

Once More a Source of Fresh Contention:  
How Immigration Saliency Causes Restrictionism

by

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## Table of Contents

Acknowledgements.....	3
Introduction: The Immigration Saliency Effect.....	4
Chapter One: Theories of Immigration Politics.....	14
Chapter 2: Majoritarian restriction, Madisonian expansion.....	35
Chapter 3: Periods of restrictionism and immigration saliency .....	54
Conclusion: No more promesas.....	70
List of Sources .....	72

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## Introduction: The Immigration Saliency Effect

On July 1, 2010, a few months after the passage of the Arizona immigration law SB 1070, President Barack Obama gave a speech on immigration in which he recognized how important the issue had become in American politics:

In recent days, the issue of immigration has become once more a source of fresh contention in our country, with the passage of a controversial law in Arizona and the heated reactions we've seen across America. Some have rallied behind this new policy. Others have protested and launched boycotts of the state. And everywhere, people have expressed frustration with a system that seems fundamentally broken.<sup>1</sup>

A controversial law drawing heated reaction, with polarization emerging among passionate activists and ordinary people on both sides of the debate, and a shared perception by all stakeholders and commentators on the left, right and center that the current regime is “broken”, although none can agree on the best way to proceed: this is our contemporary immigration politics.

In this thesis, I argue that the most important question to ask about any given moment in the history of American immigration politics isn't which party was in power, or how much “leadership” was demonstrated by the president or congressional leaders, or even which policies needed changing and which did not. Rather, the question is: was the immigration issue then a source of fresh contention? In other words, how important or *salient* was immigration politics to the American public?

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<sup>1</sup> Office of the Press Secretary, “Remarks by the President on Comprehensive Immigration Reform,” *The White House*, July 1, 2010, <http://www.whitehouse.gov/the-press-office/remarks-president-comprehensive-immigration-reform>.

The answer to that question is what explains why immigration policy shifted in the direction that it did during the period in question. The hypothesis of this thesis is that *restrictionist policy changes occur when immigration politics are salient*.<sup>2</sup> When immigration is a more salient issue to the public, restrictionist policy shifts are more likely; when less salient, restrictionist policy shifts are less likely.

It's frequently argued by commentators and opinion leaders that the American nation-state has abandoned or lost its ability to exercise its sovereignty on the issue of immigration. The common references in political rhetoric to a "broken" system—broken borders, broken enforcement, broken bureaucracy or broken national identity—often feel like accusations leveled against Hannah Arendt's categorization of the state, in which "sovereignty is nowhere more absolute than in matters of emigration, naturalization, nationality, and expulsion."<sup>3</sup> Arendt's axiom, as Christian Joppke points out, describes totalitarian societies; but immigration policy has been crafted by American political society.<sup>4</sup> The increasingly complex and contradictory nature of contemporary American immigration policy is governed by a constitutional political society which gives absolute sovereignty to no one, not even the people.

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<sup>2</sup> I will generally use the term "restrictionist" to refer to policies that reduce the quantity of foreign born noncitizens that enter and stay to live within the country, as well as the ideology of those who support these policies. For the opposite policies, which increase the number of immigrants, and for those who support them I use the term "expansionist." I am including policies related to undocumented immigrants (I avoid the term "illegal" except when necessary for historical context), both because they are inextricably connected to the politics of immigration, if not always "immigration policy" per se, and because, as Christian Joppke argues, the presence of a population of "illegal" immigrants reflects the empirical consequences of historical changes in immigration policy. Christian Joppke, "Why Liberal States Accept Unwanted Immigration," *World Politics* 50, no. 2 (January 1, 1998): 272-273.

<sup>3</sup> Hannah Arendt, *The origins of totalitarianism*, New ed., (New York: Harcourt Brace Jovanovich, 1973), 278.

<sup>4</sup> Joppke, "Why Liberal States Accept Unwanted Immigration," 267.

Today's immigration policy is not "broken" in the sense that it is the product of institutional failure. Rather it reflects the historical accumulation of numerous policy changes that have been perennially reshaped by a complex and evolving political system, a political system in which power is disaggregated among many different actors and institutions.

A more appropriate question that needs to be raised is whether immigration politics is democratic and whether immigration policy has been constructed in accordance with the consent of the governed. Political scientist David Mayhew argues that, "in general in American history, possibly no policy area has brought a greater mismatch between public opinion and government action than immigration."<sup>5</sup> Since 1955, over four-fifths of Americans have consistently told pollsters that they favor maintaining immigration at current levels or decreasing it—and since 1980, a majority has usually been in favor of decreases.<sup>6</sup> And yet expansionist policy shifts have occurred multiple times since then: the 1965 Immigration and Nationality Act tripled the number of immigrants admitted annually between 1965 and 1980; the 1986 Immigration Reform and Control Act legalized three million undocumented immigrants residing in the United States; and the 1990 Immigration Act substantially

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<sup>5</sup> David Mayhew, *Parties and policies : how the American government works* (New Haven: Yale University Press, 2008), 340.

<sup>6</sup> Kenneth Lee, *Huddled masses, muddled laws : why contemporary immigration policy fails to reflect public opinion* (Westport Conn.: Praeger, 1998), 22-23.

increased permanent visas for purposes of skilled employment and family reunification.<sup>7</sup>

Nevertheless, there have also been moments when supporters of expansionism have failed to get their way. Strict quotas, based on race and nationality, were established in the 1920s and governed legal immigrant admission until the passage of the 1965 Act, in spite of strong opposition from ethnic groups and business lobbyists. Since then, multiple government policies have been enacted in an effort to stem the tide of undocumented immigrants from Latin America, including sanctions on those who employ “illegals”, militarization of much of the U.S.-Mexico border and steady increases in the number of deportations.<sup>8</sup> Many of these policies were openly resisted by anti-restrictionist interest groups: employer sanctions, for example, have been opposed both by civil and ethnic rights groups and by the U.S. Chamber of Commerce.<sup>9</sup> Moreover, no policy normalizing the status of the millions of undocumented immigrants currently living in the country has emerged, even as more and more funds have been appropriated towards border enforcement. TKF Clearly there is no dominant set of values or interests controlling immigration policy in the United States; instead, policy outcomes are only occasionally supported by the majority of the public.

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<sup>7</sup> Ibid., 10.

<sup>8</sup> Peter Slevin, “Deportation of illegal immigrants increases under Obama administration,” *The Washington Post*, n.d., <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/25/AR2010072501790.html>.

<sup>9</sup> D. J. Tichenor, “Strange Bedfellows: The Politics and Pathologies of Immigration Reform,” *Labor: Studies in Working-Class History of the Americas* 5, no. 2 (2008): 50.

In this thesis, I advance a theory of immigration policy based on changes in immigration issue saliency. By immigration saliency I mean the attention that the mass public is giving to immigration politics at any given moment in time. When immigration saliency is low, the immigration policymaking process is characterized by elite-level negotiations and positive-sum distributive politics between interest groups on the Left and the Right—what Gary Freeman calls “client politics.”<sup>10</sup> Due to the overall balance of interest group dynamics in immigration politics, low saliency immigration policymaking tends to result in expansionist policy shifts, although institutional factors and historical contingency exert a strong influence on the actual policy outcomes.

When immigration saliency is high, however, the nature of immigration politics dramatically changes. Increased public attention on the immigration issue leads to a breakdown of client politics: the politicization of immigration causes immediate electoral incentives to exercise a dominating influence over the behavior of legislators and political elites, eroding the power of interest groups and lobbies. High saliency immigration politics tend to result in restrictionist policy shifts, changes in policy that reduce immigrant inflows either indirectly (by reducing immigrant rights) or directly (through reductions in legal immigration limits).

Sustained immigration saliency leads to restrictionist policies for the following seven reasons:

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<sup>10</sup> Gary Freeman, “National models, policy types, and the politics of immigration in liberal democracies,” *West European Politics* 29, no. 2 (2006): 227-247.



First, *public opinion is overwhelmingly anti-expansionist and a majority often favors reductions*. In times of low immigration saliency, the negative direction of public opinion on immigration has little meaning: an individual's opinion on low saliency issues is usually unformed or nonexistent. However, once saliency rises, anti-immigration sentiment starts to influence political beliefs and behavior, as individuals generate concrete opinions of immigrants and immigration, or solidify opinions which already existed but were relatively latent.

Second, *immigration saliency increases the level of anti-immigration sentiment in the non-immigrant public*. Anti-immigration sentiment is motivated primarily by factors such as cultural, racial and identity threats as well as beliefs about links between immigration and various economic and societal issues. These factors arise due to media framing and ideological "learning" effects from political parties and opinion leaders. Individuals become more prone to adopting anti-immigrant attitudes during periods when immigration issues are the focus of increased national media coverage and of discussion among opinion leaders, especially when *combined* with the arrival of new immigrants in their localities. For the non-immigrant mass public, both local and exterior processes are necessary for immigration to become a political issue.

Third, the increased saliency of immigration leads to the inverse of client politics, "entrepreneurial politics", wherein *political elites and opinion leaders use salient issues to push for new policies with benefits that are perceived as favorable to the majority* ("redistributive" policies). This means restrictionist policies, which

appeal broadly to many different people because anti-immigrant sentiment aligns easily with widespread moral intuitions of both the Left and the Right. Entrepreneurial immigration politics mobilizes the majority against the minority, in media and in political campaigns. It thus influences the decisions of legislators, many of whom must now run for re-election in districts and states where immigration is a salient issue. Legislators are forced to publically discuss immigration policy, justify their immigration-related votes to their constituents, and commit themselves to a particular philosophy on immigration for the future. Electoral incentives trump the incentives of lobbyists and interest groups for the vast majority of political elites.

Fourth, *both the overall influence and the organizational strength of the expansionist interests diminish under sustained immigration saliency*. Many formerly pro-immigration interests will tend to fall in line with dominant ideological or partisan commitments, or endorse moderate restrictionist shifts in an effort to forestall larger ones. Business in particular has historically managed to eke out compromises in its favor (such as guest worker programs) after restrictionist policies are passed, while labor unions, religious groups and civil rights groups are either shut out or, particularly if they have large constituencies, will embrace restrictionism as the “reasonable” course of action.

Fifth, while entrepreneurial politics under sustained immigration saliency also leads to increased organizational strength and political mobilization of the targeted minority—immigrants—it also *polarizes the mass public along pro- and anti-immigration lines*. Elements of the non-immigrant public that remain pro-immigration

tend to be better educated, have more tolerant values, are more ideologically liberal, and/or tend to be ethnic minorities and thus sympathize with the persecution of other minority groups. The in-group effects related to anti-immigration sentiment are magnified by the mobilization of these pro-immigration individuals, leading to increased polarization and an exacerbation of the saliency effect. The fact that the anti-immigration population outnumbers the pro-immigration population means that the former will have the advantage in representation under conditions of majoritarian governance.

Sixth, at the institutional level *Madisonian democracy is eroded under conditions of sustained immigration saliency*. Madisonian institutions designed to prevent policies that are detrimental to minorities and small interest groups become less effective over time at holding back majoritarian politics.<sup>11</sup> Institutional veto points previously used to prevent rapid or arbitrary reform are either eliminated or captured by restrictionist actors. The result is that sustained immigration saliency leads to accelerating restrictionist policy shifts, as veto points are transformed into opportunity points that allow restrictionist activists and political elites to achieve more ambitious victories.

