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## Race and the Response of State Legislatures to Unauthorized Immigrants

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### Abstract

Increasingly, state legislatures are enacting laws to regulate immigrant populations. What accounts for these responses to foreign-born residents? To explain legislative activity at the state level, the authors examine a variety of factors, including the size and growth of foreign-born and Hispanic local populations, economic well-being, crime rates, and conservative or liberal political ideology in state government and among the citizenry. The authors find that economic indicators, crime rates, and demographic changes have little explanatory value for legislation aimed at restrictions on immigrant populations. Rather, conservative citizen ideology appears to drive immigrant-related restrictionist state legislation. Meanwhile, proimmigrant laws are associated with larger Hispanic concentrations, growing foreign-born populations, and more liberal citizen and governmental orientations. These findings suggest that ideological framing is the most consistently important factor determining legislative responses to newcomers. These findings are in line with the relatively scarce empirical literature on legislative tendencies associated with vulnerable populations.

### Keywords

immigration; immigration policy; state law; racial threat theory; conservative ideology; Hispanics

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Stalled congressional efforts to reform immigration law and a large and growing unauthorized immigrant population have become the rallying cry for a vigorous U.S. grassroots movement to create state and local immigration laws. Immigrants are moving to areas not used to foreigners, and they are setting down roots (Singer, Hardwick, and Brettell 2008). An estimated 12 million people, mostly from Mexico and Latin America, live in the United States without legal rights to remain (Passel 2005). In 2007, for the first time, every state legislature considered at least one immigration-related proposal (Hegen 2008). Scores of cities and towns have proposed, and often adopted, their own legislation (Ramakrishnan and Wong 2007).

The federal government's near-monopoly on immigration policy is clearly giving way to a pattern of enforcement responsibility shared with states and municipalities. But this is a patchwork movement, driven mainly by local concerns about the impact of the current wave of immigration on local taxes, schools, hospitals, and quality of life (Cave 2008). The vast majority of municipalities have undertaken no reforms, and state legislation has been highly varied, with some proimmigrant laws in the mix (Hegen 2008; Ramakrishnan and Wong 2007). Why are some localities actively involved in the effort to discourage immigrants, while others are looking for ways to help them assimilate? This article looks for clues in the pattern of lawmaking at the state level. We consider, for example, rapid demographic change in areas unaccustomed to receiving foreigners, an often-cited explanation for immigration-deflecting legislation. Other potential explanatory factors discussed here include a negative economic climate, labor market competition, and political alignments.

Why are some localities actively involved in the effort to discourage immigrants, while others are looking for ways to help them assimilate?

The vehemence of some of the rhetoric surrounding unauthorized immigration, and this nation's violent history in periods of rapid racial and ethnic change, suggests that racial/ethnic prejudice may also be part of the explanation. Vicious characterizations of the Chinese and violence toward their communities accompanied the debate that led to the 1882 Chinese Exclusion Act and subsequent anti-immigrant legislation. Violence and extreme rhetoric also preceded Operation Wetback, a 1950s-era federal policy designed to rapidly deport large numbers of resident Mexicans. Throughout most of U.S. history, Mexicans have been regarded, not as potential immigrants, but as a surplus labor force (Ngai 2004). Some of the most extreme rhetoric in the current debate tracks the language of earlier racist conflicts over immigration. Even the mainstream discourse is moralistic and punitive, emphasizing the “choice” of immigrants to break the law and suggesting that unauthorized immigrants are unwilling to assimilate but eager to take advantage of American generosity (Cave 2008).

### Immigration as a Subject for Local Lawmaking

Those without citizenship dwell in “liminal legality,” a state of anxiety about the always-present possibility of the deportation of self, friends, and family (Menjívar 2006, 1003). The federal government has implicitly encouraged this situation by inaction, creating symbolic restrictions with little substantive effect besides marginalization (Calavita 2007). Marginalization has increased as state and local governments have started to pass restrictive legislation and federal agents have begun to conduct raids on employers who hire unauthorized immigrants. Local laws now seek to restrict employment of unauthorized immigrants along with their housing arrangements, educational opportunities, language options, and social services (Hegen 2008).

