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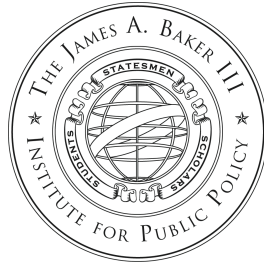
# IMMIGRATION REFORM

A SYSTEM FOR THE 21st CENTURY



## Latinos, Public Opinion, and Immigration Reform

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JAMES A. BAKER III INSTITUTE FOR PUBLIC POLICY  
RICE UNIVERSITY

LATIN AMERICA INITIATIVE IMMIGRATION RESEARCH PROJECT  
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# LATINOS, PUBLIC OPINION, AND IMMIGRATION REFORM

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### **Abstract\***

This paper discusses the Latino dimension of contemporary immigration policy debates, particularly how the American public views immigration reform options and immigrants themselves. It begins with an overview of public opinion data, compares the attitudes of Latinos and non-Latinos, and discusses how the politicized nature of the immigration debate shapes Latino opinions. I also review the social science literature on immigration attitudes for practical insights into contemporary debates. For instance, to what degree do attitudes toward immigration reform actually reflect attitudes toward Latinos? Lastly, the paper explores the role of the immigration issue in congressional and presidential elections, the implications for Latino partisanship and vote choice, and the future of “blue” vs. “red” contestation at state and national levels.

### **Introduction**

As this conference begins, the U.S. Congress is on a path to passing some form of comprehensive immigration legislation, an outcome only recently thought to be nearly impossible. Not long ago, the momentum was moving in another direction, as the conversation was more likely to include “anchor babies,” “terror babies,” and ending birthright citizenship.<sup>1</sup> Proponents of reform also faced the context of economic uncertainty, unclear public support, and a U.S. legislative system that makes it easier to play policy defense than policy offense (Leal 2010).

The last round of immigration reform, which ended in 2007, floundered on the issue of a pathway to citizenship, which was denounced by many conservatives as “amnesty.” Today, with some form of legalization likely to appear in the final proposals, legislators are now debating guest-worker program features and numbers—a perennial issue—and whether legalized individuals in a same-sex relationship will be able to sponsor their partners—a new element.<sup>2</sup> Could anyone have predicted the current state of affairs? And how can we understand such a change in a relatively short period of time?

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When Congress last considered immigration reform, the only item to reach the president's desk was the Secure Fence Act, which authorized 700 miles of border wall. Despite numerous efforts to advance comprehensive immigration reform (CIR) and the willingness of President George W. Bush to sign such a bill, proponents could not overcome the Republican House majority in the 109th Congress or the Senate filibuster in the 110th Congress.<sup>3</sup>

The key issue in those years was the status of the approximately 12 million unauthorized immigrants. According to Leal (2009, 14), "In the end, many risk-averse members of Congress were unwilling to support what was pejoratively labeled as 'amnesty,' especially as no adequately compensating policy was on the table. Arguments in favor of comprehensive reform were not sufficiently compelling in this difficult political environment." President Bush was also suffering from low approval ratings, which reduced his influence over Congress. The recession would further damage the prospects for immigration reform, and although President Barack Obama indicated his support for comprehensive reform, he focused on other issues during his first term.

Nevertheless, my earlier essay concluded with an optimistic observation: "While some might be discouraged by almost three years of immigration reform efforts that led to little change, one lesson of IRCA is that patience may be rewarded. Former Senator Alan Simpson (R-WY) and his colleagues spent six years before finding the right compromise and the right moment." Indeed, events are so fast-moving that we might wonder if comprehensive reform will pass before our conference concludes.

This paper will discuss the changes since 2007 that have worked to favor proponents of CIR and constrained proponents of restrictionist reform. Some of these dynamics directly involved Latinos, while others did not but nevertheless worked to the benefit of the Latino community generally and immigrant advocates specifically. They speak to the importance of elections, the changing demographics of America, the nature of intraparty debates, and the complexity and uncertainty inherent in this policy arena. It also illustrates the sometimes-dynamic nature of American politics. Who could have predicted that the reelection of a president who oversaw the largest deportation in American history, in combination with the rebound of libertarian ideas and

the influence of evangelical Christians, might combine to enhance the prospects of legal status for over 10 million unauthorized immigrants—primarily from Mexico and likely future Democratic voters?