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<sup>11</sup> I use the term “Madisonian democracy”, drawn from Robert Dahl’s A preface to democratic theory, to refer to political democracy with multiple institutional checks and veto points as was recommended for the United States by James Madison. Dahl abandons the eighteenth-century terminological distinction between a “republic”, defined as a constitutional political order governed by representatives of the people, and a “democracy” which Madison and his contemporaries associated with Athenian-style direct democracy. Instead, Dahl calls the political system defended in the Federalist Papers a “Madisonian democracy.” Robert Dahl, A preface to democratic theory (Chicago Ill.: The University of Chicago Press, 1984), 4-62.

Seven, while sustained immigration saliency does substantially increase the level of political action and mobilization of immigrants themselves, *immigrant political identity is not static and fades over the course of time*. Assimilation effects lead to a disengagement from immigration politics on the part of successive generations of the descendents of the foreign born.<sup>12</sup> Thus while Irish-American identity, Italian-American identity, Chinese-American identity and, of course, Mexican-American identity or Hispanic-American identity have all at various points in American history correlated with a closer relationship with immigration politics and support for expansionist policies, the process of assimilation means that the descendents of these immigrants cannot be counted on to support expansionism or oppose restrictionism in the future. The concept of a “nation of immigrants” means many things for the culture of America, but a large and permanent electoral constituency in favor of expansionism is not one of them.

These are the processes by which sustained immigration saliency leads to restrictionist policy shifts, as I will argue in the coming pages. In Chapter One, I will engage with the existing immigration politics literature and attempt to place the immigration saliency effect within the context of the pluralist theory of immigration politics and policymaking. In Chapter Two, I will use historical examples to critique the institutionalist school of immigration politics in light of the immigration saliency effect theory. In Chapter Three, I will present some ways that immigration saliency

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<sup>12</sup> Richard Alba, *Remaking the American mainstream : assimilation and contemporary immigration* (Cambridge Mass.: Harvard University Press, 2003).

can be measured and place immigration saliency in the context of a general history of American immigration politics; I will examine a historical case of an intensely restrictionist moment in American political history: the Progressive Era literacy test debate. I will conclude with some discussion of the future paths that immigration politics might take.

## **Chapter One: Theories of Immigration Politics**

In this thesis, I argue that immigration issue saliency leads to restrictionism. The existing immigration politics literature appears to systematically neglect to link theories of immigration policymaking with a serious consideration of the role of the mass public in pushing towards restrictionism. In this chapter, I first examine studies of public sentiment towards immigrants and immigration and place the immigration saliency effect in context with them. I then offer an evaluation of different theories of immigration policymaking, focusing on the pluralist school, which appears to be the most prominent in the literature.

### **Theories of anti-immigrant sentiment in the public**

The public's opinion of immigrants and immigration policy varies by demographic, time and place. Constructing a unified theory of public opinion towards immigrants is probably impossible, and different statistical surveys continue to show myriad and seemingly contradictory correlations between the direction of opinion and individual characteristics of the public. There is, however, a clear dichotomy in the literature between what I deem the rational and the sentimental schools of public opinion on immigration. The rational school argues that people construct their political beliefs on immigration based on self-interest. Economics is central to this school, and its proponents carefully model predicted reactions towards immigrants. The sentimental school, on the other hand, argues that immigration attitudes are

motivated by various cultural and moral values, as well as by beliefs about the connection between immigrants and various societal and economic concerns.

***Economic models of public opinion: a rational public?***

Rational schools of public opinion argue that individuals have a real sense of what immigration means for them personally; in particular, what immigrations means for their economic concerns. It's not an absurd premise to start from: immigrants have a real effect on the national economy; and under a "rational public" model we should therefore expect individuals' opinions on immigrants to have a predictable direction depending on their economic needs.

The economic self-interest model predicts that attitudes towards immigration should be affected by economic self-interest in three different areas: labor market competition, competition for public benefits and welfare state spending, and marginal tax burdens. Labor market competition models predict that the native born will either oppose or support immigration depending on the ratio of skill between the natives and the immigrants.<sup>13</sup> Natives will support immigrants of different skill levels because they complement each other in the labor market, but will oppose immigrants of similar skill levels because their own wages will be affected. With the introduction of the welfare state, as well as the taxation necessary to finance it, the self-interest model predicts two possible effects: either low-skilled natives will oppose low-skilled

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<sup>13</sup> Anna Maria Mayda, "Who Is Against Immigration? A Cross-Country Investigation of Individual Attitudes toward Immigrants," *Review of Economics and Statistics* 88, no. 3 (2006): 510-530.

immigrants because they compete with each other for welfare benefits, or high-skilled natives will oppose low-skilled immigrants because of the higher taxes that result from the increased fiscal burden on the state.<sup>14</sup> Facchini and Mayda argue that the reaction will depend on how governments deal with the increased costs of public benefits: if taxes go up, then high-skilled natives will react, but if benefits are reduced, then low-skilled natives will react.

The combination of these self-interest models, in which labor market, welfare state and tax burden effects interact to influence attitudes towards immigration, suggests that given an increase of unskilled immigrants, pro-immigrant attitudes should be positively correlated with skill and either positively or negatively correlated with income depending on how a government deals with the increased public expenditures that result from unskilled immigration.

Defenders of rational self-interest models do have some sample data to support their models: multiple studies show that in developed countries skill level does correlate positively with pro-immigration views.<sup>15</sup> Moreover, one example of how this model could manifest in politics, according to Facchini and Mayda, is the argument that, when he was the Governor of Texas, George W. Bush pushed for a

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<sup>14</sup> Giovanni Facchini and Anna Maria Mayda, "Individual Attitudes Towards Immigrants: Welfare-State Determinants Across Countries," SSRN eLibrary (2006), <http://ssrn.com/paper=922114>.

<sup>15</sup> K O'Rourke and R Sinnott, "The determinants of individual attitudes towards immigration," *European Journal of Political Economy* 22, no. 4 (2006): 838-861.



pro-immigration regime in his state because Texas lacked a state income tax.<sup>16</sup> Thus the burden on the welfare state in Texas was paid for not by increasing taxes, which would have been a difficult proposition for a Republican governor whose supporters were mostly higher-income voters, but rather by decreasing spending per capita on poorer Texans. His contemporary Republican Governor Pete Wilson in California supported immigration restriction because he would have had to raise state taxes to pay for welfare benefits. While this may have been the motivation for the differences between Wilson and Bush on immigrant policy, other scholars have shown that self-interest models aren't really consistent with the public's distribution of opinion on immigration. Hainmueller and Hiscox show that native workers strongly prefer high-skilled to low-skilled immigrants regardless of the natives' own skill level.<sup>17</sup> In addition, their findings show that richer natives in states with higher per capita welfare spending are actually more likely to support low-skilled immigrants than in states with lower per capita welfare spending. This suggests that self-interest is not at work in generating these opinions.

In any case, self-interest models are based on faulty premises about the effects of immigration on native born workers. Economists aren't uniformly in agreement on the effects of undocumented immigration on the labor market, but some research shows that legalizing undocumented workers actually *decreases* their complementary

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<sup>16</sup> Facchini and Mayda, "Individual Attitudes Towards Immigrants: Welfare-State Determinants Across Countries."

<sup>17</sup> Jens Hainmueller and Michael J. Hiscox, "Attitudes toward Highly Skilled and Low-skilled Immigration: Evidence from a Survey Experiment," *American Political Science Review* 104, no. 1 (2010): 61.

effect.<sup>18</sup> Presumably, language barriers mean that the native born have a comparative advantage over low-skilled immigrants. Ironically, the demographic within the United States with the greatest likelihood of opposing low-skilled Hispanic immigration, according to the economic self interest model, are other Hispanics already in the country. This conclusion suggests that rational self-interest models align neatly with the economic competition arguments of restrictionists; yet, though they try to appeal to all low-income workers, they should be focusing their efforts on Hispanics in particular.

A rational self-interest model of immigration opinion can generally be dismissed even without statistically testing it merely by considering the general lack of knowledge of the American people concerning immigration. In general, the public is extremely ignorant about immigration policy: a good example is when surveyed American public opinion estimated on average that 28 percent of their country's population was foreign born, when in actuality it was 12 percent at the time of the survey.<sup>19</sup> The same survey showed that on average Americans thought that immigration exacerbated crime rates, but the foreign born are actually less likely to be incarcerated than the native born.<sup>20</sup>

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<sup>18</sup> Frank D. Bean, B. Lindsay Lowell, and Lowell J. Taylor, "Undocumented Mexican Immigrants and the Earnings of Other Workers in the United States," *Demography* 25, no. 1 (1988): 35.

<sup>19</sup> This is not to disparage Americans in particular, as Citrin and Sides show that in the United States the proportion between belief and reality is about average when compared to European countries. Jack Citrin and John Sides, "Immigration and the Imagined Community in Europe and the United States," *Political Studies* 56, no. 1 (2008): 42.

<sup>20</sup> *Ibid.*, 43.

*Sentimental schools: Culture, threat and ideology*

Theories of public opinion on immigration that depart from rational interest have identified many different motivating forces for anti-immigrant sentiment, including identity, cultural and racial threat, as well as general beliefs about the state of the economy and anxiety about taxes.<sup>21</sup> In general, the precise correlations are less important than what causes these sentiments to arise in the first place.

Multiple political scientists have argued that the ephemeral quality of “what the public believes” on most policy issues is often determined by what opinion leaders believe. Party and coalition alliance in American democracy is determined for the vast majority of the population well before specific issues are raised by campaigns and politicians in office. Gabriel Lenz shows that people tend to choose a “team” and adopt the positions on policy issues that their partisan or ideological opinion leaders teach them to adopt.<sup>22</sup> Looking at what opinion leaders are talking about tells us what the public is thinking about. This is because policy issues are largely conceived in symbolic terms by the public. In immigration politics, specific policies become associated with ideological beliefs via the mediating effect of party, ideological and other opinion leaders.

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<sup>21</sup> “The results indicate that personal economic circumstances play little role in opinion formation, but beliefs about the state of the national economy, anxiety over taxes, and generalized feelings about Hispanics and Asians, the major immigrant groups, are significant determinants of restrictionist sentiment,” from Jack Citrin et al., “Public Opinion Toward Immigration Reform: The Role of Economic Motivations,” *The Journal of Politics* 59, no. 3 (1997): 858-881.

<sup>22</sup> Gabriel S. Lenz, “Learning and Opinion Change, Not Priming: Reconsidering the Priming Hypothesis,” *American Journal of Political Science* 53, no. 4 (October 1, 2009): 821-837.

The susceptibility of most of the non-immigrant public to anti-immigration sentiment is also explicable through the appeal of restrictionist arguments to multiple moral intuitions. Moral foundations theory, most prominently associated with the work of social psychologist Jonathan Haidt, posits that human beings have five different categories of "moral foundation" that motivate their intuitions about what is right or wrong.<sup>23</sup> Using survey evidence, Haidt finds differences between the ability of self-identified liberals and conservatives to understand or "taste" all five moral foundations: liberals tend to only comprehend two, fairness/reciprocity and care/harm, while conservatives have all five, which include the first two as well as in-group/loyalty, authority/respect and purity/sanctity.

The theory has been applied to immigration politics by Mary McThomas, who interviewed pro- and anti-immigration activists in Mississippi and Oklahoma, states that at the time of her interviews had passed the two most stringent employer sanctions laws in the country. She finds that pro-immigration activists used fairness foundations (restrictionism violates the civil rights of immigrants under the constitution and promotes racial discrimination) and care foundations (immigrants suffer badly and have nowhere to go home to) to justify their arguments. Meanwhile, anti-immigration activists used all five foundations: fairness (illegal immigration violates the rule of law and promotes a double standard), care (native born workers that compete with illegal immigrants for jobs and wages are harmed, as are

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<sup>23</sup> Jonathan Haidt and Jesse Graham, "Planet of the Durkheimians, Where Community, Authority, and Sacredness are Foundations of Morality," *SSRN eLibrary* (2006), <http://ssrn.com/paper=980844>.

immigrants themselves by the coyotes that transport them), in-group loyalty (Americans have to first worry about the jobs of other Americans, not foreigners), authority (political institutions are failing to respect the law), and purity (the children of illegal immigrants may someday outnumber the children of natives).