The authority of localities to adopt their own immigration laws is unclear. The U.S. Constitution is virtually silent on the subject, though it does give Congress power to set the terms of naturalization and to ratify treaties negotiated by the president. A key case in the current effort to ascertain the limits of state and local authority is *Pyle v. Doe*, a 1982 Supreme Court decision that establishes that states cannot deny public primary and secondary schooling to undocumented children. This case, based on a Texas law adopted in 1975, is a reminder that there have been earlier efforts to deflect unauthorized immigrants with state laws.

The harbinger of the current movement, however, was Proposition 187, a popular California initiative adopted in 1994 that attempted to deny a wide variety of public benefits to unauthorized residents. The new law was quickly challenged and overturned by a federal judge who found the measure invasive of the federal government's plenary power to control immigration policy (Calavita 1996). Underlying this initiative, some suggest, was white backlash against the rapid growth of Mexican and other immigrant populations in California:

By 1994, politicians had discovered that attacks on Mexican immigrants could function as a new fulcrum for rightward political alignment in U.S. politics. The anti-immigrant agenda served, they found, to mobilize white support for “centrist” Democrats and for Republicans in a manner similar to the familiar “race card” in U.S. politics. (Johnston 2001, 261)

Coexisting with such examples of anti-immigrant activism is a well-established tradition of states and localities assisting in the assimilation of new immigrants. Indeed, the federal government has left assimilation largely to states and cities to fund and to manage. Many

have taken up that task. The occasional efforts of states and cities to protect unauthorized immigrants from the current wave of anti-immigrant activism fit that tradition. Miriam Wells (2004, 1338) suggests that “immigrant-inclusive outcomes are most likely in localities where immigrants comprise a valued part of the local economy, where they are well-connected to native-born residents and community institutions, and where the political culture is liberal and inclusive.”

## Past Studies

Although the mass media regularly cover immigration-related cases and policy developments, systematic treatments of the growing tendency for localities to pass immigration legislation are rare. Indeed, the only two studies of the sources of immigration-related legislation focus on municipal laws, rather than, as we do here, on state legislation. Ramakrishnan and Lewis (2005) examine immigration-related lawmaking among California municipalities and conclude that population size and partisanship at the local level help explain the tendency to adopt immigration legislation, even after controlling for the proportion of the population that is foreign-born or recently arrived.

In a more recent study, Ramakrishnan and Wong (2007) consider the pattern of policy making across the United States. They examine a variety of contextual variables, including demographic changes, local economies, and local political opportunity structures. This study reveals that less than 1 percent of the 25,622 municipalities in the United States had entertained any immigration legislation as of July 2007. Among those that did entertain such proposals, about 60 percent of the restrictionist ordinances passed, while almost all of the proimmigrant proposals became legislation. Ramakrishnan and Wong (2007) found that the factors associated with restrictionist and proimmigrant municipal legislation differed, though in both situations, larger cities are the more likely ones to act, with proimmigrant ordinances generally emerging from very large cities, and restrictionist ordinances being passed in medium-sized cities, while smaller places tended to be inactive. Demographic factors, such as growth in the Latino population, Latino proportion of the population, and poverty and economic disadvantage, had little explanatory value. Political factors, however, were relevant, with restrictionist legislation more likely to be proposed and passed in Republican areas, while Democratic areas were more likely to propose and pass proimmigrant legislation.

These findings to some extent parallel those of Jacobs and Carmichael (2002), who studied state death penalty statutes. They tested Weberian and neo-Marxist theories that stress law as a means to control the “dangerous classes” that threaten the social order, for example, economically marginal residents, or large numbers of African Americans, as suggested by minority threat theory. Jacobs and Carmichael’s findings are consistent with minority threat theory: states with larger black populations and greater economic inequality are more likely to have death penalty legislation. Ideology is also a factor. Controlling for demographic factors, states with conservative values and Republican-dominated legislatures tend to adopt death penalty legislation. The authors conclude that political leaders decide how to “manage the threat posed by the ‘dangerous classes’ and that they do so in a race-conscious fashion” (p. 128).

## Research Questions and Methods

Immigration-related legislation at the state level is on the rise. Forty-five bills were passed in 2005, 84 in 2006, 240 in 2007, and 190 in the first six months of 2008 (Hegen 2008; Morse, Littlefield, and Speasmaker 2007; Morse et al. 2006). Most, but not all, of the state laws that have been promulgated are restrictionist, which is distinctive from the municipal level, where the distribution is more even (Ramakrishnan and Wong 2007). Our study examines

2005 to 2006, a period of significant variation among the states. We distinguish between restrictionist and proimmigrant legislation to see if they arise out of different circumstances. Drawing on varied sociological and criminological literatures, we examine four general perspectives for understanding variation in state lawmaking: racial/ethnic threat, economic threat, criminal threat, and political/conservative ideology.

