

From Consensus to Controversy:
The Congressional Politics of U.S. Immigration Policy

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Abstract

What has turned so many members of the U.S. Congress against the spirit of open and liberal immigration that guided passage of the 1965 Immigration and Nationality Act? Congressional action on immigration was once characterized by substantial consensus. Important changes in immigration policy were often passed on voice votes and when votes were recorded they often reflected substantial bipartisanship. By contrast, recent rounds of immigration reform have been so divisive it is hard to imagine that only thirty years ago such consensus prevailed. My analysis of voting in the U.S. House of Representatives indicates that floor divisions on immigration policy became increasingly partisan in the late 1970s. The key turning point appears to be the debates over refugee admissions in the late 1970s and early 1980s -- debates that occurred coincident with a major national recession, and rising government indebtedness. The Democratic push for federally subsidized aid programs for refugee assistance put the Republicans in the position of opposing immigration because of its high cost. Thereafter, immigration becomes an issue conceived of primarily in redistributive terms, and this explains why partisanship has become such a prominent feature of the debate.

From Consensus to Controversy: The Congressional Politics of U.S. Immigration Policy

Like many other issues that confront the U.S. Congress, immigration has been translated from a consensus issue into a fiercely partisan one in recent decades. The question of the paper is simple: Given that immigration policymaking has not always been as divisive in Congress as it had become by the beginning of the new century, what has happened to make it so? In particular, what has happened to inject such a strong element of partisanship into the debate? To be sure, the issue is not purely partisan. Some Republicans favor generous immigration, and fewer restrictions, while some Democrats favor a stricter, less expansive policy. But in the pages to follow, I will demonstrate that the issue is considerably more partisan than it has been in the past, and that this increasing partisanship is explicable in terms of one principal dimension of party conflict.

At the dawn of the 21st century, the most significant legislative battle lines on immigration policy have formed in response to the question of costs. Are immigrants, legal and illegal, a net good or net bad for society? — where “good” and “bad” are measured mostly in terms of economic costs and benefits (Borjas 1999; 1990). The consensus that has emerged on illegal immigration is that it is more of a cost than a benefit. But the consensus is shallow. Politicians in Washington must take a stand against illegal immigration because it is, after all, against the law. Clearly, though, some politicians are more serious about controlling illegal immigration than others. Otherwise we would not have such disagreement about the proper way of controlling it. While nearly every credible voice inside the beltway will admit that illegal immigration is wrong, disagreements about how to control it persist.

On legal immigration, there is no consensus on the question of costs, or on whether those

costs are worth bearing. Political opinions on legal immigration, much more than on illegal immigration, are formed on the basis of interests and loose impressions occasionally bolstered by a selective reading of the academic research. In the 1996 round of immigration reform, a majority of Republicans argued that legal immigration needed to be controlled because of its runaway costs. Measures restricting the access of legal immigrants to welfare passed as part of the GOP's Contract with America and were signed into law by President Clinton, although some of these measures were later rolled back. Even for the Republican members who were supportive of legal immigration, such as Spencer Abraham (R-MI), the chant was "immigrants yes, welfare no," showing that they too were concerned about the contributions made by newcomers. The concern about the cost of immigration to taxpayers has converted the immigration issue into one that in the 1980s and 1990s came to divide Congress along party lines.

Redistribution as the Link Between Partisanship and Policy

How an increasing obsession with the costs of immigration would transform the issue into one that divides political elites along party lines is easy enough to understand. Since the 1930s, the major line of cleavage between Republicans and Democrats has concerned government's role in the economy. New Deal Democrats created the welfare state as President Franklin D. Roosevelt marshaled major new social insurance programs through Congress to cover children, the unemployed and the elderly. Republicans took up the opposing position, attempting to counter efforts to expand national government programs and services (Schlesinger 1957; Sundquist 1983, 212-215; Ladd and Hadley 1975). The major issue between the two parties became one of government spending, or the costs of government programs.

In the mid-1960s, the Great Society hardened this already sharply defined cleavage between the two sides. Democrats became the party of civil rights, favoring federal government intervention to advance the position of minorities through efforts such as busing and affirmative action (Carmines and Stimson 1989; Mead 1992). As the champions of disadvantaged minorities, the Democrats became even more closely associated with urban areas and the poor than they had been before. In the years following passage of the Civil Rights Act in 1964, attitudes toward government efforts to achieve racial integration, the growth of the welfare state, and government regulation of the economy, came to define both candidate and voter allegiance to the two major parties.

First-generation immigrants were natural Democratic constituents in the years during and immediately after the New Deal. A majority were working-class and they had settled in urban areas that not only bore the brunt of the Great Depression but also benefitted from President Roosevelt's federal relief programs. Democratic support following the 1932 election was particularly high among Catholics and Jews, Italians, Poles, and working-class Germans and Anglo-Saxons (Sundquist 1983, Chapter 10). Support for generous immigration policy following World War II would be most popular in the Democratic bastions of the urban north where immigrants constituted a sizable percentage of the electorate. Democrats in the South, however, were not predisposed to favor expansive immigration policy. The South had not experienced a significant wave of immigrant arrivals since before the Civil War. The South's agricultural economy, reliant on exploitable black labor, was not attractive to European ethnics, who could find work much more easily in the industrializing cities of the urban north. Immigrants were also associated with bad memories of the Union Army and they were now part and parcel of the liberal Roosevelt coalition, something Southern Democrats were never quite able to accept (Key 1949). The division between Northern

and Southern Democrats on immigration policy would prove to be an enduring one.