The ability of restrictionist narratives to appeal to all five different foundations of moral intuition hints at the majoritarian appeal of restrictionism whenever immigration is salient. Self-identified liberals are a much smaller percentage of the population than moderates or conservatives, and moderates, according to Haidt, tend to respond at least somewhat to the three conservative foundations. When the median non-immigrant American sees a debate between a conservative and a liberal about immigration, they may be more likely to agree with the conservative because of the sheer number of reasonable points raised relative to the liberal, whose arguments are exclusively about the rights and welfare of the immigrant. The liberal also most likely will not have a counterargument that is not an ad hominem to most of the conservative's arguments because they will appear racist and irrational to the liberal and thus not worth addressing.

### ***Public opinion and the immigration saliency effect***

My argument that immigration saliency leads to restrictionism is premised on findings that suggest that immigration issue opinion is interrelated with immigration

issue saliency in the mass public.<sup>24</sup> When immigration issues become more salient, anti-immigration sentiment becomes more prevalent in the non-immigrant public. “Immigration issues” may include discussion of the nature and effects of immigration policy, but it may also include the connection, whether real or symbolic, between immigrants and any number of other areas related to current affairs or societal issues. When an issue becomes salient, I mean it is an increasingly important or prevalent topic in public discourse. The main indicator of high salience is increased discussion of the issue by the media and opinion leaders.<sup>25</sup>

A comparative study by Daniel Hopkins looked at multiple public opinion surveys and found that increased media coverage of immigration politics leads to increased negative impressions of immigrants *when combined* with local sudden increases in new immigrant populations.<sup>26</sup> The most common way for someone to acquire an opinion about immigrants is to be aware of the presence of new immigrants in their neighborhood, town or city.

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<sup>24</sup> Daniel J. Hopkins, “Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition,” *American Political Science Review* 104, no. 1 (2010): 40; Thomas Espenshade, *Keys to successful immigration : implications of the New Jersey experience* (Washington D.C.: Urban Institute Press, 1997), 93.

<sup>25</sup> By opinion leaders, I use Ronald Burt’s definition: “opinion brokers who carry information across the social boundaries between groups,” which draws on Elihu Katz’s argument that information from the media is disseminated in a two-step process from opinion leaders, usually active media users, to less active or informed people in their social networks. Opinion leaders are central to theories of how the media influences public opinion and politics. Ronald S. Burt, “The Social Capital of Opinion Leaders,” *Annals of the American Academy of Political and Social Science* 566 (November 1, 1999): 37-54; Elihu Katz, “The Two-Step Flow of Communication: An Up-To-Date Report on an Hypothesis,” *Public Opinion Quarterly* 21, no. 1 (1957): 61; Benjamin I. Page, Robert Y. Shapiro, and Glenn R. Dempsey, “What Moves Public Opinion?,” *The American Political Science Review* 81, no. 1 (March 1, 1987): 23-43.

<sup>26</sup> Hopkins, “Politicized Places.”

“New” in this case carries a double meaning: it means not only the fact that the immigrants were not in the community before but also that their nationalities are considered particularly foreign because they have not yet assimilated.<sup>27</sup> Assimilation of immigrants is central to the immigration saliency debate: certain nationalities are associated with “immigration issues” because they have arrived relatively recently in large waves.<sup>28</sup> In the twentieth century there have been two such periods of extensive immigration, the 1900-1929 wave of European immigration which was interrupted only by World War I, and the post-1965 wave of Third World immigration from Asia and Latin America.<sup>29</sup> These new immigrant groups initially concentrate in particular cities and states, but eventually begin to spread throughout the country.

The creation of “politicized places”, as Daniel Hopkins calls them, occurs when immigration saliency in the media provokes the non-immigrant public into noticing the new immigrants around them. There is a certain element of arbitrary contingency in the immigration saliency effect, built into the nature of media and opinion leaders themselves. Real-world events can be connected to media saliency, but these can easily vary between the clearly significant to the meaninglessly symbolic. For example, both 9/11 and the Elian Gonzalez affair contributed to heightened immigration-related coverage. If a foreign-born person commits a crime that is particularly shocking and grabs the attention of the media, there are multiple

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<sup>27</sup> Desmond King, *Making Americans : immigration, race, and the origins of the diverse democracy* (Cambridge Mass.: Harvard University Press, 2000), 50-81.

<sup>28</sup> Robert Dahl, *Who governs? : democracy and power in an American city*, 2nd ed. (New Haven: Yale University Press, 2005), 32-36.

<sup>29</sup> Alba, *Remaking the American mainstream*, 124-127.

ways that the situation can be framed and that the incident can be politicized, if indeed it is politicized at all. Activists will try to frame the event as related to different issue areas: public health activists might suggest that the incident is evidence of a mental health policy problem, while gun control activists might suggest that the incident relates to the ease of obtaining guns. The media may choose its own frame or accept that of others, and oftentimes it is mere contingency that results in the event being deemed an immigration issue.

Nevertheless, if media or opinion leaders start to discuss an immigration problem as a result of the real-world event, it will result in anti-immigrant sentiment in the public. It doesn't matter what media or opinion leaders actually think of immigration themselves; the mere fact that immigration is being discussed will provoke a negative reaction in areas of the country where immigrants have recently arrived. Immigration saliency is also self-reinforcing and feeds off of other salient media issues. If unemployment is high or the economy is bad, anti-immigrant sentiment will be rationalized by general feelings involving the negative effect of immigrants on the economy or on the labor market.<sup>30</sup> If a war or another foreign policy issue is a national concern, then anti-immigrant sentiment will be rationalized by arguments that immigrants are a threat to national security.<sup>31</sup> If crime is an issue, anti-immigrant sentiment will be justified by arguments that immigrants are a threat

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<sup>30</sup> Citrin et al., "Public Opinion Toward Immigration Reform: The Role of Economic Motivations," 859-861.

<sup>31</sup> Hopkins, "Politicized Places," 25-28.



to public safety and have criminal tendencies.<sup>32</sup> If taxes are high or a fiscal crisis is underway, immigrants will be held culpable for taking public benefits.

When engaging in politics, individuals have an extremely limited ability to comprehend the incredible complexity of policy, and use framing effects to place real-world events—both internal and external to their personal lives—in the context of particular issues. When an issue, such as immigration, becomes salient, its use as a framing device rises. Individuals start to see the connection between immigration and the internal and external real-world events within their sphere of political awareness. Motivations observed by the sentimental school—such as ideology, culture and identity threat, and false beliefs—are generated or activated.

Hopkins shows that there is a statistical relationship between the “politicized places” and the enactment of local anti-immigrant ordinances.<sup>33</sup> I argue that this is replicated at all levels of government once politicized places start to arise in enough numbers. Politicized places create a constituency for entrepreneurial politics, wherein activists and political elites push for policies with perceived majoritarian benefits at the cost of minority groups (this terminology has been used differently by other scholars of immigration, as I will discuss in the next section). Ultimately, anti-immigrant sentiment may have multiple root causes, but its primary significance for understanding immigration policy changes is in how it is influenced by increased saliency.

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<sup>32</sup> Peter Burns and James G. Gimpel, “Economic Insecurity, Prejudicial Stereotypes, and Public Opinion on Immigration Policy,” *Political Science Quarterly* 115, no. 2 (2000): 201.

<sup>33</sup> Hopkins, “Politicized Places,” 35.

***Pluralist accounts: Immigration as Client Politics***

As Theodore Lowi says, “No theory or approach has ever come closer to defining and unifying the field of political science than pluralism, perhaps because it fitted so nicely both the outlook of revered Federalist #10 and the observables of the New Deal.”<sup>34</sup> Pluralist scholars argue that immigration policy in democracies is a result of interest group competition, negotiation and mutual influence. In immigration politics, two interest groups are materially invested in expansionist immigration policy: business owners (capital) and immigrant groups.

These *expansionist interests*, as I will refer to them, have indisputably had an outsized influence on immigration politics for much of its history. Business has often been recognized by political theorists as having a disproportionate influence in capitalist democracies, due to their perceived control over much of the means of production and employment in the economy, the performance of which politicians depend upon to stay in office.<sup>35</sup> Immigrant groups, meanwhile, can mobilize new foreign-born voters as well as inspire ethnic solidarity for the purpose of political organizing. In addition to these resources, the mere fact that both of these expansionist interests are organized and have consistently involved themselves in the immigration policymaking process means that they have a definite advantage over influences; organization allows for high levels of influence via lobbying, campaign

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<sup>34</sup> Theodore J. Lowi, “Review: American Business, Public Policy, Case-Studies, and Political Theory,” *World Politics* 16, no. 4 (July 1, 1964): 678.

<sup>35</sup> Charles Lindblom, *Politics and markets : the world's political economic systems* (New York: Basic Books, 1977), 170-188.

contributions and media sway. The expansionist interests are predisposed to having a disproportionate influence on immigration policy because they are the only consistently organized groups that are invested in it.

However, merely observing the presence of interest groups in the crafting of immigration policy ignores the relevant question of why these groups did not achieve their goals in many periods of immigration policymaking history. For example, business lobbies failed to prevent large majorities of Congress from voting for a literacy test bill at multiple points from 1897 to 1917; legislators that otherwise were attentive to the needs of business leaders felt compelled to ignore the business lobby and press on with restrictionism. This is enough to disprove the Marxist-influenced class theories of immigration politics, which posit that policy in modern representative democracies is crafted primarily for the benefit of capital.<sup>36</sup> Structural elite theorists have occasionally tried to rescue elitist theory by arguing that past restrictionist victories occurred merely to give legitimacy to the political order in order to preserve its stability.<sup>37</sup> This argument is clearly tautological because it assumes capital is always winning, even when it's not. These theories are no longer particularly prevalent in the literature; yet they are still a frequent assumption outside of the academy, particularly among restrictionist activists making populist arguments

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<sup>36</sup> C Mills, *The power elite* (New York: Oxford University Press, 1999), 3-29; Lowi, "Review: American Business, Public Policy, Case-Studies, and Political Theory," 679-680.

<sup>37</sup> Lee, *Huddled masses, muddled laws*, 79.

against immigration.<sup>38</sup> Their existence is significant because while they may be guilty of exaggerating of the omnipotence of capital, they nevertheless reflect more tempered pluralist accounts that recognize that business is always at an advantage in even the most egalitarian modern democracies.

Theodore Lowi criticizes interest group models of power in democratic politics because they rely upon case studies of publicly debated issues. Issues are only made public because groups make them public, and in doing so they define them.<sup>39</sup> Pluralist theories of immigration politics clearly demonstrate this weakness. Immigration policy, defined simply as the policies that directly and particularly affect foreign-born noncitizens who wish to reside within the country, is related to a variety of different policies, departments, agencies, laws, unwritten norms, taxes, expenditures, as well as the interests of many businesses, civil society organizations and families. Only at certain periods of history were coalitions formed with the goal of changing immigration policy, and some of these aspects of broadly-defined immigration policy have never been seriously debated within mainstream politics at all.

Comparativist immigration scholar Gary Freeman combines the political theories of Lowi and James Q. Wilson in his immigration politics model.<sup>40</sup> Both theorists' models of political power frame the nature of democratic politics as depending upon which types of policies are being crafted. Lowi argued that political

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<sup>38</sup> *Ibid.*, 77.