### **Racial/ethnic threat**

Sociological literature, exemplified by Blalock's (1967/1970) well-known theoretical analysis, suggests that a rapid increase in the proportion of the population that is ethnically or racially distinctive and politically disempowered will provoke hostility, prejudice, and restrictive laws. Recent U.S. research suggests that hostility and prejudice against immigrants grow with the size of the immigrant population (Alba, Rumbaut, and Marotz 2005). But under some circumstances, changing demographics could be associated with proimmigrant legislation, particularly in areas that already have a significant number of established, foreign-born residents (e.g., Wells 2004). Thus, if the new arrivals are welcomed by a politically empowered, well-established minority community, legislation more inclusive of immigrants may be likely. Two competing hypotheses are tested here:

*Hypothesis 1a:* States with an increasing proportion of Hispanic residents and/or growing immigrant populations will be more likely to adopt restrictionist legislation.

*Hypothesis 1b:* States with larger proportions of Hispanic residents and/or immigrant populations will be more likely to adopt proimmigrant legislation.

### **Economic threat**

Economic conditions may also influence attitudes toward immigrants. Results from the 2000 General Social Survey reveal that more than half of respondents view immigrants as likely to have a negative impact on employment rates (Rumbaut and Ewing 2007). Established residents may fear not just labor market competition but also a depressing effect on the economy from growing numbers of new residents. Thus, when economic conditions are poor, people may blame immigrants and pass restrictionist legislation in response. Therefore, we hypothesize that

*Hypothesis 2:* States with lower levels of economic well-being will be more likely to adopt restrictionist legislation.

### **Criminal threat**

Classic sociological theories of criminal offending argue for a strong link between immigration and crime (Shaw and McKay [1942]1969), a view largely supported by the U.S. public, with nearly three-fourths believing that immigrants cause higher crime rates (Alba, Rumbaut, and Marotz 2005). Empirical research does not support this belief; there is even some evidence of a suppression effect on crime (Reid et al. 2005). Nevertheless, public attitudes determine whether there will be pressure for anti-immigrant legislation. We test one hypothesis:

*Hypothesis 3:* States with higher crime rates will be more likely to adopt restrictionist legislation.

### **Ideological and political orientation**

Available evidence suggests that partisanship and ideology affect perceptions of undocumented immigrants, which in turn influence state legislation, either by increasing public pressure to create new law, or more directly, through elite control of the policy-

making process. An example is President George W. Bush's assertion that "illegal immigration puts pressure on public schools and hospitals, it strains state and local budgets, and brings crime to our communities" (cited in Rumbaut and Ewing 2007, 3).

In the current immigration debate, both major political parties are searching for a middle ground that will not alienate any key voting constituency. Nevertheless, it was conservative Republicans, not Democrats, who staked out strong positions against unauthorized immigration in the 2008 presidential primaries. Furthermore, Jacobs and Carmichael (2002) find a strong relationship between political ideology and party affiliation translating into punitive legislation (capital punishment) at the state level. In general, politically conservative ideology tends to be associated with anti-immigrant attitudes (Chandler and Tsai 2001). Finally, the issue is most likely to be keenly felt in states on international borders, where cross-national contacts, legal and illegal, are long-standing. Border states—Texas and California—were the first states to pass anti-immigrant legislation, as noted earlier. This discussion suggests the following hypotheses:

*Hypothesis 4a:* States with Republican governors will be more likely to adopt restrictionist legislation.

*Hypothesis 4b:* States with more conservative citizen and state government ideologies will be more likely to adopt restrictionist legislation.

*Hypothesis 4c:* States with more liberal citizen and state government ideologies will be more likely to adopt proimmigrant legislation.

*Hypothesis 4d:* States bordering Mexico and/or Canada will be more likely to enact anti-immigrant legislation.