Republicans had their own proud immigrant roots, although they were more likely than Democrats to be second or third generation at the time of the New Deal realignment. Although immigration in Republican strongholds was not as fresh as it was in Democratic areas, Northern Republicans had no particular reason to oppose the nation's relatively open borders. While the Republican Party formed its identity in opposition to the New Deal's big government agenda, there was no reason that immigration should be linked to these other policy battles. Few immigrants were entering the country during the 1930s and 1940s. Newly arriving immigrants were not a particularly noticeable population. But there was no evidence at the time that first generation immigrants who had arrived in the 1910s and 1920s had been any more dependent on redistributive programs than many natives. And federal redistribution was largely nonexistent before the New Deal. Republicans in Congress could not oppose immigration on the basis of its cost.

In the 1950s and 1960s, some opposition to immigration was occasionally voiced by conservative Republicans and Southern Democrats on the basis of Cold War politics. Exclusionary policies were often justified on the basis that immigrants could be Communists or lacked commitment to American values (Duncan 1997; Reimers 1992). But these objections never formed the basis of a broad party front on the subject of immigration policy. As of the mid-1960s, immigration was not yet an issue that cleaved the parties.

By the late-1960s, Republicans had become identified as the party that was hostile to federal intervention in the advance of civil rights. After major GOP gains in the 1966 House elections, liberal progress on civil rights policy stalled (Orfield 1975). Campaigning in 1968, Richard Nixon campaigned against civil rights in order to win strong Southern backing. This approach continued

to mold the party's image as one hostile to the interests of racial minorities. At the same time, major changes in immigration policy had set the country on a new population trajectory. The repeal of the National Origins Quota System in 1965 would come to alter the ethnic composition of the immigrant stock: immigrants would be increasingly Hispanic and Asian and come from countries with low standards of living compared to the United States. Many would make up economic ground on natives and successfully compete in the U.S. economy in spite of discrimination and other disadvantages. But the availability of newly enacted federal welfare programs would attract those who did not prosper. To the extent that they remained disadvantaged, these new immigrants would be additional fodder for Democratic party-building efforts. Worse still, Republicans eventually realized that the changes immigration policy wrought in the 1960s had inadvertently led to the expansion of the welfare state they had despised since the 1930s. Immigration policy had become a tool to import both Democratic constituents and poverty. As Republicans woke up to that fact in the late 1970s and 1980s, votes in Congress on immigration became increasingly easy to predict in partisan terms.

Constituency Influences on Congressional Decisions

If partisanship did not always divide Congress into opposite camps on immigration policy, then the question remains as to what were the sources of the divisions. Between 1965 and the mid-1990s, there are important exceptions to the generalization that immigration issues cleaved political elites along party lines (Tichenor 1994). Where would we expect to find those exceptions? To answer this question, we must consider how members of Congress come to important decisions. Scholars of congressional decisionmaking have long noted the importance of constituency influence in the mix of strategic calculations politicians consider when they cast their votes (Turner 1951;

Clausen 1973; Fiorina 1974; Mayhew 1974; Kingdon 1981; Arnold 1990; Barrett and Cook 1991).

While members are linked to parties through their constituencies (see Rohde 1991, 170), partisanship is not the only relevant aspect of a constituency a member may consider. For years, Southern Democrats in Congress held a virtual veto over passage of liberal civil rights policies advanced by Northern Democrats. Southern Democrats have also been known to oppose liberal party leaders on defense, foreign policy, criminal justice and redistributive issues. Regional voting has been sufficiently strong that expert analysts have developed a scorecard called the “conservative coalition” to identify how often the group of Southern Democrats votes with Northern Republicans in opposition to Northern Democrats (Brady and Bullock 1980). Southern Democrats were also hostile to generous immigration policy, voting as a bloc against the 1965 Act. While their numbers have dwindled in the 1980s and 1990s (Gimpel 1996), the persistence of these conservative Democrats in modern times leads to a straightforward prediction: Southern members, regardless of party, are likely to be opposed to opening the door to new arrivals.

A second constituency characteristic that may not correspond to party lines is the percentage of immigrants in a legislator’s district. Many immigrants in large cities were developing Democratic loyalties in the 1920s. In the wake of the New Deal, working-class immigrants in cities turned overwhelmingly to support Democrats. But there are Republicans elected from areas that are quite aware of their immigrant roots. Many of these districts are comprised of older suburbs of large cities that experienced the out migration of white ethnics in the 1950s and 1960s. The suburbs of Nassau County, New York, are an example. One would expect, therefore, that those with large foreign-born constituencies would be generally supportive of expansive immigration policy, independently of partisanship.

Related to the distinctiveness of the Southern membership on issues such as redistribution and civil rights, we have good reason to expect that the border states have distinct interests on immigration-related matters and that members representing these states are likely to vote as a cohesive bloc. Border states are identified as those along the southern border that have experienced the most significant waves of immigration since the 1960s: California, Arizona, New Mexico, Texas and Florida. These states bear a large share of the costs of legal and illegal immigration. I predict that members from these states will vote against generous immigration policies as the costs to their state and local governments have increased.

Fourth, independent of whether a district contains a large foreign-born population, the ethnic composition of the member's district may matter. Individuals need not be of the first generation in order to sympathize with the plight of immigrants. Because the bulk of the immigrant flow since the late 1960s has been from Latin America and Asia, one might expect that in areas with large Hispanic and Asian constituencies, there will be support for open immigration policy independent of partisanship, region and other influences.

