.66033
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

Measuring Racial Threat: Hispanic Population versus Foreign Born Population

Here, rather than measuring racial threat by the size of the Hispanic population, I focus on the size of the foreign born population. Results remain robust.

Conventional Arguments in Literature State Anti-Immigrant Legislation (2005-2012)	
RACIAL THREAT	
Foreign Born Population (%)	3.347***
	(0.965)
PUBLIC IDEOLOGY	
Proportion Conservative	0.0302***
	(0.0103)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.0906
	(0.0602)
Cost of Immigration	
State Welfare Spending (per capita)	-0.0160
	(0.0137)
INSTITUTIONS	
Republican Legislature	0.627***
	(0.144)
Direct Initiative	0.809***
	(0.251)
Constant	-0.962**
	(0.469)
Observations	376
R-squared	0.135

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

Here I demonstrate that the main public opinion effects hold if instead of measuring racial threat with the size of the Hispanic population I measure racial threat by the size of the foreign born population.

A Public Opinion Approach State Anti-Immigrant Legislation (2005-2012)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.255**
	(0.118)
RACIAL THREAT	
Foreign Born Population (%)	4.898***
	(0.912)
PUBLIC IDEOLOGY	
Proportion Conservative	0.0283***
	(0.00975)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.0811
	(0.0579)
Cost of Immigration	
State Welfare Spending (per capita)	-0.0127
	(0.0128)
INSTITUTIONS	
Republican Legislature	0.540***
	(0.158)
Direct Initiative	0.796***
	(0.249)
Constant	-0.983**
	(0.440)
Observations	376
R-squared	0.144

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included.
*** p<0.01, ** p<0.05, * p<0.1

I also demonstrate that it is the size of the Hispanic population that matters, not the size of the foreign born population. When including both, only the size of the Hispanic population matters. This suggests that race matters more than foreign-born status.

Understanding the Role of Latinos State Anti-Immigrant Legislation (2005-2012)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.233**
	(0.111)
RACIAL THREAT	
Foreign Born Population (%)	-2.158
	(2.108)
Hispanic Population (%)	16.92***
	(4.821)
Hispanic Population Squared	-29.79***
	(8.715)
PUBLIC IDEOLOGY	
Proportion Conservative	0.0298***
	(0.0101)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.0657
	(0.0548)
Cost of Immigration	
State Welfare Spending (per capita)	-0.00808
	(0.0113)
INSTITUTIONS	
Republican Legislature	0.430**
	(0.167)
Direct Initiative	0.594***
	(0.224)
Constant	-1.342***
	(0.405)
Observations	376
R-squared	0.175

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included.
*** p<0.01, ** p<0.05, * p<0.1

Conventional Arguments in Literature
(Fully Specified Table 2.1)

Conventional Arguments in Literature State Anti-Immigrant Legislation (2005-2012)	(1)
RACIAL THREAT	
Hispanic Population (%)	11.959***
	(1.734)
Hispanic Population Squared	-22.179***
	(4.280)
PUBLIC IDEOLOGY	
Proportion Conservative	0.036***
	(0.009)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.075
	(0.057)
Cost of Immigration	
State Welfare Spending (per capita)	-0.015
	(0.013)
INSTITUTIONS	
Republican Legislature	0.577***
	(0.139)
Direct Initiative	0.652***
	(0.236)
Biennial Legislature	-1.574***
	(0.219)
Constant	-1.474***
	(0.426)
Observations	376
R-squared	0.16

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
*** p<0.01, ** p<0.05, * p<0.1

Understanding the Role of Latinos

Below is the fully specified Table 2.2. This demonstrates the influence of public opinion, but more importantly, it demonstrates the key role Latinos play in the passage of anti-immigrant legislation (See Chapter 6 for more on this). The squared Hispanic term is negative and significant. This is evidence that while states with large Hispanic populations pass more legislation limiting the rights of immigrants, once the population becomes electorally relevant, states adjust their legislative agenda. That is, the anti-immigrant legislative wave reverses.