## Measures

Our analyses focus on legislation introduced and passed in state legislatures during the 2005 and 2006 state legislative sessions. We rely on a yearly compilation of state laws by the National Conference of State Legislatures' (NCLS's) Immigrant Policy Project. The NCLS reports summarize and count legislation based on a "comprehensive and inclusive methodology [that] captures all state legislation in which immigrants—whether authorized or unauthorized, temporary migrants, aliens and refugees—are affected" (Hegen 2008, 1).

We examine two dependent variables. *Restrictionist legislation* refers to bills enacted and passed by state legislatures that limit, restrict, or deny services, benefits, or protections to legal or nonauthorized immigrants. These include laws that expand law enforcement powers to check citizenship status and that criminalize or increase penalties for unauthorized immigrants or those who assist them. *Proimmigrant legislation* refers to bills enacted by state legislatures that increase, expand, or restore services, benefits, or protections to legal or unauthorized immigrants. Due to the small sample size (fifty states) and the skewed pattern of state legislative activity, we dichotomize these outcomes to (1) compare states passing *any restrictionist legislation in 2005 or 2006* with those that abstain and (2) compare states passing *any proimmigrant legislation in 2005 or 2006* with those that do not pass such laws.

We assess state-level explanatory variables from multiple sources, including U.S. Census data for 1990 and the Current Population Survey. *Percentage Hispanic* is the percentage of the state population that is of Hispanic or Latino origin in 2004. *Change in percentage Hispanic* is the percentage change in a state's Hispanic- or Latino-origin population between 1990 and 2004 ( $= \% \text{ Hispanic } 2004 - \% \text{ Hispanic } 1990$ ). Hispanic-origin individuals may be of any race. *Percentage foreign-born* is the percentage of persons in 2004 not born in the United States. *Change in percentage foreign-born* reflects the percentage change between

1990 and 2004 in the state population foreign-born ( = % Foreign Born 2004 – % Foreign Born 1990).

We draw on multiple measures of state-level economic well-being, by using Census Bureau data. We assess *percentage unemployed* in 2004 as the percentage of the civilian labor force aged sixteen years and over that is unemployed. We measure *median income* for households in 2004, based on the three-year average for 2003 to 2005. *Percentage poverty* is measured in 2004 based on poverty thresholds from the Office of Management and Budget (see Fisher 1992).

Data from the FBI's Uniform Crime Reporting Program on offenses reported to law enforcement agencies provide a measure of violent and property crime rates at the state level in 2004. We measure violent crime as a rate per 100,000 population for the following four offenses: murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. We measure property crime based as a rate per 100,000 population of burglary, larceny-theft, and motor vehicle theft (accessed at <http://www.icpsr.umich.edu/NACJD/ucr.html>).

Following Jacobs and Carmichael (2002), we use two measures of political ideology, relying upon a revised 1960 to 2002 citizen ideology series and government ideology series data (Berry et al. 1998). *Citizen ideology* reflects state voter ideology on a conservative-liberal continuum from 0 to 100, where lower scores reflect more conservative ideology. The measure is based on the ideological position of each member of Congress derived from interest group ratings by Americans for Democratic Action (ADA) and Americans for Constitutional Action (ACA). Average ideology scores for the incumbent and challenger are then weighted by their respective voter support within a particular district and averaged to arrive at a state citizen ideology score. *Government ideology* reflects state government ideology on a conservative-liberal continuum from 0 to 100, where lower scores reflect a more conservative ideology. This measure scores the governor and the two major parties in each state legislative chamber and weights it by the distribution of power based on party affiliation within each chamber (for a more detailed explanation, see Berry et al. 1998). *Republican governor* measures party affiliation and is based on the presence of a Republican governor following the 2004 elections.

Finally, we examine the impact of the international border on the tendency to enact restrictionist and proimmigrant legislation. We created two dummy variables: *states bordering Mexico* (four states: CA, AZ, NM, TX) and *states bordering Canada* (eleven states: AK, WA, ID, MT, ND, MN, MI, NY, VT, NH, ME). All other states provide the reference category.