I also hypothesize that the proportion of blacks in a congressional district will cause members to be more supportive of immigration restrictions than open immigration. This expectation is based on the social scientific research that has shown that immigrants compete with native blacks for jobs in urban labor markets and have filled labor market niches that would otherwise have been filled by blacks (Borjas 1999; Waldinger 1996; Kposowa 1995; Muller 1993, 167-219). Native minorities are more likely to be hurt by immigration because they compete for the same low-skill, low-wage positions that the new immigrants seek (Borjas 1999). As representatives of their community's economic interests, I hypothesize that members from such areas will support restrictions on legal and

illegal immigration in order to protect the economic standing of their black constituents.

Similarly, we have good theoretical reasons for suspecting that areas suffering from high unemployment and poverty rates are likely to be represented by members who will favor immigration restrictions. The economic logic here is straightforward. Areas of high unemployment have a large proportion of unskilled workers who are least mobile. The last thing an area of high unemployment needs is an influx of additional unskilled laborers flowing across the borders to put additional demands on an over-stressed labor market.

Agricultural employment may be relevant to a member's decision making on immigration policy. Since the end of the *Bracero* program in 1965, many agricultural areas have increasingly come to depend upon legal and illegal immigrants to harvest specialty crops, ranging from lettuce and strawberries in California to tobacco in Kentucky. Major farming-related interest groups such as the American Farm Bureau have repeatedly pushed for expansion of existing guest worker programs, which permit the temporary entry of agricultural laborers. By the 1980s, immigrant employment in agriculture and food processing had gone national. From Midwestern meatpacking towns to chicken-processing plants in the mid-Atlantic region, immigrants of primarily Hispanic origin have been a reliable source of low-wage labor. While agricultural areas have often been known for their political conservatism on issues such as redistribution and race, I hypothesize that the economic interests of large agricultural employers may outweigh competing considerations and lead members from agricultural districts to favor generous immigration policy.

Committee and Caucus Membership

Finally, members of Congress are not only cognizant of the interests of their constituency but

also face institutional pressures from within the legislative body. One of these is the pressure from committee leadership to vote for the committee's product on the floor. By participating in the framing of legislation in committee, members acquire a stake in advancing the legislation to the floor and passing it there (Poole and Rosenthal 1997, 204; Evans 1989; Smith and Deering 1984). Even legislators who find themselves in dissent on major portions of complex legislation are sometimes co-opted into supporting it because of a single provision or two that they authored in the committee. While expectations for specific floor amendments are less clear, I do hypothesize that members of the Judiciary Committee will usually favor final passage of immigration legislation.

In my analysis of decisionmaking on immigration policy, I also control for the race of the member, knowing that the minority caucuses, particularly in the House of Representatives, have often been a source of cohesive behavior independent of the heterogeneous interests of the constituencies these members represent. These caucus groups can be powerful agents of socialization. In the 1980s and 1990s, the Hispanic and black caucuses, and to a lesser extent, the Asian-Pacific caucus, worked together on a wide variety of issues relating to civil rights, affirmative action, welfare reform and minority opportunity. We might expect the institutional pressures produced by these informal groups to force conformity to a common agenda independently of partisan, regional and constituency influences.

Data and Methodology

One means of examining the lines along which congressional policy battles are fought is to look at recorded floor votes on the policies in question (Poole and Rosenthal 1997; 1991; 1984). If there are few recorded votes, and if the recorded votes that do occur are highly consensual, then it

is a clear sign that there is not much controversy present. If, on the other hand, there are many recorded votes, and those votes are highly divided, then this evidence suggests the presence of conflict. Consensus has broken down, and members are demanding to be put on the record. In such cases, one may reasonably wonder what is generating the controversy. By examining which members are on each side of the votes, we may gain insight into the nature of the conflict. Perhaps the chamber is dividing along partisan lines. Alternatively, partisan divisions may be weak and perhaps some other dimension is polarizing the chamber — perhaps by region, or by some constituency characteristic. Studying roll-call votes is certainly not the only way to examine policy disagreement (Van Doren 1990; Kuklinski 1979). And recorded votes do not represent all congressional decisions. But they are among the more important decisions, and studying them will bring out aspects of the political behavior of Congress that might otherwise go undetected.

I collected all of the non-unanimous recorded votes on immigration policy in the U.S. House of Representatives between 1965 (89th Congress) and 1998 (105th Congress). To determine the level of controversy over these votes I sought to determine the size of the floor division on each one. To do this I subtracted the percentage of votes in the minority bloc from the percentage of votes in the majority (Figure 1). The purpose of this calculation is to evaluate whether the size of the difference between the majority and minority blocs has been growing or shrinking. If 48 percent of the members are in the majority, and 52 percent are in the minority, the difference is equal to four percent — a very narrow margin indeed. If the majority is much larger than the minority, say 80 to 20 percent, it is a clear indication of consensus. My expectation is that the margin has narrowed with time.

Showing that the floor division has narrowed on immigration votes since 1965 does not tell

us anything about the voting alignments or cleavages along which the floor is dividing. The next step was to match each member's vote to the constituency characteristics of their districts, members' partisan identification, their race, and whether they were assigned to the Judiciary Committee. The goal of this analysis, for present purposes, was not so much to evaluate the role of each of these influences on the vote decision, but to evaluate the extent to which partisanship played a role in each Congress. Using multivariate logistic regression, I first estimated the impact of partisanship on each vote, controlling for the other variables mentioned above.¹ Since the focus of this paper is on trends in the divisions on floor votes from Congress to Congress, I expected to find that the role of partisanship has moved steadily upward, in step with the increasing controversy over immigration policy observable in Figure 1. In the next few pages, I also evaluate trends in the division between Northern and Southern members, and minority from white members. I do not present the full results from the numerous models of individual roll calls since these are presented elsewhere (Gimpel and Edwards 1999).