<sup>39</sup> Lowi, "Review: American Business, Public Policy, Case-Studies, and Political Theory," 680-681.

<sup>40</sup> Freeman, "National models, policy types, and the politics of immigration in liberal democracies."

actors and interest groups will attempt to frame an issue, as well as their respective positions on that issue, depending on how they perceive the relevant costs and benefits of the policy being debated.<sup>41</sup> Opponents and supporters of a particular policy will attempt to reshape the public discussion of an issue so as to strengthen their respective coalitions. Opponents might attempt to reframe a policy's image, so that a policy that is considered "distributive", or positive sum, turns into a policy that is considered "redistributive", or zero-sum. If the opponents of the policy are successful at shifting public perceptions, they can then either mobilize new constituencies that might perceive the policy as costing them personally and benefiting someone else, or demobilize a previously supportive constituency that now sees the debate as merely a pointless conflict between two self-interested interest groups. Supporters of the policy will attempt to do the opposite, reframing an issue that is considered redistributive into one that is considered distributive, so that potential supportive constituencies will come to see themselves as winners at nobody else's cost.

Wilson, meanwhile, envisions policies as having *objective* distributional consequences. Each policy has real-world costs and benefits, and the politics of each policy will depend on whether those costs and benefits affect specific, small constituencies or the larger public. Policies that benefit a concentrated interest group with costs borne by a diffuse majority are dictated by "client politics": the interest group, being small and well-informed of how the policy benefits them, will have

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<sup>41</sup> Lowi, "Review: American Business, Public Policy, Case-Studies, and Political Theory."

organizational strength relative to the public, which will be slow to react and unaware of how the policy is harming their interest. Meanwhile, policies that benefit the greater public with costs borne by a small group will be defined by “entrepreneurial politics”, with policymakers achieving a utilitarian mass gain at a cost to only a small group of people.

Freeman argues that immigration policy falls into Wilson’s typology as a form of “client politics”, where the policies being debated have concentrated benefits and diffuse costs. To increase legal immigration is to practice “distributive politics” within Lowi’s framework, because the legal immigration is *perceived* as being positive-sum, but is “client politics” within Wilson’s framework, because the benefits accrue to a concentrated constituency, the immigrants, as well as “employers seeking to hire foreign workers... [and] businesses that depend on domestic markets”, while the real diffuse costs fall on the larger public, which must compete with the immigrants in the labor market and pay for the benefits they receive from the welfare state.<sup>42</sup> Though the mass public is “objectively” suffering from the addition of each permanent new resident, the public will consistently fail to see its interests realized in the politics of immigration because it lacks the organizational power of the pro-immigration coalition.

But like other scholars who have attempted to defend the economic model of immigration politics, Freeman’s must be tempered with an emphasis on the *perceived*

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<sup>42</sup> Freeman, “National models, policy types, and the politics of immigration in liberal democracies,” 231-232.

nature of the cost/benefit analysis of legal immigration, which he draws from Lowi but fails to argue to its logical conclusion. Lowi argued that the fact that the positions were public meant that interest groups invested in the issue *had already succeeded at defining the issue*. An interest group's particular definition of an issue is an inherent consequence of that interest group taking a position on that issue in the first place. Framing policies as having "objective" consequences neglects the mechanisms of interaction between the sentimental politics of public opinion discussed in the first section of this chapter and administrative policymaking.

Moreover, the American political system can be very responsive to the desires of the public, even on issues where they are normally inattentive. The American political system is most responsive to the will of the majority when issues become nationally salient. Benjamin Page and Robert Shapiro show that the susceptibility of democracy to organized interests does not mean that public opinion doesn't have a strong influence on policy outcomes.<sup>43</sup> In particular,

Policy tends to move in the same direction as public opinion most often when the opinion change is large and when it is stable--that is, not reversed by fluctuations. Similarly, policy congruence is higher on salient than on nonsalient issues.<sup>44</sup>

In order to make the decisions that will maximize their chances for reelection, legislators must acquire a great deal of politically-relevant information on the thousands of issues they are confronted with every year. Most policy issues that legislators address are of low salience and receive little attention from the public.

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<sup>43</sup> Benjamin I. Page and Robert Y. Shapiro, "Effects of Public Opinion on Policy," *The American Political Science Review* 77, no. 1 (March 1, 1983): 175-190.

<sup>44</sup> *Ibid.*, 181.

When it comes to these issues, legislators must rely on both formal and informal sources of information. Apart from the more personalized information they receive from their staffs, colleagues and trusted confidantes, legislators also rely on information from their political party leadership and infrastructure, which has had historically varying levels of influence on individual legislators' decisions depending on the level of partisan polarization and the makeup of the constituencies that legislators represent. The committee system is another way by which legislators receive information: it summons witnesses, has open hearings and allows for public discussion of any number of issues between legislators.<sup>45</sup> Finally, and most importantly, legislators rely on *lobbyists* and the interest groups they represent. As Hall and Deardorff argue, one of the best ways to understand lobbying is as a form of "legislative subsidy": a "matching grant of policy information, political intelligence, and legislative labor to the enterprises of selected legislators."<sup>46</sup> When effective representation requires making an informed decision on hundreds of different votes every year, lobbyists provide the information necessary to render the complexities of policymaking understandable.

When it comes to issues which are salient to the public, however, information is available by the truckload (or the megabyte); it streams into the offices of Congress via the many methods of communication that legislators make accessible to their

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<sup>45</sup> R Arnold, *The logic of congressional action* (New Haven: Yale University Press, 1990), 85-87.

<sup>46</sup> Richard L. Hall and Alan V. Deardorff, "Lobbying as Legislative Subsidy," *American Political Science Review* 100, no. 1 (2006): 69, [http://www.journals.cambridge.org/abstract\\_S0003055406062010](http://www.journals.cambridge.org/abstract_S0003055406062010).



constituents. Constituents make phone calls, write letters and emails, and confront their representatives at town-hall meetings. Opinion leaders and the media also provide increased coverage of issues that are salient—a self-reinforcing phenomenon if these public figures and journalists played a part in initiating the process of rising salience in the first place—and political elites pay close attention to the news cycle and are influenced by it.

Using Freeman's framework but restating its reliance on the *perceived* nature of costs and benefits, I propose that an increase in immigration issue salience leads to a transition from client politics, wherein expansionist interests and other activists lobby political elites for increased immigration prevail, to entrepreneurial politics, where immigration is introduced into electoral politics in which the non-immigrant public is mobilized against immigration. Higher immigration issue saliency leads to a widespread perception that reducing immigration will have real benefits for everyone, except for the immigrants and the businesses that wish to hire them. New negative perceptions of the expansionist interests themselves become dominant political themes in political rhetoric about immigration: the businesses are perceived as exploitative and merely seeking to supplant American workers with cheap foreign labor that can be easily controlled, while the immigrant groups and the liberal cosmopolitans are dangerous foreigners or multicultural nihilists.

The absence of the non-immigrant public in immigration politics, via low immigration saliency, allows client politics and distributive immigration policymaking for the benefit of concentrated interests; meanwhile, high immigration

saliency in the non-immigrant public in immigration politics leads to entrepreneurial politics and regulatory immigration policymaking for the benefit of the diffuse public.

## Chapter 2: Majoritarian restriction, Madisonian expansion

Institutionalist theories of immigration politics emphasize the role and structure of the state itself in shaping the course of immigration politics. “Patterns of interest group incorporation, party political systems, and established ideological cleavages” all affect the relative power of interests, says Christina Boswell.<sup>47</sup> In this chapter, I argue that immigration restrictionism is more likely under certain political institutions than expansionism.

Madisonian democracy is normatively characterized by institutional checks on the power of the majority.<sup>48</sup> It values preferences based on their intensity as well as their scale. Institutions such as the bicameral legislature, the Electoral College, the independent judiciary and federalism all create opportunity points for minorities with strong interests in a particular issue to exercise influence on political outcomes. Madisonian politics relies on these institutions particularly in the case of disputes between minorities and the majority. In *The Federalist #10*, Madison wrote:

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<sup>47</sup> Christina Boswell, “Theorizing Migration Policy: Is There a Third Way?,” *International Migration Review* 41, no. 1 (2007): 75-100.

<sup>48</sup> I use the term “Madisonian democracy”, drawn from Robert Dahl’s *A preface to democratic theory*, to refer to political democracy with multiple institutional checks and veto points as was recommended for the United States by James Madison. Dahl abandons the eighteenth-century terminological distinction between a “republic”, defined as a constitutional political order governed by representatives of the people, and a “democracy” which Madison and his contemporaries associated with Athenian-style direct democracy. Instead, Dahl calls the political system defended in the *Federalist Papers* a “Madisonian democracy.” Dahl, *A preface to democratic theory*, 4-62.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens.<sup>49</sup>

Madisonian democracy thus privileges the rights of the minority for two reasons: first, the majority is often tyrannical; second, the majority is often wrong. Thus in a Madisonian democracy political institutions are designed to temper the irrational public by privileging the voices of organized interests in the policymaking process.

This is not a distinctly American phenomenon: Christian Breunig and Adam Luedtke argue that the presence of institutional veto-points in Western democracies tends to benefit minorities, and immigrants in particular.<sup>50</sup> They argue that “...in political systems where majoritarianism is constrained by institutional ‘checks,’ governing parties support immigration more strongly, even when controlling for a broad range of alternative explanations.” They find that the presence of checks on majoritarianism, including the threshold of the vote necessary to gain a seat in the legislature, the level of polarization between the parties, the level of fractionalization between the parties (how many parties are represented in the legislature), the size of the governing majority in the legislature, a ‘proportional representation’-style electoral system, and judicial review (because judges, as Joppke argues, are more

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<sup>49</sup> James Madison, “The Federalist #10”, November 22, 1787, <http://www.constitution.org/fed/federal10.htm>.

<sup>50</sup> Christian Breunig and Adam Luedtke, “What Motivates the Gatekeepers? Explaining Governing Party Preferences on Immigration,” *Governance* 21, no. 1 (2008): 123-146.

insulated from public opinion and thus will often work to protect minorities and uphold universalist legal norms), will in *aggregate* mean that the governing party is more likely to be favorable to immigrants than not.<sup>51</sup>

It is the existence of multiple checks that correlates with a more immigrant-friendly governing party. The only check that has a significant effect on governing party preferences on its own is the threshold of the vote that is needed to obtain a seat in the legislature—implying that a lower threshold facilitates the entry of nativist third parties that compete with the mainstream parties for votes and force them to adopt anti-immigrant positions.<sup>52</sup> A government’s susceptibility to majoritarianism is the most important question immigration institutionalists can ask.

Yet institutions are not static and their variation across time is related to sudden or slow changes in immigration policy regime throughout history. A historical-institutionalist model of American immigration politics, advanced by Daniel Tichenor, holds that immigration policy outcomes are a result of previous policies which create or unmake constituencies for expansionism or restrictionism in immigration politics. Tichenor identifies four “interlocking processes” that have been either the cause or consequence of past and future changes in immigration policy. He argues that the makeup of immigration-related activist coalitions, institutional veto points within the American government, scientific and normative consensuses in

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<sup>51</sup> Joppke, “Why Liberal States Accept Unwanted Immigration,” 271.

<sup>52</sup>In many European countries with multiparty systems, the presence of a nativist or far-right third party has been an important explanatory variable for the stalling or reversal of the elite-driven liberalization of citizenship policy. Marc Morjé Howard, “Comparative Citizenship: An Agenda for Cross-National Research,” *Perspectives on Politics* 4, no. 3 (2006), [http://www.journals.cambridge.org/abstract\\_S1537592706060294](http://www.journals.cambridge.org/abstract_S1537592706060294).

expert opinion and international relations all affect the relative stasis or dynamism of immigration policy. Tichenor's account, however, still suffers from the weaknesses of exclusively assuming an immigration politics system of rationally instrumental actors within policy regimes, without regard to how much that system is influenced by the sentimental politics under conditions of immigration saliency. I will now analyze each of his processes to show how they demonstrate the explanatory power of the immigration saliency effect.