## Results

During their 2005 and 2006 legislative sessions, states enacted more restrictionist than proimmigrant legislation. Some states varied across numerous domains, while others were more targeted in legislative activities (see Table 1). Overall, thirty-eight states enacted legislation during 2005, 2006, or both legislative sessions, with thirty-two states passing at least one restrictionist law. Eighteen states enacted at least one proimmigrant law. We begin by examining bivariate relationships between state demographic, sociostructural, and ideological characteristics and the adoption of restrictionist and proimmigrant legislation (see Table 2). We find only partial support for our racial/ethnic threat hypotheses. None of our measures that examined racial and ethnic makeup and change distinguished between states that passed restrictionist legislation and those that did not. However, states that enacted proimmigrant legislation had a greater proportion of Hispanics and foreign born,

and were likely to experience growth in both between 1990 and 2004 than those that did not, a result in line with one of our racial and ethnic threat hypotheses.

Turning to our economic and criminal threat hypotheses, we find no support for arguments that restrictionist legislation is motivated by the economic drain or the criminal threat of immigrant populations. None of the economic indicators are significantly related to enacting restrictionist or proimmigrant legislation. Similarly, neither state-level violence nor property crime rates are significantly related to enacting restrictionist or proimmigrant legislation.

The bivariate relationships offer limited support for our ideological and political-orientation hypotheses. States enacting restrictionist legislation register significantly more conservative on our citizen ideology measure than those not passing such laws. There are not significant differences, however, on the government ideology scale or the presence of a Republican governor. States enacting proimmigrant legislation are not significantly different from states that take no such action on either the citizen or governmental measures. Finally, the bivariate relationships offer no support for our hypothesis that states on international borders are more likely to enact restrictionist legislation. In fact, we find that states on the Mexican border are more likely than other states to enact *proimmigrant* legislation.

To better understand the influences of state demographic, sociostructural, political, and ideological characteristics, we conduct multivariate analyses using logistic regression for restrictionist and proimmigrant legislation. Due to limited sample size, only variables having bivariate relationships with restrictionist or proimmigrant legislation are included in the models. We also examine interactions of percentage Hispanic with citizen and state government ideology. Each interaction is examined in a separate model due to concerns with multicollinearity.

We consider the interaction of ideology and Hispanic population because the recent immigration debate emphasizes the political significance of the influx of largely unauthorized immigrants from Mexico and Latin American nations. Yet, it is difficult to know how to evaluate this development. Anxieties about racial/ethnic difference may be aroused, particularly in areas where the dominant political ideology is conservative. But it is also possible that in some areas the new arrivals are welcomed by a politically empowered, well-established minority Hispanic community, encouraging proimmigrant legislation (Wells 2004).

Multivariate analyses are summarized in Table 3. All models control for shared international borders, percentage Hispanic population and change, percentage foreign born and change, and the presence of a Republican governor. We examine separately the effect of citizen (model 1) and state government (model 2) ideologies on the likelihood of enacting restrictionist legislation. The notable finding in these analyses is that citizen ideology is the only factor that is significantly related to restrictionist immigrant legislation; states with more conservative citizen ideology are more likely to impose restrictions on immigrants. More conservative state government ideology and having a Republican governor are not significantly associated with enacting restrictionist legislation. Furthermore, the interactions between percent Hispanic population and both citizen and state government ideology are not significant.

The notable finding in these analyses is that citizen ideology is the only factor that is significantly related to restrictionist immigrant legislation.

Models 3 and 4 examine the effect of citizen and state government ideologies on the likelihood of enacting proimmigrant legislation. These models indicate that states with larger Hispanic populations are more likely than other states to enact proimmigrant

legislation. This is also true of states with more growth in the foreign-born population. Finally, we find that citizen and government ideology significantly interact with the percentage Hispanic. The negative sign of the interaction effects indicates that the influence of a larger Hispanic population in increasing proimmigrant legislation is strongest in states with the most conservative citizen and government ideologies. Its influence weakens as states become more liberal. At the same time, the positive effect of government ideology takes on its greatest importance in states with small Hispanic populations. (The main effect of citizen ideology is not significant.) Thus, it appears that enacting proimmigrant legislation requires either a critical mass of Hispanics or highly liberal government ideological orientations.