¹ The complete logistic regression results for each roll call vote are available from the author by contacting him directly via e-mail at: jgimpel@gvpt.umd.edu. Or at the following address: University of Maryland, 3140 Tydings Hall, College Park, MD 20742.

Trends in Partisan Cleavage

Not only are there far more recorded votes on immigration policy in the 1980s and 1990s than in the 1960s and 1970s, but the floor division has grown increasingly narrow as consensus has evaporated. Figure 1 suggests that it is perhaps more accurate to describe the trend as curvilinear than strictly linear — dropping from 1965 to the early 1980s, then leveling out.

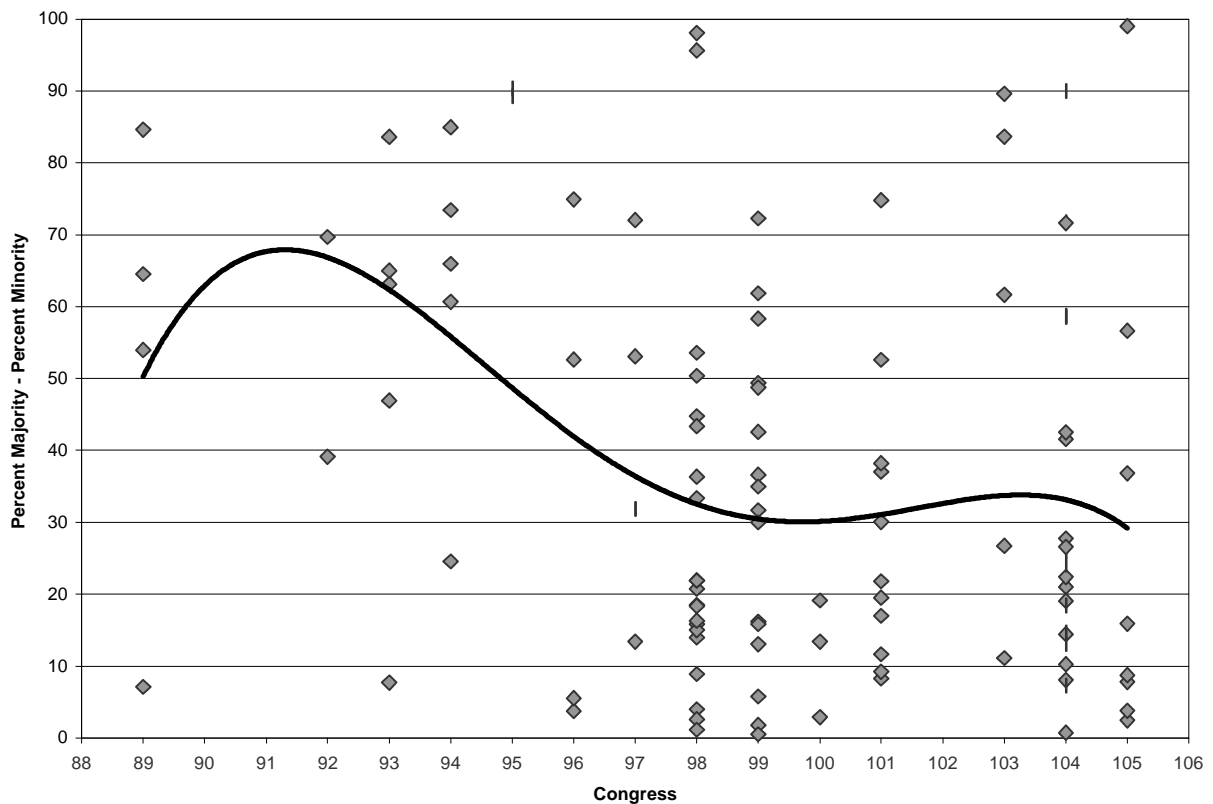


Figure 1. The Diminishing Consensus on Immigration Legislation Reaching the Floor of the U.S. House of Representatives, 1965-1998 (trend line fitted with 4th order polynomial, each data point is one roll call vote).

It is noteworthy that one of the main inflection points in the Figure 1 trend line can be pinpointed in the early 1980s, possibly with the 97th and 98th Congresses (1981-1984). This was precisely the time when the battle over immigration policy began to take on a redistributive tone

involving the prospect of increased transfer payments to an immigrant and refugee population and higher taxes to pay for those benefits and services. At the same time, the country was coming out of the severe recession of the late 1970s, and Congress was simultaneously feeling pressure from the Reagan Administration to cut taxes, while the demand for services remained high. These pressures converted immigration policy into the familiar terms that have served as the foundation for party allegiance since the New Deal.