#### Changing structure of government

Tichenor recognizes the distinctive nature of Madisonian political institutions as a shaping force in the history of American immigration politics. He notes that Madisonian institutions are biased towards stasis rather than dynamic reform: "one might reasonably assume that the most prominent bias in the organization of American political institutions is against major policy innovation... [because] the architects of the U.S. Constitution hoped to limit state activism by fragmenting government."<sup>53</sup> However, he also argues that the structure and relative power of governing institutions evolves as activists grapple over policy outcomes from within and without the institutions: "the multiple institutional orderings that have emerged in the American political development present immigration activists with a changing set

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<sup>53</sup> Daniel Tichenor, *Dividing lines : the politics of immigration control in America* (Princeton N.J.: Princeton University Press, 2002), 29-30.

of structural veto and opportunity points.”<sup>54</sup> One important example that he gives is the changing relationship between the state and the party system. Both the restrictionist policy victories in the Progressive Era and the expansionist policy victories in the 1960s were preceded by substantial procedural reform in Congress, pushed for by activists that sought to modify the existing party-state arrangement (see Chapter Three).<sup>55</sup>

The focus here is on activists working towards the modification of underlying institutional regimes out of an instrumental desire to achieve policy victories. Changes in governing institutions matter, but I argue, *contra* Tichenor that there are systemic differences between how expansionists and restrictionists benefit from institutional reform. Restrictionist activists have benefitted from changes in governing institutions that increased the majoritarian responsiveness of government to national public opinion, while weakening institutional veto points that protect minorities from the tyranny of the majority; the best examples are the plebiscitary reforms of the Progressive Era. Expansionist activists, on the other hand, benefit from the insulation of government from public opinion, and work towards increasing the institutional veto points that are put in place to protect the rights of minorities within the polity.

Progressive “direct democracy” reforms emphasized majoritarian principles and the weakening of party power, and tended to be adopted in states where parties

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<sup>54</sup> Ibid., 34.

<sup>55</sup> Ibid., 31.

were newer and thus less institutionalized or “machine” like, and also where interparty competition was stronger.<sup>56</sup> They were thus states which were already particularly susceptible to immigration saliency. The initiative, in particular as it has been used in California and other states with concentrations of racial and foreign born minorities, demonstrates how circumventing Madisonian institutions can lead to exercises of tyranny of the majority. Hajnal, Gerber and Louch find that with initiatives which are specifically targeted towards racial minorities (about 5% in California in the past three decades), those minorities tend to regularly lose.<sup>57</sup> When instances of immigration saliency have occurred, initiatives have been the path of least resistance for restrictionist activists to engage in entrepreneurial politics. The two great periods of sustained immigration saliency in the twentieth century, the Progressive Era and the 1990s, both saw initiatives that targeted immigrants. The Alien Land Law in 1920, restricting the rights of Japanese immigrants from owning property, and Proposition 187 in 1994, disqualifying undocumented immigrants from public benefits, both passed through the initiative process.<sup>58</sup>

While the changes in the structure of government that have benefitted restrictionists tend to reduce constraints on majority rule, the changes in the structure of government that have benefitted expansionists tend to *increase* constraints on

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<sup>56</sup> Daniel A. Smith and Dustin Fridkin, “Delegating Direct Democracy: Interparty Legislative Competition and the Adoption of the Initiative in the American States,” *American Political Science Review* 102, no. 3 (2008), [http://www.journals.cambridge.org/abstract\\_S0003055408080258](http://www.journals.cambridge.org/abstract_S0003055408080258).

<sup>57</sup> Zoltan L. Hajnal, Elisabeth R. Gerber, and Hugh Louch, “Minorities and Direct Legislation: Evidence from California Ballot Proposition Elections,” *The Journal of Politics* 64, no. 1 (February 1, 2002): 154-177.

<sup>58</sup> B. J. Gaines and W. K. Tam Cho, “On California’s 1920 Alien Land Law: The Psychology and Economics of Racial Discrimination,” *State Politics & Policy Quarterly* 4, no. 3 (2004): 271-293.



majority rule and insulate immigration policymaking from public opinion. Tichenor's examples of expansionist procedural reform include the moment when liberal Democrats in the early 1960s pushed for a reversal of the Progressive Era weakening of party leadership by expanding the Rules Committee so that more liberals could be appointed to it, which allowed the expansionist Hart-Celler bill to be voted on in 1965.<sup>59</sup> At the time, this was seen by liberals as a way of making Congress a more majoritarian legislature—but the increased partisan control of the congressional agenda actually made passing cross-party legislation more difficult. Stronger party discipline means that the marginal legislator is given less discretion to engage in entrepreneurial politics during periods of immigration saliency (as Progressive Republicans were prevented from doing during the Cannon Speakership in the 1900s). During the 1980s partisan control of the Rules Committee meant that the House Democratic leadership, under influence from the Hispanic caucus, could prevent an immigration reform bill with strong employer sanctions and a cap on legal immigration from reaching the floor of the House, despite the fact that many Democrats in more conservative districts favored employer sanctions.<sup>60</sup>

Another change in the structure of government that benefitted expansionists was the presidential veto and the independence of the executive in general. As Alexander Hamilton noted in *Federalist #73*, the presence or threat of the veto gives

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<sup>59</sup> Julian Zelizer, *On Capitol Hill : the struggle to reform Congress and its consequences, 1948-2000* (Cambridge UK ;;New York: Cambridge University Press, 2004), 56-59.

<sup>60</sup> Rosanna Perotti, "IRCA's Antidiscrimination Provisions: What Went Wrong?," *International Migration Review* 26, no. 3 (October 1, 1992): 732-753.

the president considerable power to restrain the majoritarian impulse of the legislature.<sup>61</sup> In the nineteenth century the President had a large degree of power over immigration policymaking: the passage of both Chinese Exclusion Act and the literacy test were delayed or stalled because of the veto.<sup>62</sup> The postwar presidents similarly took advantage of their elevated powers to resist restrictionist sentiment and momentum, such as when Truman used emergency powers to allow entry to European refugees; in clear defiance of public opinion (see below on international crises).

Finally, judicial activism favorable to the rights of minorities, particularly during the 1970s and 1980s, shows how expansionists benefit from the judiciary as a means of insulating immigrant rights from anti-immigrant public opinion. The Burger Court in the 1983 case *Plyler v. Doe* struck down a law permitting the withholding of state funds for education for the children of undocumented aliens.<sup>63</sup> That case was used as precedent for the federal district courts to strike down Proposition 187. Ocepek and Fetzer offer convincing Legal Realist influenced evidence that Supreme Court decisions related to immigrants are largely connected to the ideology and background of the judges in question, as well as the level of racial liberalism of the

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<sup>61</sup> Alexander Hamilton, “The Federalist #73”, March 21, 1788, <http://www.constitution.org/fed/federa73.htm>.

<sup>62</sup> Martin Schain, *The politics of immigration in France, Britain, and the United States : a comparative study*, 1st ed. (New York: Palgrave Macmillan, 2008), 263.

<sup>63</sup> “*Plyler v. Doe*,” *Oyez - U.S. Supreme Court Media*, n.d., [http://www.oyez.org/cases/1980-1989/1981/1981\\_80\\_1538/](http://www.oyez.org/cases/1980-1989/1981/1981_80_1538/).

median Senator at the time of the justice's confirmation.<sup>64</sup> The appointment of conservative justices on federal courts can erode the anti-majoritarian nature of judicial immigration cases, offering a convincing rebuke to institutionalist theories of perpetual judicial insulation from public opinion as permanent means of expansionist advantage.

### Activist Coalitions

The unusual formation of coalitions between activist groups that are traditionally opposed ideologically is the second of Tichenor's processes. He argues that Left-Right activist coalitions in immigration politics arise because of the two dimensions of policy related to immigrants: "immigrant policy", which determines the rights and the treatment of immigrants already within the country, and "immigration policy", which determines how many and which immigrants are allowed to enter the country.

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<sup>64</sup> Melissa G. Ocepek and Joel S. Fetzer, "The Causes of Pro-Immigration Voting in the United States Supreme Court1," *International Migration Review* 44, no. 3 (2010): 659-696.

**Figure 2.1: Tichenor's typology of activist ideology in immigration politics**<sup>65</sup>

<i>Alien Rights Should Be</i>	<i>Alien Admissions Should Be</i>	
	<i>Expanded or Maintained</i>	<i>Restricted</i>
Expansive	<b>Cosmopolitans</b> William James Jane Addams Edward Kennedy Xavier Becerra Immigration Protective League, American Jewish Committee, MALDEF, National Immigration Forum	<b>Nationalist Egalitarians</b> Frederick Douglass Samuel Gompers Barbara Jordan Richard Lamm AFL (1900–1956), population control and environmental groups
	<b>Free-Market Expansionists</b> Andrew Carnegie William Howard Taft Ronald Reagan Spencer Abraham American Farm Bureau Federation, National Association of Manufacturers, CATO Institute	<b>Classic Exclusionists</b> Henry Cabot Lodge Madison Grant Patrick Buchanan Peter Brimelow Immigration Restriction League, Federation for American Immigration Reform
Restrictive		

<sup>65</sup> Chart taken from Tichenor, *Dividing lines*, 36.

Depending on whether the policy debate concerns alien admissions or alien rights, different coalitions of activists will form in support of and in opposition to the policy in question. “Cosmopolitans” favor expansive alien admissions and alien rights; “Nationalist Egalitarians” favor restrictive alien admissions but expansive alien rights; “Free-Market Expansionists” favor expansive alien admissions but restrictive alien rights; and “Classic Exclusionists” favor restrictive alien admissions and alien rights.<sup>66</sup> The relative strength of activist coalitions in different periods is a product both of the changing structure of governing institutions (see above) and of the long term effects of previous immigration policy shifts. This latter process is where Tichenor incorporates “immigrant democracy”, a theory discussed more in Chapter Three. In this subsection, I will confine my discussion of Tichenor’s emphasis on the role of activists to a critique of the limitations of this approach.

By mixing both “political interests” and “values”, key differences in motivations between the actors in each of the four categories are obscured. For example, “free-market expansionism” may aptly describe the libertarian Cato Institute’s position on immigration, but as scholars of political economy have pointed out since Adam Smith wrote *The Wealth of Nations*, the interests of capital do not align with the ideological prescriptions of libertarians. Businesses favor immigration inflows that can fulfill their specific labor market needs; growers lobby for agricultural temporary worker programs, while high-tech companies lobby for

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<sup>66</sup> Ibid., 29-34.

educated workers. As interest groups, businesses do not have a coherent ideology of immigration. Nor do ethnic and immigrant rights groups, which Tichenor classifies under “cosmopolitans”; he ascribes a “universalist” ideology to these groups, but their lobbying efforts have historically focused specifically on the needs of immigrants *already in the country*. They lobby for the expansion of family reunification-based visas relative to employment- and humanitarian-based immigration and for the legalization of undocumented immigrants who reside within the country. This does not correspond to a cosmopolitan ideology of immigration, which would theoretically avoid privileging the rights of some immigrants over others based exclusively on whether they already reside within the country.

I focus on these two particular parts of Tichenor’s typology because these groups are the consistent members of the expansionist interest coalition throughout the twentieth century; they provided organizational strength and lobbying clout to the pro-immigration cause. At times they had strong allies among powerful and ideologically outspoken political elites of both parties, such as liberals like Ted Kennedy and free-market conservatives like Ronald Reagan in the 1980s. At other times, ideology failed them; high public salience of immigration meant that a majority of political elites could not be influenced.

