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THE GROWING INFLUENCE OF IMMIGRANTS ON AMERICAN POLITICS

John D. Griffin

TOM K. WONG, *THE POLITICS OF IMMIGRATION: PARTISANSHIP, DEMOGRAPHIC CHANGE, AND AMERICAN NATIONAL IDENTITY* (OXFORD UNIVERSITY PRESS 2017). PP. 304. HARDCOVER \$105.00. PAPERBACK \$27.95.

The Politics of Immigration insightfully argues that contemporary immigration politics is characterized by three features – 1) deepening partisan divides in Congress, 2) demographic changes in the size of the immigrant population that are both altering the electoral landscape, and 3) shifting the definition of American national identity.¹

Prior to testing this argument, Wong offers a legal primer on the varieties of legal and undocumented immigration status in the United States.² This is a valuable starting point for the discussion because discussions of American immigration policy so often conflate different categories of legal immigrant and nonimmigrant status as well as legal and undocumented status. The primer also highlights contemporary debates surrounding a variety of these policies to place his empirical analyses in context.³

Turning to those analyses, Wong's primary data are more than 30,000 decisions of congress members on fifty-six House and seventy-two Senate roll calls between 2005 and 2014.⁴ The earlier date was selected based on what Wong sees as a seminal House vote—H.R. 4437, also known as the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.⁵ This provision, if successful, would have criminalized unlawful presence in the United States (currently a civil offense),⁶ as well as criminalizing knowingly or recklessly assisting persons who lack lawful authority to enter or remain in the United States.⁷ At present, only unlawful entry is a criminal offense.⁸ It is easy to imagine how this proposed change galvanized undocumented individuals in the U.S.,

1. See TOM K. WONG, *THE POLITICS OF IMMIGRATION: PARTISANSHIP, DEMOGRAPHIC CHANGE, AND AMERICAN NATIONAL IDENTITY* 4 (2017).

2. *Id.* at 32–109.

3. *Id.*

4. *Id.* at 113–33.

5. *Id.* at 7.

6. WONG, *supra* note 1, at 7.

7. *Id.* at 8.

8. *Id.*

leading many to publicly identify themselves as undocumented at huge rallies in several cities.

To test his first claim, that congressional partisanship has become more embedded on immigration-related legislation since 2005, Wong models the individual roll call decisions as a function of members' party affiliations.⁹ In the House, even after accounting for percentage of the district population that is foreign born, the share of the district that is naturalized, the share of the district that is not a citizen (as well as state, year, and Congress identifiers), Wong finds that legislators' partisan attachments strongly predict whether they support restrictive or permissive immigration policies.¹⁰ This finding obtains regardless of whether the votes pertain to legal admissions, border security, interior enforcement, or integration, which is a nice extension.¹¹ The same result is observed in the Senate, though party effects are somewhat weaker in that chamber.¹² Wong contrasts this pervasive partisanship over the last decade with historical cases where substantial cross-party coalitions formed to pass significant changes in immigration policy, including the Immigration and Reform and Control Act (1986) and the Illegal Immigration Reform and Immigrant Responsibility Act (1996).¹³

This mountain of data is quite persuasive that the "strange bedfellows," cross-party conception of immigration politics may very well be outdated. To supplement this evidence, however we might want a parallel, thorough analysis of roll call voting in the pre-2005 period. It is also a little odd that *The Politics of Immigration* excludes lopsided votes in its analysis of the post-H.R. 4437 era, as these are by definition evidence that runs counter to the author's hypothesis.¹⁴ Finally, it is well documented that all roll call voting has become more partisan; is immigration distinctive? Does it matter if it is not? These quibbles aside, the evidence adduced is already quite convincing that we have entered a new era of immigration politics, one that is much more partisan. This is a novel and important contribution of *The Politics of Immigration*.

Wong uses the same data to test his second expectation, that changing immigrant demographics impact the nation's immigration politics by altering the makeup of the electorate.¹⁵ This argument is well-timed, as the U.S. Census Bureau has just announced that the foreign-born share of the U.S. population has risen to a level (13.7 percent) higher than at any point in the last century.¹⁶ In addition, more than one in five U.S. residents is either foreign-born or the child of someone foreign-born.¹⁷ The immigrant population may have reached a politically critical size, producing an inflection point in the group's political clout.

9. *Id.* at 110.

10. *Id.* at 110–91.

11. WONG, *supra* note 1, at 156, 187.

12. *Id.* at 180.

13. *Id.* at 12, 15.

14. *Id.* at 113.

15. *Id.* at 22.

16. See Sabrina Tavernise, *U.S. has Highest Share of Foreign-Born Since 1910, with More Coming from Asia*, N.Y. TIMES (Sept. 13, 2018), <https://www.nytimes.com/2018/09/13/us/census-foreign-population.html>.