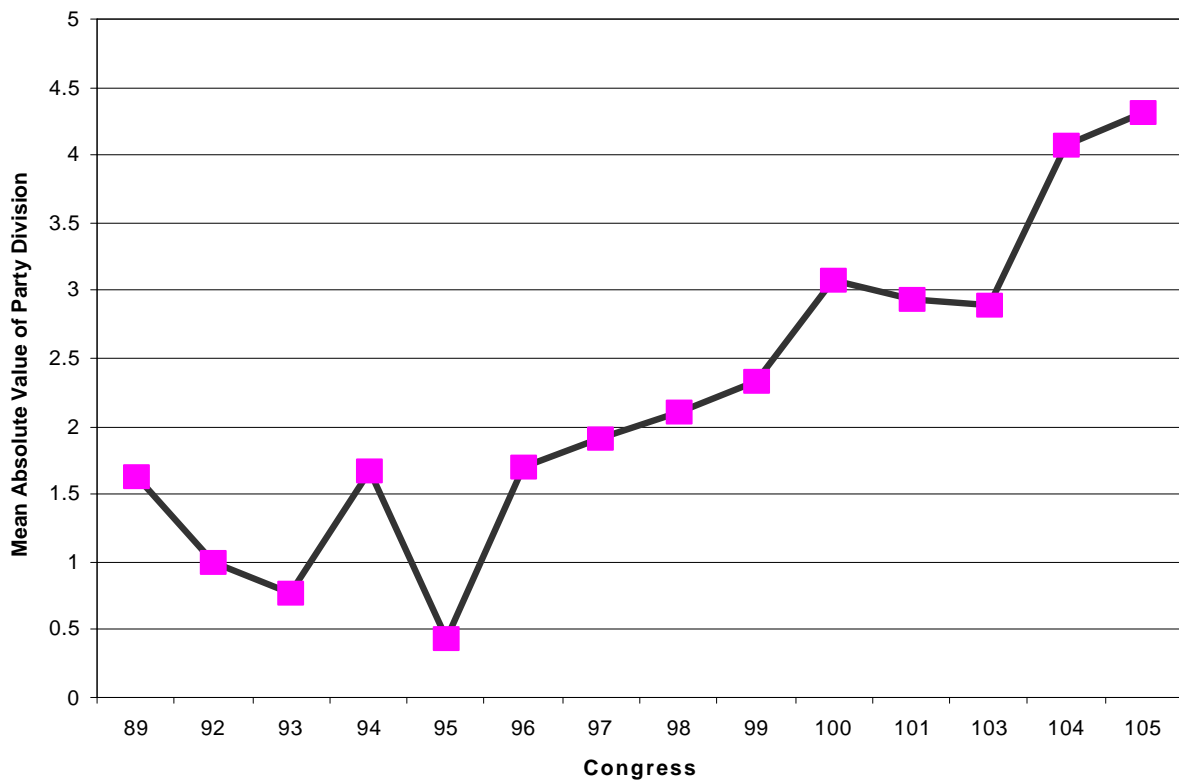


Figure 2. The Rising Partisanship On Immigration Legislation Reaching the Floor of the U.S. House of Representatives, 1965-1998 (values based on logistic regression coefficients for all roll call votes).

Turning to evaluate the mean value of partisan cleavage in each Congress, controlling for other influences on the vote, it is clear that partisanship is on the rise and has been since the late 1970s (see Figure 2). It was the 96th Congress (1979-1980) that marked the Democratic

introduction of a costly new resettlement assistance program for refugees (the 1980 Refugee Act) that many GOP members opposed mainly on the grounds of cost. Refugee policy at the end of the 1970s began to take on the rhetorical color of many classic partisan issues fundamentally related to public assistance and the government's role in the economy.

Certainly immigrants in previous eras required public assistance, but that assistance was rarely provided by the federal government. When the federal government did step in to provide aid, the refugee flows were sufficiently small that fiscal conservatives were unconcerned about the small amounts of aid that were distributed mostly through the annual appropriations process via existing state and federal agencies. The 1980 Refugee Act changed all that. The refugee flows from 1975 to 1981 were unprecedented in both their size and the neediness of their populations (Stein 1979). These new populations also looked different and would be much easier targets of discrimination than their European predecessors in the 1940s and 1950s. Add to this the problem that the American economy was in the middle of a long-term industrial decline characterized by a diminishing supply of good-paying, low-skill jobs. With double digit unemployment rates and high inflation, Democrats sized up the problem and responded with a host of aggressive spending programs and an entire new agency within the nation's largest welfare bureaucracy, HEW. Republicans reacted by opposing both refugee admissions and the expansion of refugee assistance programs. The last thing the national economy and native workers needed at the time was an influx of low-skilled, impoverished refugees, many of whom would come to rely on entitlement programs. The Mariel Cubans only heightened panic on Capitol Hill. They were stereotyped as criminals, homosexuals and the mentally ill. Much of the concern on the East Coast involved worries about the costs of incarcerating and providing medical treatment for this troubled population. A humane refugee policy, characterized by an

unconditional concern for the politically oppressed, was being replaced by a much more conditional policy that emphasized the size and quality of the immigrant and refugee populations.

The subsequent major rounds of immigration reform in 1986, 1990 and 1996 were characterized by even greater partisanship than that surrounding passage of the 1980 Refugee Act. The amnesty for illegal residents that was proposed as part of the Simpson-Mazzoli legislation of the early and mid-1980s was seen partly as a law-and-order issue, but also a redistributive one. Partisanship on amnesty incorporated into IRCA (1986) resulted from the prospect that the newly legalized population could take advantage of costly entitlement programs for which they would then be eligible. No one could accurately estimate how much such services would cost because no one knew how many illegals would come forward to apply for amnesty. Democrats viewed this population as a hardworking but exploited mass that should be made eligible for these programs, regardless of how many came forward. This fundamental disagreement paved the way for a number of highly divisive votes.