## Conclusion

We examined four groups of hypotheses that might help to explain the adoption of state immigrant legislation: (1) racial and ethnic threat, (2) economic threat, (3) criminal threat, and (4) ideological and political orientation. These factors are often discussed in scholarly literature and in popular accounts of the current wave of local legislation. Economic and criminal concerns are particularly prominent in the public debate about impacts from the visibly rising Hispanic population. Yet, surprisingly, none of these “threat” factors, as measured by a variety of environmental indicators, help explain the adoption of restrictionist state legislation. Instead, we find that conservative citizen ideology is the key influence in the adoption of such legislation. Indeed, the crucial factor is not the party affiliation of the governor, but attitudes among the voting public. In contrast, proimmigrant legislation is associated with a high proportion of already-established Hispanics, a growing foreign-born population, and a more liberal state government. Thus, legislatures are responding in distinct ways to their state environments, drawing on ideology alone in implementing restrictive legislation, but being more ready to extend benefits to all in contexts where Hispanics and foreign-born residents are present in large and increasing numbers.

The overall pattern of legislation at the state level is decidedly restrictionist, and the political debate is inflammatory and pervaded with racialized images of dangerous outsiders (Cave 2008). There are frequent suggestions that unauthorized immigrants are a drag on the economy and unwilling to assimilate. The prevalence of such rhetoric makes it all the more noteworthy that measures of real threat, such as a declining state economy or crime, are *not* associated with restrictionist legislation. It is also significant that restrictionist legislation is unrelated to the growth of Hispanic populations. Rather, it appears that non-Hispanic voters come to the immigration issue preprogrammed by their political ideology to see the presence of unauthorized immigrants, or the possibility of their coming, as undesirable, even dangerous. As a result, they enact anti-immigrant legislation.

It is significant that this alleged crisis is framed almost entirely in terms of Mexican and Central American immigrants, not in terms, for example, of student overstayers from Europe, Asia, or Canada. Political leaders and the media appear to be playing to an emerging moral panic about immigration (Cohen 2002). It may be irrelevant whether the laws implemented are enforceable, effective, or worth their costs. What these laws *do* provide is the symbolic satisfaction of having taken a stand on immigration when Congress failed to act and immigrants continue to arrive.

The present findings are limited by significant data constraints. This analysis is only a first attempt to explore competing hypotheses to explain state lawmaking related to immigration. We examined only crude measures of the dependent legislative variables and had limited information about state demographic, sociostructural, and ideological characteristics. Furthermore, we were not in a position to test all possible sources of influence on state



legislation. Shipan and Volden (2006) suggest, for example, that municipal policy adoptions may precipitate state-level policies. They found a positive relationship between local antismoking policies and subsequent state lawmaking. The influence may, they suggest, run both ways. In short, there is much more to be done in analyzing legislative responses to immigration. As these laws accumulate and evolve over time, it will be worthwhile to track their trajectory and explore the roots of legislative activism from other vantage points.

The present research clearly suggests, however, that the ideology of voters is an important factor in the adoption of state-level legislation restrictive of immigrants, while Hispanic voting power can move states in the opposite direction. This is in line with research on municipal immigration laws, and with the Jacobs and Carmichael (2002) study of state-level death penalty legislation. The implications of this analysis are, in a sense, encouraging. The hard and inflexible realities of the economic and demographic environment do not determine how states respond to the issue of immigration. Rather, *perceptions* that are fundamentally ideological are what count. Thus, while it is tempting to think that the rising current of local immigration legislation is the outgrowth of a “perfect storm” brought about by high levels of immigration, economic anxieties, and gridlock in Congress over immigration reform, this view is unnecessarily bleak. The current rush to legislation is a made-up crisis. The economic effects of unauthorized immigration are not large, and are probably positive. The unauthorized immigrant population is not particularly prone to crime or dangerous in any obvious way (Reid et al. 2005). These immigrants have become part of a larger political dynamic and positioning based on racialized fears and misperceptions about the impact of immigration.

## Biographies

Jorge M. Chavez is an assistant professor in the Department of Sociology at Bowling Green State University and is a former predoctoral fellow of the National Consortium on Violence Research. His primary areas of research focus on life course perspectives on child maltreatment and adult outcomes, race/ethnic differences in the comorbidity of mental health problems and violent behavior, and understanding development and change in violence within community contexts.

Doris Marie Provine is a professor in the School of Justice and Social Inquiry at Arizona State University. She is a lawyer and political scientist (Cornell University 1971, 1978). Her most recent publication is *Unequal under Law: Race and the War on Drugs* (University of Chicago Press 2007). Recent awards include a Fulbright North American Studies grant to study immigration policy in Canada and Mexico (2007–2008) and a National Science Foundation Award to examine local policing in the context of immigration (2008–2009).