17. See CTR. FOR IMMIGRATION STUDIES, *Nearly One in Seven U.S. Residents are Now Immigrants: Highest Foreign-Born Share in 107 Years* (Sept. 14, 2018), <https://www.cis.org/Press-Release/Nearly-One-Seven-US-Residents-Are-Now-Immigrants>.

Adopting a clever design, Wong models restrictive and permissive immigration decisions separately as a function of the size of each district or state's foreign born population, its naturalized immigrant population, and its foreign born noncitizen population.¹⁸ If the size of the potentially voting immigrant population in a district/state affects roll call decision making, we would expect to observe that the size of the foreign born and the naturalized, voting-eligible immigrant population will result in more permissive and less restrictive roll call behavior. At the same time, if it is the threat or promise of immigrants voting that is critical, we would not expect that the size of the noncitizen, foreign born (nonvoting) population would produce the same effect on lawmaker roll call voting.

Wong indeed finds that in both the House and Senate, the size of the foreign born and/or naturalized immigrant population is positively associated with more permissive and less restrictive roll call voting, while the size of the noncitizen foreign born population is not. Moreover, responsiveness to the size of the naturalized citizen population is evident among both Democrat and Republican congress members, although Republicans are somewhat less impacted.¹⁹

This result is an important contribution to our understanding of the political strength that enfranchised immigrants wield in today's politics. Again, however, comparative, historical analyses are necessary to know if this relationship between the size of the enfranchised immigrant population and the behavior of elected officials is a new one. There is also a localism to the argument that is somewhat contradicted by the work of Dan Hopkins, who shows that the nationalization of immigration as an issue animated the conditions that are present locally.²⁰ Finally, Wong's decision to separately model roll calls that would move immigration policy in a restrictive direction relative to the status quo and those that would move policy in a more permissive direction is novel. In the end, I think I agree with the decision. For instance, if two roll calls have different status quos, in one instance a legislator might prefer a restrictive change in policy while in the other the legislator might prefer a move to a more permissive policy, all without any ideological inconsistency on the part of the lawmaker.

To test his third claim, that today's immigration politics reflect a new sense of American identity due to the country's changing demographics, Wong adopts a field experiment approach.²¹ Namely, he sent emailed inquiries to dozens of members of congress either requesting a meeting or asking for a response clarifying the member's policy position on comprehensive immigration reform, including a path to citizenship for undocumented immigrants. The first form of the treatment, which was randomly assigned, employed a name conveying Latino ethnicity and overtly indicated that the individual was undocumented. The second form of the treatment conveyed the individual's undocumented status but employed a name suggesting strongly that the individual was non-Hispanic White. The control group employed the non-Hispanic white name and did

18. WONG, *supra* note 1, at 110–91.

19. *Id.* at 183.

20. Daniel J. Hopkins, *Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition*, 104 AM. POL. SCI. REV. 40, 56 (2010).

21. WONG, *supra* note 1, at 192–93.

not indicate any immigration status.²²

Wong finds that ethnicity is a stronger determinant of legislative responsiveness than immigration status. Legislators are more likely to respond to a request for a meeting or to clarify their policy positions when inquirers are non-Hispanic whites, consistent with some prior research.²³ The results for the impact of undocumented status are more mixed, with putative undocumented whites less likely to receive a response after seeking policy clarification but not less likely to receive a response to a meeting request.²⁴ To the extent that legislators are responsive to putative undocumented individuals, this might suggest some evolution in what it means to be an American.

How might the new partisanship around immigration and evolving demographics combine to alter immigration policy in years to come? In its concluding section, *The Politics of Immigration* simulates roll call voting using the existing partisan makeup of Congress and a projected linear increase in the share of district/state foreign-born population through 2065.²⁵ Notably, and I think correctly, he does not incorporate current partisan patterns of support into the projections. Upon doing so, Wong finds that even fifty years out, after the foreign-born population has grown, House support for comprehensive immigration reform is somewhat unlikely with a majority of members either solidly or weakly opposed.²⁶ In contrast, in the Senate, Wong's simulations suggest that by 2065, the chamber will be evenly split on comprehensive immigration reform. Indeed, this is the case as early as 2015. What changes over time is the share of Senators solidly opposed to comprehensive reform, from forty-two to twenty-seven percent.²⁷

Overall, *The Politics of Immigration* announces immigrants as a newly powerful force in American politics. Having reached a critical size, elected officials are now rather responsive to the group, even as party attachments increasingly balkanize lawmakers on the issue of immigration.

22. *Id.* at 198–200.

23. *Id.* at 203–04.

24. *Id.* at 204.

25. *Id.* at 219.

26. WONG, *supra* note 1, at 220.

27. *Id.* at 221.