In 1990, action in the House was again highly partisan, although the conference report was accepted on a bipartisan vote. With Proposition 187's passage in 1994, it became clear to most observers that immigration had become a redistributive and highly partisan matter. So it is no surprise that Figure 2 indicates that partisanship continues to rise in the 104th and 105th Congresses. The 1996 round of reform was the most determined effort to place new limits on legal immigration and many of the votes fell bitterly along party lines, in spite of the general health of the economy which produced less protest against generous immigration than is generally the case in times of hardship.

At first glance, the 105th Congress (1997-1998) looks like it may have seen the end of partisan

contention on immigration policy. Republicans were genuinely frightened by the apparent Hispanic backlash against them in the 1996 elections. Hence, the 105th brought a rollback of welfare restrictions on legal immigrants in an amendment to the 1996 welfare reform legislation that was accepted on a voice vote. Several other measures were subject to non-controversial voice votes, or to unanimous recorded votes. One of the most significant pieces of legislation in 1998 was the increase in the number of H1-B guest worker visas, a measure that passed the House on a fairly consensual 288-133 vote. But a number of other pieces of legislation were quite controversial, including a measure to establish English language training programs for immigrant children (HR 3892), a measure to authorize appropriations for refugee assistance (S. 1161), and a measure to strengthen citizenship requirements for voter registration (H.R. 1428).

Trends in Other Floor Cleavages

Not every immigration vote between 1965 and 1998 was a strictly partisan one; Figure 1 clearly shows the exceptions that fall far from the general trend I have emphasized. The primary division between those who favored repeal of National Origins Quotas in 1965 and those who did not was between Northern and Southern members, not between Republicans and Democrats (Figure 3).

Divisions of this kind reflect rival cultural orientations. While the South is changing, Southern political culture was one rooted in the stability of thick kinship ties, firmly rooted communities, institutionalized segregation, few immigrants, and the slow pace of rural and small town life. Northern culture, on the other hand, was accustomed to faster population growth, large industrial cities, more mobility, weaker kinship ties, and more immigrants. The North was not always less racially segregated than the South, as residential patterns even in the 1990s clearly indicated (Massey

and Denton 1993). But segregation was never institutionalized there.

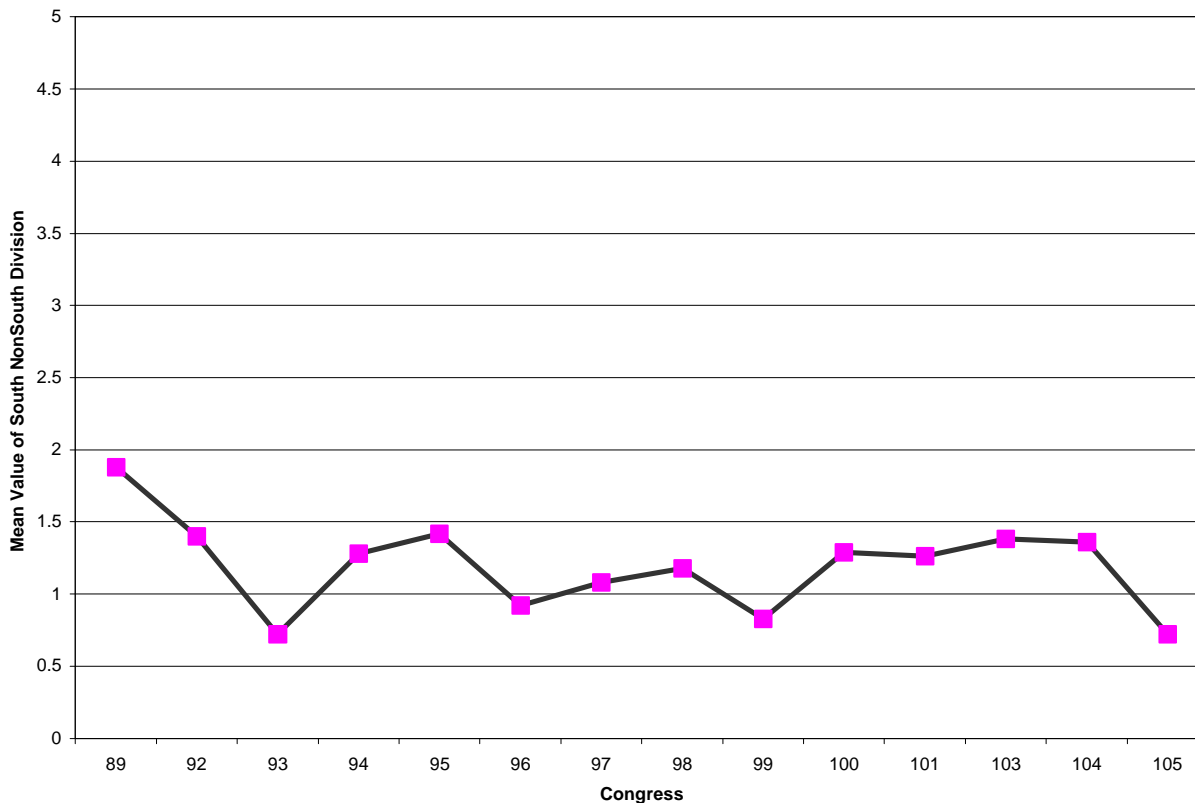


Figure 3. Rise and Fall in the Influence of Southern Regionalism on Immigration Legislation Reaching the Floor of the U.S. House of Representatives, 1965-1998 (values based on regression coefficients for all roll call votes)

Figure 3 shows that the North-South cleavage has never been as pronounced as the partisan one, but that differences between members reflecting regional differences peaked in the 89th Congress, the 95th Congress, the 98th Congress, and remained high between the 100th and 104th Congresses. Interestingly, the North-South cleavage tends to rise when partisan cleavages rise, showing that the political transformation of the South has helped to create a more partisan Congress (Rohde 1991), and illustrating how ideology is increasingly associated with party (Poole and Rosenthal 1985; 1984; 1997). Southern opposition to the extension of refugee benefits accounts for the peak in regional

tension in the 95th Congress. Southern members, after all, had few immigrant constituents pushing for the entry of more refugees. Southerners and Northerners were in sharp disagreement in the 98th Congress over Simpson-Mazzoli until the inclusion of an agricultural guest worker program brought conservative Democrats on board in the next Congress. The steady opposition of the Southern delegation to liberalized immigration policies since the late 1980s can be accounted for on ideological grounds associated with the South's traditional culture.