State Anti-Immigrant Legislation (2005-2012)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.270**
	(0.123)
RACIAL THREAT	
Hispanic Population (%)	14.031***
	(2.231)
Hispanic Population Squared	**-25.134***
	(4.921)
PUBLIC IDEOLOGY	
Proportion Conservative	0.031***
	(0.009)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.065
	(0.055)
Cost of Immigration	
State Welfare Spending (per capita)	-0.009
	(0.012)
INSTITUTIONS	
Republican Legislature	0.454***
	(0.160)
Direct Initiative	0.620***
	(0.232)
Biennial Legislature	-1.629***
	(0.221)
Constant	-1.410***
	(0.405)
Observations	376
R-squared	0.17

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

Summary Statistics

Summary Statistics		
	Mean	Std. Dev.
Anti-Immigrant Legislation (per state-year)	1.350	1.920
Conservative Residents In State (Ratio)	37.313	7.340
Hispanic Population (Ratio)	0.105	0.100
Unemployment Rate (percent)	6.589	2.468
Welfare Spending (per capita)	7.545	10.499
Republican Legislature*	0.396	0.490
Direct Initiative#	0.298	0.458
Biennial Legislature^	0.066	0.249

Note: these statistics omit states omitted from the sample (i.e. AK, HI, VT)
*ratio of state-years that have a Rep. controlled legislature
#ratio of state-years that have direct initiative
^ratio of state-years that have a biennial legislature

No Influence of Agriculture and Construction Industries

This table tests the influence of the agriculture and construction industries on the passage of anti-immigrant policy. Some argue that campaign contributions from industries that employ immigrants lead to more immigrant-friendly legislation (Nicholson-Crotty and Nicholson-Crotty 2011). Others only find limited support for this idea (Newman 2012). I do not find any effect of campaign contributions on the passage of anti-immigrant policies.

Using the National Institute on Money in State Politics, I construction a measure of money contributed by these industries to state legislatures. The ratio is composed of money from the agriculture and construction industry divided by the total contributions in a state. The unit of analysis is the state-year. Note, that there are a fewer observations than in previous models because of availability of data.

(See table on next page)

Influence of Agriculture and Construction Industries State Anti-Immigrant Legislation (2005-2012)	
INFLUENCE OF INDUSTRY	
Agriculture & Construction Campaign Contributions	**0.000170**
	(0.000229)
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.356***
	(0.116)
RACIAL THREAT	
Hispanic Population (%)	17.03***
	(2.588)
Hispanic Population Squared	-32.10***
	(4.589)
PUBLIC IDEOLOGY	
Proportion Conservative	0.0364***
	(0.0101)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.0815
	(0.0623)
Cost of Immigration	
State Welfare Spending (per capita)	-0.0110
	(0.0157)
INSTITUTIONS	
Republican Legislature	0.353**
	(0.161)
Direct Initiative	0.708***
	(0.209)
Biennial Legislature	-1.643***
	(0.252)
Constant	-1.829***
	(0.410)
Observations	317
R-squared	0.190

Note: Panel corrected standard errors in parentheses.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

Chapter 3 Appendix

To test the relevance of the composition of the immigrant population, I rerun the model and include both the size of the foreign born and Hispanic populations.

Salience and Public Opinion
State Anti-Immigrant Legislation (2005-2012)

PUBLIC OPINION		
Anti-Immigrant Sentiment	0.258**	-0.0457
	(0.112)	(0.136)
SALIENCE		
Sentiment * Hispanic Population	---	2.491**
		(1.107)
RACIAL THREAT		
Hispanic Population (%)	2.668*	4.033*
	(1.463)	(2.210)
Foreign Born Population (%)	2.240*	1.192
	(1.151)	(1.794)
PUBLIC IDEOLOGY		
Proportion Conservative	0.0251**	0.0260**
	(0.0107)	(0.0103)
ECONOMIC CONSIDERATIONS		
Fiscal Conditions		
Unemployment Rate	0.0765	0.0603
	(0.0569)	(0.0537)
Cost of Immigration		
State Welfare Spending (per capita)	-0.0102	-0.00775
	(0.0120)	(0.0112)
INSTITUTIONS		
Republican Legislature	0.500***	0.431***
	(0.160)	(0.165)
Direct Initiative	0.756***	0.753***
	(0.231)	(0.228)
Constant	-0.845*	-0.703
	(0.452)	(0.465)
Observations	376	376
R-squared	0.153	0.168

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
Biennial control included.
*** p<0.01, ** p<0.05, * p<0.1

Chapter 4 Appendix

On the next page I demonstrate that the results hold if instead of measuring racial threat with the size of the Hispanic population, I measure racial threat with the size of the foreign born population.