The intention of Tichenor’s four-part typology of immigration activists is to define periods of immigration politics by looking at which cross-party and cross-ideology alliances were dominant during the policymaking process. This leaves out the most crucial defining factor of immigration politics across time: the influence of

activists on immigration policymaking relative to the influences of the *public* via electoral politics. By highlighting which activists claimed victory after an immigration policy shift, Tichenor gives responsibility for causation exclusively to the activists. In doing so, he leaves out the role of the public, which when it involves itself in immigration politics does not fit within the neat ideological typology that Tichenor presents. With each period of immigration politics, the most important question isn't which activists had the upper hand but rather how involved the public was in the process. If the public had little interest or involvement, the expansionist activists and interests played a larger role; if immigration saliency was high and the public was invested in the immigration debate, activists would become increasingly shut out from the process.

It's important to note that there has rarely been a clear distinction between "immigrant" and "immigration" policy debates. Generally, extending immigrant rights—such as granting public education and other welfare state benefits to immigrants—is considered by many scholars and activists to be a form of subsidizing and incentivizing immigration. The increasing involvement of the national government in society has made the question of defining membership in that society more important, given that membership status now comes with increased benefits, responsibilities and an overall more salient relationship with the state. The documenting, regulating and public good providing functions of the nation-state substantially increased over the course of the twentieth century; moreover, the responsibility of the federal government in carrying out these functions has expanded

relative to that of state and local governments. This in turn has given the concept of undocumented or “illegal” residence within the United States an increasingly important role in immigration politics. If an undocumented immigrant has lived in the United States for many years, does that make the policy determining their status “immigrant” or “immigration” in nature? Add to that the fact that the alien/native distinction has historically been characterized by cultural and racial dimensions and the murky exercise of dividing policy between “immigrant” and “immigration” categories becomes even more difficult. The racialization or ethnicization of immigration means that even if most scholars, activists and political elites nominally consider a policy to be of an exclusively “immigrant” or “immigration” nature, the underlying, informal or unconscious mechanics at work in electoral politics may blur clear-cut distinctions. This means that defining activist ideologies only goes so far in capturing the underlying dynamics of immigration politics.

*Privileged expert opinion and ideas*

Different historical periods have seen new ideas related to immigration become dominant among mainstream elite opinion, and Tichenor argues that this is because government structures have at different times privileged different expert narratives about immigration. The importance of ideas and experts is echoed by Martin Schain, who argues that shifts in immigration policy have been driven by framing privileged by *political elites* (as opposed to the media and opinion leaders)



and the linking of the immigration issue to other issues.<sup>67</sup> In the Progressive Era, political institutions favored a narrative of immigration as both a social problem, related to concerns with economic justice, as well as a eugenic problem, in that immigrants were weakening prevailing Anglo, Celtic and Teutonic racial dominance in the United States. Later, with the beginning of World War I, these narratives were enmeshed with wartime concerns over the prospect of immigrants as a threat to national security.<sup>68</sup> In the 1960s, immigration was linked to civil rights and a “universalist” ideology that justified much of the liberal legislation passed under the Kennedy-Johnson presidencies. Tichenor focuses on the commissions and panels of experts sanctioned by governing institutions in these different periods as mechanisms for bringing setting the tone with which the immigration issue was discussed in Washington. In doing so he gives them causal responsibility that they don’t really deserve.

Instead, the question of which expert is privileged in which time is largely determined by which expert’s opinion best justifies the moment in immigration politics of the time. The most notable contribution of expert opinion to the immigration debate in the Progressive Era, for example, was the Dillingham Commission report in 1911. The commission drew on the work of numerous eugenic thinkers, which dominated faculties of prestigious intellectual institutions such as Harvard, and it relied mostly on surveys that reinforced ecological fallacies about the

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<sup>67</sup> Schain, *The politics of immigration in France, Britain, and the United States*, 255.

<sup>68</sup> Tichenor, *Dividing lines*, 138-139.

inherent “feble-mindedness” and natural incapacity of low-skilled immigrants. The Commission report validated the Progressive activists’ desire to restrict immigration and was perpetually cited by members of the standing immigration committees for the rest of the decade as the literacy test and other restrictionist measures were debated.

It is not true, however, that the Commission’s findings actually caused immigration restrictionist policy shifts. For that claim to be true, it would have to be demonstrated that the report, and the intelligentsia that rallied around it, actually motivated political elites to pass the literacy test and national origins legislation. But a majority of legislators in Congress had already voted in favor of a literacy test bill in 1897, fourteen years before the Dillingham Commission report was actually released. Institutional veto points—most importantly the presidential veto—had prevented that bill from becoming law. Had majority opinion prevailed, however, a literacy test would have been enacted without the intellectual backing of the Dillingham report. The commission only came about as a stalling mechanism, inserted into an immigration bill by Speaker Cannon as a replacement for the literacy test itself. Another panel of experts, the Industrial Commission, had been established in 1898 as a result of the failure of the first literacy test bill the year before and had released its findings in 1901, which were similar in descriptive “findings” to those of the Dillingham Commission. When Cannon amended the 1906 immigration bill to replace the literacy test with the new commission, most observers recognized it for what it was. Rep. Augustus Gardner, a Republican from Massachusetts and the leading sponsor of the literacy test in 1906, said of Cannon’s move: “...here is the

report of the Industrial Commission, yet here you are talking this nonsense about another commission.”<sup>69</sup> The preponderance of restrictionists on the immigration committees meant that the commission report’s findings were already determined.

### *International Crises*

The fourth and final process Tichenor highlights is international crises, which can affect immigration politics if the crisis in question is perceived as highlighting the need for either increased expansionism or restrictionism. Tichenor uses the examples of the First World War and the Red Scare; both periods when internationalist voices were subdued or silenced and immigration restrictionists in Congress "drew considerable political momentum from resurgent isolationism to enact draconian national origins quotas and to build administrative structures more capable of imposing sweeping restrictions."<sup>70</sup> On the other hand, international crises can also empower internationalists: "...new foreign policy challenges and commitments may confront national political leaders with international imperatives that enhance the domestic political opportunities for pro-immigration initiatives."<sup>71</sup> As examples, Tichenor gives World War II and the Cold War, which decisively ended American isolationism and elevated the United States to a new position as global leader; the

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<sup>69</sup> Ibid., 121-123.

<sup>70</sup> Ibid., 44.

<sup>71</sup> Ibid.

postwar presidents all pushed for increased refugee inflows and an end to the embarrassment of the racist national origins policies.<sup>72</sup>

What's missing from Tichenor's analysis of international crises that influence immigration politics is a closer differentiation between the restrictionist-inducing crises and the expansionist-inducing crises. Tichenor argues that because of World War I, restrictionists had greater "political momentum", whereas during the Cold War, American politicians were faced with "international imperatives." Those are two entirely different mechanisms influencing political behavior. In the case of the former, he is arguing that some international crises lead to heightened political concern with immigration as a *security* issue; in these cases the constituency being served by proposed restrictionist policies is the American public, who face a newly-salient foreign threat to their security. In the case of the latter, he is arguing that some international crises lead to heightened political concern with immigration as an international leadership issue, wherein the constituency being served by the expansionist shift is the international community.

Take the example of the Cold War, which Tichenor argues influenced immigration politics both by causing the Red Scare (which empowered restrictionists) and by incentivizing American politicians to worry about America's image abroad (which empowered expansionists). What's important to notice is that the Cold War incentivized the internationalists to specifically act in defiance of public opinion. For example, in 1947 Truman pushed for the passage of a bill introduced by Rep. Stratton

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<sup>72</sup> Ibid., 44-45.

of Illinois that would allow hundreds of thousands of European refugees to emigrate to the United States.

Saliency of immigration was extremely high in 1947, and Truman certainly played a large part in elevating it.<sup>73</sup> Together with multiple pro-refugee ethnic organizations, the internationalists got over 3,000 major media figures and opinion leaders to lend their support to the cause of European refugees. In November of that year, however, a poll showed that 72% of Americans opposed letting more refugees into the country.<sup>74</sup> Truman defied domestic public opinion because he needed to achieve expansionist victories for the benefit of his ambitiously internationalist and anticommunist foreign policy.

Meanwhile, the Red Scare was a period of sustained paranoia in the media and in the public that was deliberately incited by politicians and opinion leaders. These elites took advantage of a new international paradigm in American foreign policy to enact policies that targeted specific minorities and individuals. They were acting for the perceived benefit of the American public, which saw fighting communism as a salient issue. They were engaging in entrepreneurial politics, made possible by the high saliency of the immigration issue and its perceived connection to the security threat posed by foreign communist spies.

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<sup>73</sup> Presidents' State of the Union addresses have been shown to elevate the saliency of the issues mentioned within it, particularly on issues related to minorities. Kim Quaile Hill, "The Policy Agendas of the President and the Mass Public: A Research Validation and Extension," *American Journal of Political Science* 42, no. 4 (October 1, 1998): 1328-1334.

<sup>74</sup> E. Harwood, "American Public Opinion and U.S. Immigration Policy," *The ANNALS of the American Academy of Political and Social Science* 487, no. 1 (1986): 204.

## **Chapter 3: Periods of restrictionism and immigration saliency**

In this chapter, I examine the role of the immigration saliency effect in the Progressive Era literacy test debate. I will attempt to identify six of the seven phenomena that characterize the immigration saliency effect. As paraphrased from the introduction of this thesis, they are:

- 1) A majority of the public is in favor of reductions in immigration.
- 2) Media and opinion leader saliency of the immigration issue activates anti-immigrant sentiment.
- 3) Restrictionist instigators engage in entrepreneurial politics.
- 4) Sustained saliency leads to reduced influence of expansionist interests.
- 5) Public is polarized along pro- and anti-immigration lines.
- 6) Use of majoritarian political institutions over Madisonian ones.

### **The Progressive Era Literacy Test**

Throughout the nineteenth century, the United States had an extremely liberal immigration regime, and immigration policy was mostly controlled at the state level. In states with high levels of immigration, policy was driven by the acquisitive nature of competitive state party politics: the city machines were the means of political and social assimilation for hundreds of thousands of immigrants and their families.<sup>75</sup> This

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<sup>75</sup> Tichenor, *Dividing lines*, 55-60.

meant that the foreign born exerted a tremendous electoral influence over American politics due to rapid naturalization rates among new arrivals; immigrant electoral influence was significantly greater than the nativist vote in states with high immigration levels.

However, state-level control over immigration policy came to an end in a series of Supreme Court decisions in the mid-1870s.<sup>76</sup> Immigration policy was now nationalized; as a result, the first significant national restrictionist policy, the Chinese Exclusion Act, was enacted in 1882.<sup>77</sup> A decade and a half later, support began to grow in Washington for new restrictionist legislation, this time targeted at immigration from Southeastern Europe. The first policy intended to dramatically curb new European immigration was the literacy test, a bill first proposed in 1895 and repeatedly introduced in successive Congresses until it was finally enacted in 1917, overcoming a presidential veto by Wilson—the fourth presidential veto of the literacy test in two decades.<sup>78</sup>

The literacy test required European immigrants to be able to read and write a short extracted passage from the Constitution. Its effect would still have been highly restrictionist had it succeeded when it was first proposed, when literacy among immigrants from Southeastern Europe was considerably lower than it was in 1917. According to the United States Immigration Commission's 1911 report, had the

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<sup>76</sup> Schain, *The politics of immigration in France, Britain, and the United States*, 259.