Finally, it is interesting to note how the House divides by race, that is, between white members and minorities. Black members generally vote together with Hispanic and Asian members in favor of expansive immigration policy. This is somewhat surprising given the increasing evidence that the labor market position of black constituents may be threatened by new arrivals (Borjas 1999; Waldinger 1996). Nevertheless, African American legislators vote against restrictions and against the ostensible economic interests of the black populations they represent. Clearly the ideology of civil rights is informing their votes in favor of expansive immigration and refugee policy. Black, Hispanic and Asian leaders frequently view immigration policy through a minority rights lens. To maximize their political clout, they band together in Congress to work for policies they believe benefit all ethnic and racial minorities. That one or more constituent groups in the coalition may lose out as a result of such coalition behavior appears not to matter much. So we can expect a majority of the non-white members to vote against a majority of white members at least part of the time on immigration issues.

Figure 4 shows that the differences between the minority caucus members and white members peak in early Congresses, and then again in the 98th, 100th and 104th Congresses. The fierce opposition of non-white members to employer sanctions and employer verification, and their support of amnesty, helps explain the cohesion of the minority caucuses in the 1980s. In 1996, it was their

opposition to the restrictive welfare provisions, and the reductions in legal immigration, that unified them. While racially divided voting is highly related to partisan voting inasmuch as the vast majority of non-white members are Democrats, partisanship remains the predominant cleavage on the House floor in recent rounds of reform.

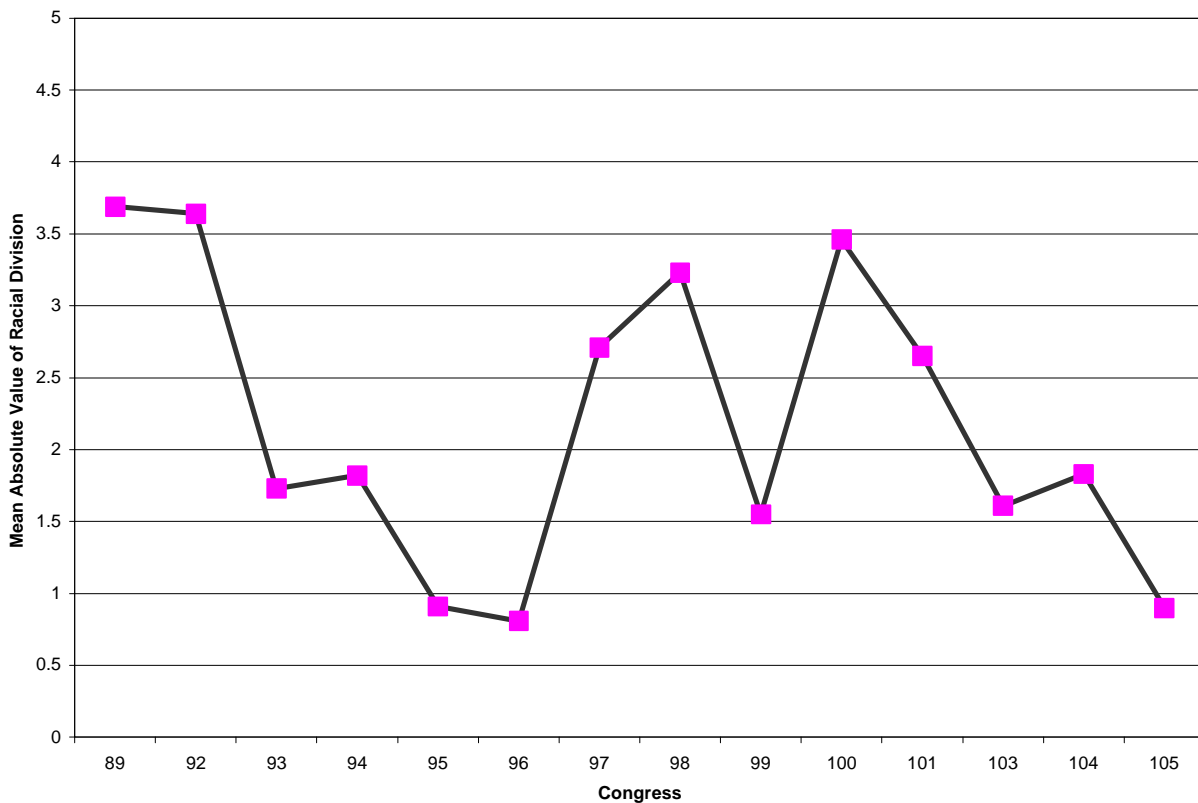


Figure 4. Rise and Fall in the Influence of Member Race on Immigration Legislation Reaching the Floor of the U.S. House of Representatives, 1965-1998 (values based on logistic regression coefficients for all roll call votes).