On the subsequent page are results demonstrating legislative responsiveness under Democratic control. The findings suggest that under Democratic control Republican opinion is largely inconsequential.

Public Opinion by Party		
State Anti-Immigrant Legislation (2005-2012)		
PUBLIC OPINION		
Anti-Immigrant Sentiment	2.923***	--
	(0.555)	
INTERACTING OPINION & PARTY		
Rep. Sentiment * Rep. Legislature	--	4.486**
		(2.137)
Dem. Sentiment * Rep. Legislature	--	-2.265
		(1.618)
OPINION BY PARTY		
Republican (Rep.)	--	-1.110
		(1.162)
Democratic (Dem.)	--	2.512**
		(1.140)
PARTY CONTROL		
Republican Legislature	0.583***	-6.024
	(0.144)	(4.489)
RACIAL THREAT		
Foreign Born Population (%)	3.468***	3.340***
	(0.716)	(0.818)
PUBLIC IDEOLOGY		
Proportion Liberal	0.00322	-0.00401
	(0.0208)	(0.0195)
ECONOMIC CONSIDERATIONS		
<u>Fiscal Conditions</u>		
Unemployment Rate	0.0686	0.0660
	(0.0599)	(0.0587)
<u>Cost of Immigration</u>		
State Welfare Spending (per capita)	-0.00929	-0.00774
	(0.0123)	(0.0119)
INSTITUTIONS		
Direct Initiative	0.782***	0.840***
	(0.252)	(0.266)
Constant	-8.216***	-3.565***
	(1.581)	(1.214)
Observations	384	384
R-squared	0.152	0.156

Note: Panel corrected standard errors in parentheses. Unit of analysis is state-year.
 AK, HI omitted. Biennial control included.
*** p<0.01, ** p<0.05, * p<0.1

Public Opinion by Party, Democratic Legislative Control State Anti-Immigrant Legislation (2005-2012)	
INTERACTING OPINION & PARTY	
Dem. Sentiment * Dem. Legislature	**4.253****
	(1.766)
Rep. Sentiment * Dem. Legislature	-6.684***
	(1.883)
OPINION BY PARTY	
Republican (Rep.)	3.205***
	(0.682)
Democratic (Dem.)	-0.321
	(0.803)
PARTY CONTROL	
Democratic Legislature	6.941*
	(3.675)
RACIAL THREAT	
Hispanic Population (%)	3.093***
	(0.813)
PUBLIC IDEOLOGY	
Proportion Liberal	-0.0120
	(0.0186)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.0665
	(0.0587)
Cost of Immigration	
State Welfare Spending (per capita)	-0.00494
	(0.0108)
INSTITUTIONS	
Direct Initiative	0.892***
	(0.250)
Biennial Legislature	-1.847***
	(0.282)
Constant	-7.466**
	(2.947)
Observations	384
R-squared	0.170

Note: Panel corrected standard errors in parentheses. Unit of analysis is state-year.
 AK, HI omitted. Biennial control included.
*** p<0.01, ** p<0.05, * p<0.1

Chapter 5 Appendix

Fully specified model from Table 5.1 with biennial control:

Reconceptualizing the Role of Latinos State Anti-Immigrant Legislation (2005-2012)	
PUBLIC OPINION	
Anti-Immigrant Sentiment	0.270**
	(0.123)
RACIAL THREAT	
Hispanic Population (%)	14.031***
	(2.231)
Hispanic Population Squared	**-25.134***
	(4.921)
PUBLIC IDEOLOGY	
Proportion Conservative	0.031***
	(0.009)
ECONOMIC CONSIDERATIONS	
<u>Fiscal Conditions</u>	
Unemployment Rate	0.065
	(0.055)
<u>Cost of Immigration</u>	
State Welfare Spending (per capita)	-0.009
	(0.012)
INSTITUTIONS	
Republican Legislature	0.454***
	(0.160)
Direct Initiative	0.620***
	(0.232)
Biennial Legislature	-1.629***
	(0.221)
Constant	-1.410***
	(0.405)
Observations	376
R-squared	0.17