<sup>77</sup> *Ibid.*, 259-260.

<sup>78</sup> Claudia Goldin, "The Political Economy of Immigration Restriction in the United States, 1890 to 1921," *SSRN eLibrary* (1993), <http://ssrn.com/paper=260538>.

literacy test survived a presidential veto in 1897, it would have reduced the inflow of new immigrant groups (southern and eastern Europeans combined) by 37.4% in 1907, when immigration of those groups peaked.<sup>79</sup>

Because the literacy test was not successfully passed until the United States had become involved in World War I in 1917, many immigration scholars have emphasized the importance of World War I in achieving the first restrictionist victories. They argue that the shift to nativist policy outcomes of the late 1910s and 1920s occurred largely because the public turned to paranoia and xenophobia in an age of unprecedented total war.<sup>80</sup> However, the literacy test was first passed by Congress in 1897. It garnered large cross-party majorities, and when it was vetoed by President Cleveland the House of Representatives had enough restrictionist votes to actually override the veto, although the bill failed to become law when the Senate chose not to vote on an override.

The failure of the 1897 literacy test was followed by the decade that saw more immigration than any other in US history. Approximately 8.8 million foreigners immigrated to the United States between 1900 and 1910. Unlike the previous and second-highest immigration decade, the 1880s, when the top three countries of origin were Germany, the United Kingdom and Ireland, in the 1900s the top countries of origin were Italy, Russia and Hungary. 6.1 million immigrants were from Southern and Eastern Europe, compared to only 1.2 million from Northern and Western Europe.

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<sup>79</sup> Ibid., 8.

<sup>80</sup> Mayhew, *Parties and policies*, 340-341.



These “new immigrants” were the targets of the literacy test, which was intended to weed out unskilled immigrants from countries with inferior education systems.

### **Public opinion towards immigrants**

The Kansas Bureau of Labor and Industry surveyed attitudes towards immigration in the late 1890s. Results showed that a plurality of the population favored immigration restriction, and one quarter favored the cessation of immigration altogether.<sup>81</sup> Anti-immigrant opinion by those surveyed was largely framed in terms of negative economic consequences, but social and cultural consequences replaced them by the time of the 1910s.<sup>82</sup>

### **Immigration issue saliency**

In order to obtain some sort of measure of the level of immigration saliency that allows for comparison between the Progressive Era and subsequent decades, I have compiled an index that tracks total yearly mentions of the words “immigrant” and “immigration” in editorials in the *New York Times* and the *Washington Post*. I

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<sup>81</sup> Gary Richardson, “The origins of anti-immigrant sentiments: evidence from the heartland in the age of mass migration,” *Topics in Economic Analysis & Policy* 5, no. 1 (n.d.): 8, <http://www.bepress.com/bejeap/topics/vol5/iss1/art11>.

<sup>82</sup> Richardson, “The origins of anti-immigrant sentiments: evidence from the heartland in the age of mass migration.”

base this method of scoring saliency on Daniel Hopkins' immigration saliency index, which I also use to discuss immigration saliency in the 1990s.<sup>83</sup>

I computed the scores by taking each year's total number of editorials mentioning 'immigrants' or 'immigration' in both the *New York Times* and the *Washington Post* (using the ProQuest Historical Newspapers online archive) and then dividing each year's number by the respective newspaper's average (mean) yearly quantity of immigration-related editorials from 1900 to 1991.<sup>84</sup> The *Times*' average is 47.34; while the *Post*'s average is 56.56. Therefore Score = (*Times* number of editorials/47.34) + (*Post* number of editorials/56.56).

The mean score is thus constructed as 2.00, and any score of 2.00 or above is considered a year where immigration is discussed more in these newspapers than average. These years are bolded. Ten years of *Washington Post* editorials are missing from the historical archives, and a dummy *Post* score of 1 was combined with the *Times* score in each of those years. The standard deviation is 1.22; the minimum score is 0.20, in 1966; the maximum score is 6.49, in 1924; and the two median scores are 1.65 and 1.67, in 1931 and 1957 respectively.

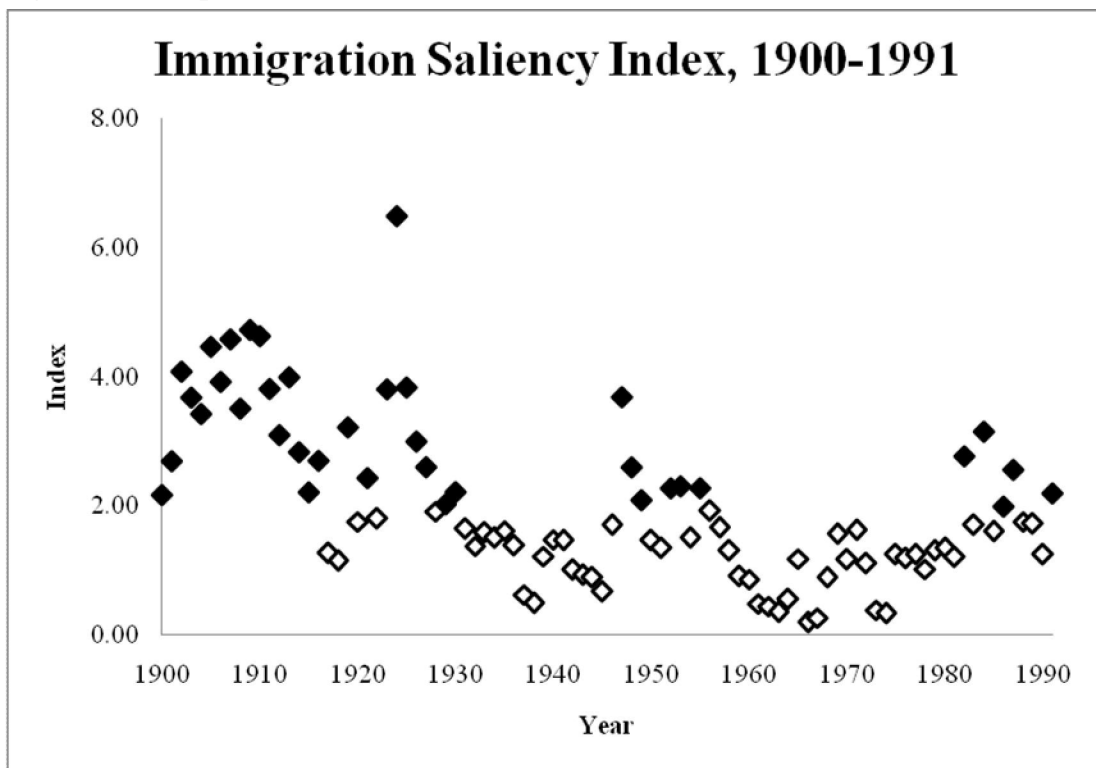
Figure 2.1 shows the yearly scores. Black points are years of above-average saliency, while white points are years of below-average saliency. The scores are also listed in Appendix A, with emphasis on the years of above-average saliency.

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<sup>83</sup> Hopkins, "Politicized Places," 12.

<sup>84</sup> Unfortunately, I was unable to weigh the quantity of immigration-related editorials by the number of all editorials published by the *Times* and the *Post* each year, and thus the scores may not reflect changes in total editorial output by each paper over the years.

Figure 2.1: Graph of *New York Times* and *Washington Post* Editorial Saliency Index



What we can observe from the graph is that opinionated discussion of immigration in these two politically influential newspapers was at the highest levels of this twentieth century sample during the Progressive Era and the 1920s. Discussion of immigration peaked in 1924, the year that Congress passed the Johnson-Reed Act, the single biggest restrictionist policy shift in U.S. history. However, if we take these scores as a proxy measure of issue salience, it's clear that the 1900s, a decade when immigration inflows were larger than in any other in American history, saw high levels of sustained saliency.<sup>85</sup>

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<sup>85</sup> Levels of immigration inflows per decade, showing that 1900s levels were unprecedented, found in King, *Making Americans*, 293.

The passage by Congress of the literacy act in 1913 and subsequent veto by Taft; the passage in 1915 and first veto by Wilson all occurred under conditions of saliency that were well above average. Saliency appears to drop on average after the start of World War I; possibly reflecting both diverted attention due to the war and the sudden drop in immigrant inflows from Europe. The override of Wilson's veto in 1917 occurred in a year of saliency that was below average, coinciding with the United States' entry into the war.

### ***Entrepreneurial politics***

Nineteenth century America has been called the “state of courts and parties” by historians because there was not yet a national bureaucracy empowered to engage in national issues. In many ways, the concept of a nationally salient issue itself was invented in the Progressive Era. National problems and issues, identified and publically discussed by social reformer activists, were to be addressed by active government policy and a new administrative and bureaucratic state that, as Samuel P. Hays argued, pushed decision making upward from the “local” to the “cosmopolitan.”<sup>86</sup> A new administrative state was empowered to act in many new areas, including income taxation, monetary policy, antitrust policy and voting rights. Immigrants, the “tired, poor and huddled masses” arriving by the hundreds of thousands each year, were one of the primary problems identified by the social reformers. Eugenic theories which framed the immigrant as genetically weaker and

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<sup>86</sup> Samuel P. Hays, in Daniel T. Rodgers, “In Search of Progressivism,” *Reviews in American History* 10, no. 4 (December 1, 1982): 118-119.

thus exploitable were prevalent among academics. And the most popular potential solution for that problem was the regulation of immigrant entry to an unprecedented extent.

Immigration politics was intrinsic to the Progressive activists' cause. The pro-immigration interests of the day were the same business owners and party machine operatives that were the main targets of the social reformers. Progressive Era social scientists observed the social and economic plight of new immigrants and from these observations generated conclusions about the inherent criminality and stupidity of the ethnicities of these immigrants. Progressive restrictionist ideology combined eugenic social science, anti-monopolist sentiment and support for direct democracy, which together formed the intellectual foundation for a bipartisan anti-immigrant coalition.

### *The position of expansionist interest groups*

Apart from immigrants themselves, there were three examples of expansionist interest groups either embracing restrictionism or dramatically losing previous influence over the course of the literacy test debate: national business lobbies, Southern political elites, and "old immigrant" groups.

#### *National business lobbies accept compromises*

The business lobby, including the National Association of Manufacturers, the National Board of Trade and numerous local chambers of commerce opposed restrictionism in the later Progressive Era, although they did throw their support

behind the literacy test in the 1897 vote.<sup>87</sup> Claudia Goldin argues that loose labor markets in the 1890s made preservation of the immigrant source of labor a low priority for business, while labor uprisings and strikes made appeasement of the unions a high priority: business lobbies most likely believed that the literacy test would be a necessary compromise to stymie even more significantly restrictive legislation in the future.<sup>88</sup> Another compromise supported by the business lobbies was the creation of the Dillingham Commission in 1906, a compromise intended to forestall future increased restrictionist policy shifts.

National business lobbies abandoned their temporary support for restrictionist legislation after 1897, and would lobby against immigration restrictionism during the subsequent decade. Although they had supported the Dillingham Commission's creation, they nevertheless strongly rejected its findings. In the 1900s and early 1910s the mercantilist wing of the Republican Party joined with the urban northeastern Democrats in opposition to restrictionism.<sup>89</sup> The literacy test bills' extraordinary success in a series of different Congresses proved that there are limits to the privileged position of business in polyarchy.<sup>90</sup>

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<sup>87</sup> Goldin, "The Political Economy of Immigration Restriction in the United States, 1890 to 1921," 4.

<sup>88</sup> *Ibid.*, 4-6.

<sup>89</sup> Schain, *The politics of immigration in France, Britain, and the United States*, 262.