I found little evidence in the roll call vote studies that constituency variables mattered much to voting on immigration legislation once the party and race of the member were taken into account. Presenting trends for the influence of these variables on the vote made no sense given how little impact they had when tested. For example, the proportion of black or foreign born constituents in

a district had very little impact. The proportion of constituents who were unemployed or employed in agriculture had very little influence. This was somewhat surprising given the evidence that the public often opposes immigration on economic grounds (Citrin, Green, Muste and Wong 1997). Members of Congress apparently feel sufficiently safe from constituency pressure that they will choose party over constituency even when the two collide.

Exceptions to the Partisan Rule

Some will argue that by emphasizing the partisanship of immigration policy, I have neglected important exceptions -- the members who did not vote with their party. Republicans such as Senator Spencer Abraham (R-MI), who are friends with the high-tech business community, could be counted on to vote for expansive immigration policy in the 1990s, even leading major efforts to defeat restrictionist legislation. Seventy-five House Republicans joined the majority of Democrats in the amendment to kill Lamar Smith's legal immigration reform package in the House in 1996. Similarly, there were a few remaining Southern Democrats who could be counted upon to side with the Republican majority in favor of restrictions.

Clearly these exceptions to the rule that partisanship has come to define immigration policy were important, providing critical margins of victory at key points in the House and Senate debates. But what I have argued is that the size and frequency of these bipartisan coalitions has shrunk considerably since the mid-1960s, and particularly since the key vote on eliminating National Origins Quotas. There are important elements of immigration policy that do draw bipartisan support and opposition. But one reason why crossover voters in recent legislative battles get so much attention is that they are being disloyal to the majority *within their party*. They stand out for their obstinance

in the face of party pressure.

Conclusions

By now it is well known that with the repeal of national origins preferences the immigrant population has changed dramatically, with European immigrants being replaced by those from Asian and Latin American countries. The “browning” of the immigrant population in the last three decades raises the thorny question about whether the increasing partisanship on immigration policy is the result, not of attitudes on redistribution, but of attitudes on race. Prejudice has been linked closely to mass opinion on immigration policy among the masses (Gimpel and Edwards 1999, Chap. 2; Burns and Gimpel, forthcoming). Are Republican legislators sympathetic to restrictions and stricter enforcement measures because they are racist?

The answer probably depends on how expansive one’s definition of racism is. Some would argue that redistribution and race are so closely linked that to oppose generous welfare policy is patently racist because the needy population is comprised of such a large proportion of minority beneficiaries. To sort out the issue of race from redistribution in Congressional decision making, one must find decisions that relate to one matter but not the other. It is noteworthy that there are no legislative proposals to reintroduce national origins quotas, although Senator Kennedy (D-MA) and then-Representative Schumer (D-NY) did successfully sponsor a diversity visa program in 1990 that ironically allotted a visa quota only to immigrants of European descent. Yet most would be reluctant to call Senators Kennedy and Schumer racist.

Republican efforts to impose deeming and sponsorship requirements in the 104th Congress are an indication that the main issue is one of redistribution and not race. By imposing these measures,

GOP legislators acted not to keep immigrants out, but to demand that immigrant sponsors not shirk their pledged responsibility to provide for the financial well-being of family-members they bring into the country.

The considerable consensus on H1-B guest worker visas in the 105th Congress also demonstrates a concern for the contributions of immigrants and not their race. This legislation temporarily increased the number of temporary guest worker visas for highly skilled workers employed primarily in high-tech firms. While technically these guest workers are not immigrants, it is no secret that many eventually become permanent residents — “there’s nothing so permanent as a temporary guest worker” — so the saying goes. The H1-B legislation passed the House on a 288-133 vote, with 189 Republicans joining 99 Democrats to vote yes. Democrats were evenly split on the measure, with another 98 voting nay. Republican dissenters numbered 34. Similar legislation passed the Senate on a 78-20 vote, with 18 of the 20 dissenters being Democrats. President Clinton enthusiastically supported the legislation. Given that most of these temporary guest workers are recruited from Asian nations, strictly race driven decision making would have demanded a no vote. Republicans supported the legislation because it pleased important business interests in their electoral coalition. The legislation was easy to support because guest workers in highly skilled, well-paying jobs are not likely to come to rely upon public aid.

Republican control of Congress may end soon, but after three Congresses we are beginning to see what a GOP immigration policy looks like and it is not for total restriction on the basis of race. Republicans want to be confident that U.S. immigration policy is not importing poverty. The economic prosperity of immigrants, and the natives with whom they compete, bears watching. If immigration winds up adding to the welfare rolls, we can be confident that Republicans will continue

to be among the first to support restrictionist measures.

To win consistent GOP support for generous immigration policy, immigrant economic prosperity is necessary, but probably not sufficient. The prosperity of immigrants must also be accompanied by support for Republican candidates among immigrant groups. Republicans were alarmed by the Hispanic backlash against them in the 1996 elections. If the GOP is repeatedly unsuccessful in winning over Hispanic voters, who have typically supported Democrats by at least 2 to 1, they may decide that restrictionist policy is a good means for undermining Democratic recruitment. Democrats, for their part, have every incentive to paint the GOP as a racist party for offering up measures to restrict immigration. There is nothing Democratic elites would like more than to render the Hispanic and Asian populations as predictably Democratic as the native black population. The future of the immigration debate in the U.S. hinges mainly on what the parties communicate to this potential new electorate, and who the newly naturalized come to believe.

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