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
*** p<0.01, ** p<0.05, * p<0.1

Chapter 6 Appendix

Fully specified Table 6.1 including biennial control

State Pro-Immigrant Legislation (2005-2012) All Policies Including Symbolic	
PUBLIC OPINION	
Anti-Immigrant Sentiment	-0.388*
	(0.208)
ELECTORAL INFLUENCE	
Hispanic Population (%)	9.152***
	(3.229)
PUBLIC IDEOLOGY	
Proportion Conservative	-0.0648***
	(0.0169)
ECONOMIC CONSIDERATIONS	
<u>Fiscal Conditions</u>	
Unemployment Rate	0.365***
	(0.0837)
<u>Cost of Immigration</u>	
State Welfare Spending (per capita)	-0.0169
	(0.0208)
INSTITUTIONS	
Republican Legislature	-0.107
	(0.275)
Direct Initiative	1.389***
	(0.287)
Biennial Legislature	-2.461***
	(0.622)
Constant	0.928
	(0.822)
Observations	376
R-squared	0.264

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
*** p<0.01, ** p<0.05, * p<0.1

Fully specified Table 6.2 with biennial control

State Pro-Immigrant Legislation (2005-2012)
Only Policies With Clear Implications

PUBLIC OPINION	
Anti-Immigrant Sentiment	-0.372**
	(0.146)
ELECTORAL INFLUENCE	
Hispanic Population (%)	4.499***
	(1.510)
PUBLIC IDEOLOGY	
Proportion Conservative	-0.0399***
	(0.0112)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.135**
	(0.0621)
Cost of Immigration	
State Welfare Spending (per capita)	-0.0114
	(0.0155)
INSTITUTIONS	
Republican Legislature	-0.275*
	(0.151)
Direct Initiative	1.182***
	(0.191)
Biennial Legislature	-1.571***
	(0.261)
Constant	1.362**
	(0.606)
Observations	376
R-squared	0.275

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Fully specified Table 6.3 with biennial control.

State Pro-Immigrant Legislation (2005-2012) Only Symbolic Policies	
PUBLIC OPINION	
Anti-Immigrant Sentiment	-0.0166
	(0.0911)
ELECTORAL INFLUENCE	
Hispanic Population (%)	4.653**
	(2.081)
PUBLIC IDEOLOGY	
Proportion Conservative	-0.0249***
	(0.00908)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	0.230***
	(0.0370)
Cost of Immigration	
State Welfare Spending (per capita)	-0.00547
	(0.00888)
INSTITUTIONS	
Republican Legislature	0.168
	(0.204)
Direct Initiative	0.207
	(0.231)
Biennial Legislature	-0.890
	(0.542)
Constant	-0.434
	(0.378)
Observations	376
R-squared	0.156

Note: Panel corrected standard errors in parentheses.

Unit of analysis is state-year. AK, HI, VT omitted.

*** p<0.01, ** p<0.05, * p<0.1

Composite Measure of State Immigration Policy (2005-2012)
 I present strong theoretical reasons for analyzing pro- and anti-immigrant policies separately in Chapter 6; however, the main results hold if instead I use a composite score. Below I use an annual measure of state immigrant policy passage. The composite measure is the number of anti-immigrant bills passed minus the number of pro-immigrant bills passed annually in a given state.