<sup>90</sup> Lindblom

*The end of Southern support for expansionism*

An even more unusual fact about the 1897 literacy test vote was that its opponents in the House included most of the Southern representatives. In hindsight, the alliance seems strange, given the central role that Southerners would take in the coming century as defenders of restrictionist policies. For the 1897 vote on the literacy test, Southern legislators joined legislators from the urban northeast in opposing the literacy test bill. I argue that this was because the immigration saliency effect on the public requires both increased discussion of immigration among media and opinion leaders and the arrival of new immigrants; the latter had not begun to influence Southern publics until the 1900s.

Labor shortages, resulting from African-American migration after the Civil War, were a serious problem for Southern agriculturalists and business owners.<sup>91</sup> Political elites had thought to replace the former slaves with European immigrants—prompted by the still extraordinarily high political influence of plantation owners together with the vision of many Southern elites of developing the still mostly-agricultural region into a true industrial competitor with the North. Rowland T. Berthoff argues that “plantation owners led the movement to bring in foreigners.”<sup>92</sup> State governments in most of the Southern states founded immigration bureaus and supported efforts by railroad companies to send officials to Europe to recruit groups of potential future Southerners. In 1900 the North Carolina governor even suggested

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<sup>91</sup> Rowland T. Berthoff, “Southern Attitudes Toward Immigration, 1865-1914,” *The Journal of Southern History* 17, no. 3 (1951): pp. 328-360.

<sup>92</sup> *Ibid.*, 328.

repealing the sacrosanct Chinese Exclusion Act as a means of solving the labor shortage.<sup>93</sup>

Southern Democrats began to systematically turn against unrestricted European immigration in the 1900s. Southern political elites began to adopt the Progressives' new concept of the "white" American identity—an identity that included the German, Irish and Swedish immigrants of the previous century but not the Italians, Russians, Hungarians, Poles and Jews of the new century.<sup>94</sup> In the words of Alabama Democrat Rep. Oscar Underwood, God had "created the great Celtic and Teutonic races to carry forward the banners of our present civilization and the principles of Christianity."<sup>95</sup> The change was not accidental—Southerners had not forgotten race for a moment. Small colonies of Slovak and Italian immigrants were scattered across the Southern states in the final decades of the nineteenth century, and there *is* evidence of racial persecution, particularly of darker-skinned Southern Italians, but "physical and social isolation of the scattered colonies prevented much contact with local farmers and thus minimized conflict."<sup>96</sup> The group threat effects of immigration saliency, which occur given sudden new increases of foreigners, were most likely not in effect in Southern immigration politics—until the following decade, when the Southeastern European immigrants the literacy bill had been intended to curb started to arrive in force. The foreign born population of Southern states actually

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<sup>93</sup> *Ibid.*, 331.

<sup>94</sup> *Making Americans*, 44.

<sup>95</sup> Tichenor, *Dividing lines*, 120.

<sup>96</sup> Berthoff, "Southern Attitudes Toward Immigration, 1865-1914," 344-345.



declined in the 1890s, with minor increases in the 1900s, but what mattered wasn't the number of immigrants but rather the number of the new immigrants relative to the old.<sup>97</sup>

For example, in Alabama from 1900 to 1910 the number of foreign-born Italians increased from 862 to 1,602 and the number of foreign-born Russians increased from 564 to 1,530. Meanwhile, the number of German immigrants stayed about the same, at 3,599, and the number of Irish immigrants decreased from 1,789 to 1,167. In Georgia, new Russian immigrants went from 1,348 to 3,224 (they made up 21.4%, the best-represented nationality of the foreign-born in Georgia), and new Italian immigrants went from 217 to 544. New Greek immigrants went from 191 to 941, a whopping almost 400% increase, while the German foreign-born population shrunk from 3,432 to 3,029 and the Irish foreign-born population shrunk from 2,289 to 1,655.<sup>98</sup>

Alabama is an informative case study. In 1897, only two of the Alabama House members voted in favor of overriding Cleveland's veto of the literacy test, one Democrat and one Populist.<sup>99</sup> Three Alabama Democrats voted against overriding, with the rest of the delegation not present or abstaining. Eighteen years later, in 1915,

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<sup>97</sup>“1890 U.S. Census Bureau, Vol. I: Report on Population of the United States at the Eleventh Census”, United States Census, <http://www.census.gov/prod/www/abs/decennial/1890.html> and “1900 U.S. Census Bureau, Vol. I: Population: Population of States and Territories”, United States Census, <http://www.census.gov/prod/www/abs/decennial/1900.html>.

<sup>98</sup> “1900 U.S. Census Vol I: Population: Population of States and Territories”, United States Census Bureau, <http://www.census.gov/prod/www/abs/decennial/1900.html> and

<sup>99</sup>Partisan composition and roll call records of Alabama delegation taken from the “‘United States Congressional Roll Call Voting Records Series’,” *Inter-University Consortium for Political and Social Research*, 2009, <http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/00159>.

eight Alabama representatives voted in favor of overriding Wilson's veto and two voted against it. The entire Alabama delegation in 1915 was Democratic, but most of them showed little partisan loyalty for Wilson when it came to immigration.

These numbers seem insignificant, especially when one considers that immigrants made a mere 0.9% of the population of Alabama. However, even small numbers of new immigrants can provoke fierce group threat when combined with a salient national discourse over whether the country was committing "racial suicide."<sup>100</sup>

### ***Public polarization over immigration***

In many districts, waves of European immigration had made a plurality or even majority of the electorate either foreign-born or the immediate children of the foreign-born. In these districts, unrestricted immigration was popular and thus its representatives opposed restriction. Analysis of legislator activity in each literacy test vote shows that the most important factor in determining a vote was the presence of immigrants versus the presence of *new* immigrants in a legislator's district. If a legislator had more immigrants in their district, they were more likely to vote against the bill.<sup>101</sup> However, if a district had more newly arrived immigrants, then its legislator was more likely to vote in favor of the bill.

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<sup>100</sup>"Race suicide" was a common term of the era that captured existential sentiments about the end of "white" ethnic identity dominance in America. John Higham, "American Immigration Policy in Historical Perspective," *Law and Contemporary Problems* 21, no. 2 (April 1, 1956): 225.

<sup>101</sup> Goldin, "The Political Economy of Immigration Restriction in the United States, 1890 to 1921."

The political outcome of the previous decade's unprecedented immigration inflows can be seen in the literacy test vote of 1915. In 1915, the incumbents who survived the 1914 election were highly correlated with restrictionists, and new legislators were correlated with pro-immigration votes. These new legislators came from districts which had seen sizable increases in immigrant population in the previous decade; they thus were the legislators most likely to vote against the literacy test. As Goldin says, "America had become more bifurcated along the lines of open immigration, and it was redistricting in 1914 that rescued the pro-immigration bloc."<sup>102</sup> But the 1916 election, which saw no correlation between incumbency and stance on immigration, tipped the already extremely favorable scale towards the restrictionists, who voted to override President Wilson's final veto of the literacy bill.

Eileen McDonagh used district-level referenda voting patterns in order to ascertain the influence of voters' opinions on legislators in the 1913-1915 Congress.<sup>103</sup> McDonagh finds that public opinion in a representative's district had a statistically significant correlation with voting for the literacy test amendment in 1915. Moreover, constituency opinion had a stronger effect than party. This points to how restrictionism relied on a direct appeal to the salient anti-immigrant sentiment among the public; this runs counter to Martin Schain's argument that Progressive Era restrictionism was an elite-level phenomena. The anti-immigrant public and the

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<sup>102</sup> Ibid., 10.

<sup>103</sup> Eileen Lorenzi McDonagh, "Constituency Influence on House Roll-Call Votes in the Progressive Era, 1913-1915," *Legislative Studies Quarterly* 18, no. 2 (May 1, 1993): 186.

immigrant public aligned against each other even as their nativist sentiment was endorsed by the well educated and the powerful.

### ***Majoritarian changes in governing institutions***

For restrictionist policy outcomes to occur, Progressive Era activists first had to change governing institutions so as to make them more responsive to majority rule. Progressive Era institutional reform was motivated by a rejection of strong parties and a push for new mechanisms of “direct democracy”. Distrust of the corrupt political party “bosses” and the moneyed special interests that controlled them (which in the Western states where Progressives were most successful were symbolized by /the railroad companies) led to efforts to weaken the influence of parties within political institutions.<sup>104</sup> In this way activists could bypass the parties which had exercised strong control over government for much of the nineteenth century.

In Congress, which was controlled by Republicans for the entire first decade of the century, this coalition and their first major federal policy initiative, the literacy test for immigrants, had the support of a bipartisan majority of both chambers. Among its opponents, however, was the House Speaker, Rep. Joe Cannon, who beginning in 1903 worked to prevent a literacy test bill from reaching the floor of the House. The House “Reed rules”, established by Speaker Thomas Reed in 1890, gave the Speaker of the House control over the Rules committee and all committee appointments and chairmanships, which allowed the leadership to enforce total party

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<sup>104</sup> Andrew Wroe, *The Republican party and immigration politics : from Proposition 187 to George W. Bush*, 1st ed. (New York: Palgrave Macmillan, 2008), 27.

discipline. The phenomenon of a Speaker of the House with near-absolute control over the congressional agenda was one of the most important veto points that Progressive activists objected to. It represented the antidemocratic nature of the strong parties system because it prevented a policy that was supported by the majority from being enacted. Cannon himself came from the mercantilist, non-Progressive wing of the Republican Party, and immigrants made up a large proportion of his district. In 1910, a bipartisan alliance between Southern Democrats and Progressive Republicans, a cross-party majority whose membership largely mirrored that of the restrictionist coalition, stripped the powers of appointment and Rules Committee dominance from the Speakership. By weakening partisan control of the House, the restrictionists had reduced the number of veto points and shifted Congress in a majoritarian direction.

## Conclusion: No more promesas

In an interview with POLITICO a month after President Obama's July 2010 speech on immigration, Jorge Ramos, an anchor from the Spanish-language TV network Univision and one of the most prominent Latino media figures in America, condemned Obama for breaking what Ramos is known for referring to as "La promesa", the promise, by which he meant Obama's campaign pledge to introduce a comprehensive immigration reform bill in Congress during the first year of his term.<sup>105</sup> "We'll see what the political circumstances are in a couple of years, but there is a serious credibility problem," Ramos said.<sup>106</sup>

Like many other Latino public figures in America, Ramos wanted Obama to take leadership on reforming immigration policy in the United States. Two days after the Ramos' interview, Obama signed into law a border enforcement bill that cost \$600 million—with funds provided by higher fees on U.S. employers of high-skilled foreign workers.<sup>107</sup> This small but unambiguously restrictionist law was supported unanimously by the Democratic Senate. During the lame-duck session of Congress later that year, the DREAM Act, which would have given undocumented youth that had grown up in the United States a path to legalization, failed in the Senate. The

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<sup>105</sup> Carrie Budoff Brown, "Hispanic media turn on President Obama," *POLITICO.com*, August 11, 2010, <http://www.politico.com/news/stories/0810/40927.html>.

<sup>106</sup> Ibid.

<sup>107</sup> Caitlin Huey-Burns, "Senate Passes \$600 Million Border Security Package," *US News and World Report*, August 12, 2010, <http://www.usnews.com/news/articles/2010/08/12/senate-passes-600-million-border-security-package>.

Republican Party had just won more seats in the House than they had since the 1938 midterm.

Like the summer of 2006, the summer of 2010 was a heated time in American immigration politics. And although expansionist activists and media figures were calling on President Obama to offer leadership in the summer of 2010, the conclusions of this thesis imply that perhaps they shouldn't have. The president has agenda-setting powers, but when it comes to immigration politics agenda-setting is part of the problem.

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