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TABLE 1

STATE ACTIVITY IN ADOPTING RESTRICTIONIST AND PROIMMIGRANT LEGISLATION, 2005-2006

	Omnibus	Public Benefits	Education	Employment	Identification	Voting/Election	Trafficking	Law Enforcement	Legal Assistance	Gun Permits	Other	Resolution
Restrictionist legislation, 2005-2006	GA	AZ CO HW RI VA	AZ UT WY	AZ CO IS KS LA PA TM WA WY	AK CO FL IL KY ME MO MT SC TX UT	CO DE MO NH SD VA	AZ CO FL JW IA IL KS LA MI MO MS NC NJ WA	AZ AK CO IL NJ OH SD VA	KS ME TN	GA HW TN VA	ID	AZ IL LA NC
Proimmigrant legislation, 2005-2006	CA CO FL ME MD WA	CA CO FL ME MD WA	NE NM VA	AK IL NY	TX UT VA	CO VA	CA IL MD VT	WA WY	CA IL MD VT	WA WY	AZ GA IL NY	

TABLE 2

BIVARIATE ANALYSES PREDICTING RESTRICTIONIST AND PROIMMIGRANT LEGISLATION, 2005–2006

	<u>Restrictionist Legislation</u>		<u>Proimmigrant Legislation</u>	
	None ( <i>n</i> = 18)	Enacted ( <i>n</i> = 32)	None ( <i>n</i> = 32)	Enacted ( <i>n</i> = 18)
Race/ethnic threat				
Percentage Hispanic 2004	10.29	7.98	5.45	14.78**
Percentage Hispanic 1990–2004	3.74	3.27	2.76	4.65*
Percentage foreign born 2004	8.47	7.35	5.99	10.89**
Percentage foreign born 1990–2004	2.99	2.97	2.35	4.10**
Economic threat				
Percentage unemployed 2004	5.06	5.23	5.17	5.16
Median income 2004	\$44,743	\$44,477	\$43,611	\$46,283
Percentage below poverty 2004	11.76	12.16	12.17	11.74
Criminal threat				
Violent crime rate 2004	391.59	400.42	379.33	429.09
Property crime rate 2004	3,291.77	3,508.93	3,326.95	3,615.27
Ideological				
Republican governor	0.72	0.47	0.53	0.61
Citizen ideology	54.33	44.08*	47.33	48.54
Government ideology	52.47	39.89	42.57	47.71
Bordering Mexico	0.11	0.06	0.00	0.22*
Bordering Canada	0.22	0.22	0.19	0.28

\*  $p < .05$ .

\*\*  $p < .01$ .

TABLE 3

MULTIVARIATE MODELS PREDICTING RESTRICTIONIST AND PROIMMIGRANT LEGISLATION, 2005–2006

	<u>Restrictionist Legislation</u>		<u>Proimmigrant Legislation</u>	
	1	2	3	4
Constant	4.27 <sup>*</sup>	2.45 <sup>*</sup>	-8.18 <sup>**</sup>	-8.65 <sup>**</sup>
Bordering Mexico	-0.15	1.52	18.61	41.68
Bordering Canada	-0.12	-0.31	0.59	0.70
Percentage Hispanic 2004	-0.03	-0.08	1.54 <sup>**</sup>	1.51 <sup>*</sup>
Percentage Hispanic 1990–2004	-0.22	-0.16	-1.07	-1.69
Percentage foreign born 2004	0.12	0.05	0.05	-0.20
Percentage foreign born 2004	0.11	0.29	0.87	1.64 <sup>*</sup>
Republican governor	-1.24	-1.14	-0.18	-0.57
Citizen ideology	-0.06 <sup>*</sup>	—	0.10	
Government ideology	—	-0.03	—	0.12 <sup>*</sup>
Percentage Hispanic × Citizen Ideology 2004			-0.02 <sup>*</sup>	
Percentage Hispanic × Government Ideology 2004				-0.02 <sup>*</sup>
Nagelkerke $R^2$	.26	.20	.60	.69
-2 log-likelihood	54.93	57.34	36.60	30.53
Model chi-squared	10.42	8.00	28.74 <sup>***</sup>	34.81 <sup>***</sup>

\*  $p < .05$ .

\*\*  $p < .01$ .

\*\*\*  $p < .001$ .