State Immigration Policy Composite Measure (2005-2012)
(Anti-Immigrant minus Pro-Immigrant Policy)

PUBLIC OPINION	
Anti-Immigrant Sentiment	0.661***
	(0.194)
RACIAL THREAT	
Hispanic Population (%)	12.65***
	(3.253)
Hispanic Population Squared	-32.71***
	(7.129)
PUBLIC IDEOLOGY	
Proportion Conservative	0.0744***
	(0.0135)
ECONOMIC CONSIDERATIONS	
Fiscal Conditions	
Unemployment Rate	-0.0749
	(0.0608)
Cost of Immigration	
State Welfare Spending (per capita)	0.00165
	(0.0158)
INSTITUTIONS	
Republican Legislature	0.721***
	(0.196)
Direct Initiative	-0.603*
	(0.316)
Biennial Legislature	-0.0321
	(0.288)
Constant	-3.009***
	(0.585)
Observations	376
R-squared	0.187

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
*** p<0.01, ** p<0.05, * p<0.1

Does the Hispanic Population Have a Non-Linear Effect on Pro-Immigrant Policy?

In this chapter I have demonstrated that the Hispanic population has a meaningful effect on all pro-immigrant policy; however that effect is dampened when we focus on legislation that has tangible policy effects. I find that the Hispanic population has the greatest effect on symbolic pro-immigrant policies.

When exploring anti-immigrant policy in earlier chapters, we observe a non-linear effect of the Hispanic population. Once the Hispanic population becomes significantly large, states tone-down the number of anti-immigrant policies they pass. States only become responsive to the will of the Hispanic population once the group is significantly large. Then and only then, do legislatures attempt to make the state more friendly or at least attempt to make it less unfriendly to immigrants.

It is unclear if we would expect to see a similar non-linear effect with pro-immigrant policy. I do not have any strong prior beliefs about whether or not the Hispanic population will have a non-linear effect on the passage of pro-immigrant policy. I believe we will see pro-immigrant policy in the early stages of Hispanic population growth given my findings in Chapter 6; however, it is unclear if states will ramp up their pro-immigrant legislative efforts once the population becomes significantly large.

To test this I include a Hispanic squared term. I look exclusively at policies that have clear implications. The squared term is not significant and in fact, the basic Hispanic variable becomes insignificant. This suggest that the Hispanic population does not have a non-linear effect. While I would caution inferring too much from this non-significant result, perhaps this suggest that states do not ramp up their efforts to pass pro-immigrant polices once the Hispanic population gets big. Because legislatures still have to appease their largely anti-immigrant native base, legislatures do not dramatically increase their pro-immigrant efforts.

Another plausible explanation is that the Hispanic variable and Hispanic squared variable are too collinear to parse out the relationship. If there was a very strong relationship between the Hispanic population and the passage of pro-immigrant policies, then perhaps we would be able to parse out the effect.

In the table, the first column replicates the model in Table 6.2. The second column demonstrates that there does not exist a non-linear relationship between the Hispanic population and pro-immigrant policies.

Pro-Immigrant Policies (ONLY those with policy implications) State Anti-Immigrant Legislation (2005-2012)		
PUBLIC OPINION		
Anti-Immigrant Sentiment	-0.372**	-0.391**
	(0.146)	(0.154)
ELECTORAL INFLUENCE		
Hispanic Population (%)	4.499***	1.381
	(1.510)	(2.362)
Hispanic Population Squared		**7.571**
		(6.028)
PUBLIC IDEOLOGY		
Proportion Conservative	-0.0399***	-0.0429***
	(0.0112)	(0.0120)
ECONOMIC CONSIDERATIONS		
Fiscal Conditions		
Unemployment Rate	0.135**	0.140**
	(0.0621)	(0.0646)
Cost of Immigration		
State Welfare Spending (per capita)	-0.0114	-0.0111
	(0.0155)	(0.0156)
INSTITUTIONS		
Republican Legislature	-0.275*	-0.267*
	(0.151)	(0.152)
Direct Initiative	1.182***	1.223***
	(0.191)	(0.208)
Biennial Legislature	-1.571***	-1.597***
	(0.261)	(0.273)
Constant	1.362**	1.599***
	(0.606)	(0.597)
Observations	376	376
R-squared	0.275	0.277

Note: Panel corrected standard errors in parentheses.
Unit of analysis is state-year. AK, HI, VT omitted.
*** p<0.01, ** p<0.05, * p<0.1

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