### **The Larger Context: Other Policy Change**

What might help to explain this turnaround in immigration policy? One approach is to consider the wider political context because dynamics across policy fields may be related. By doing so, a number of important changes become evident that would also have been seen as impossible not long ago.

One of the other major turnarounds is the policy environment for same-sex issues such as marriage and military service. In the Bill Clinton administration, the president worried that an executive order overturning the ban on gay and lesbian service in the armed forces might be overturned by Congress (Frank 2009, 108). The resulting 1993 compromise, “Don’t Ask, Don’t Tell,” was repealed by Congress in 2012 with minimal controversy. In addition, with the Supreme Court currently considering the constitutionality of the federal Defense of Marriage Act (DOMA) and California’s Proposition 8, we see new support for marriage equality in Washington, D.C. As Nate Silver wrote, “So many senators are declaring their support for same-sex marriage that I’ve regularly had to check my Twitter feed while working on this article, lest I miss any announcements. As Dylan Matthews of *The Washington Post* has detailed, 50 senators have now stated their backing for same-sex marriage, up from only 16 in 2010 and eight in 2008.”<sup>4</sup>

As Silver also notes, public opposition has slowly but steadily deteriorated, with polling data now showing net positive attitudes.<sup>5</sup> This may be reflected in the support for same-sex marriage in four state ballot measures in 2012. While ballot initiatives favoring traditional marriage were a standard conservative wedge issue for years, their day may have passed.

A parallel dynamic appears to be taking place for marijuana legalization. According to survey data from the Pew Research Center, attitudes have become more tolerant over time.<sup>6</sup> Although

we see more ups and downs than for marriage equality, the trend is the same—a steady decline rather than a sudden recent change. As with same-sex marriage, the positive and negative lines recently crossed, and the result is net support. Evidence of this might also be found at the state level; voters in Colorado and Washington recently approved ballot initiatives that allowed small amounts of personal marijuana use.

These policy arenas, in combination with changing immigration politics, might represent what some have called a new “Libertarian moment” in American politics (although this phrase has been used since at least 2008). At this moment, we can only have a limited understanding of this dynamic, and it will take future research, with the perspective of time, to better understand our own political culture. Nevertheless, low trust in government may play out in ways that do not entirely map onto existing Democratic-Republican Party lines. A principled position of limited government could lead to new thinking about immigration policy, same-sex equality, and drug control policies.

More theoretically, Rogers Smith (1993) discussed the “multiple traditions” in American politics, whereby liberal, republican, and ascriptive influences vie for influence. Contrary to accounts that saw liberalism, or liberal progress, as the American story, Smith saw the situation as more dynamic. Over the decades, traditions would gain and lose influence, and these developments are relevant to the understanding of American immigration policies. In the 21st century, is the United States experiencing a shift? It might not be transpiring in precisely these terms, but neither does it reflect the standard liberal-conservative or Democratic-Republican cycles that are so familiar. Perhaps our “libertarian moment,” if it is a moment, includes strands from multiple traditions and is creating a dynamic that has the potential to move policymaking in new directions.

### **The Larger Context: A Nativist Decade?**

Not long ago, it appeared to many observers that the United States was experiencing a nativist reaction to immigration. Today, the political debate seems to be moving in the opposite rhetorical and policy direction. As part of understanding this shift, we might examine the extent

of recent nativism in order to better understand the context from which our current discussion emerged.

As the United States is in the midst of a fourth historic Great Wave of migration, it could be argued that a nativist reaction is not out of the question. The United States is still experiencing recessionary effects, and since nativism is commonly thought to result from economic distress, this could be seen as an additional spur to immigration skepticism. Some policy developments also appear consistent with nativist times, including increasing deportations, the augmentation of the Border Patrol, and the general thickening of the U.S.-Mexico border despite the promise of the North American Free Trade Agreement. For instance, the United States currently removes approximately 400,000 individuals per year—not including those caught and immediately returned along the border. This represents an eight-times increase from the 50,000 removals in 1995.<sup>7</sup> Border Patrol personnel almost doubled over the last 10 years (from 10,000 in 2004 to 21,000 in 2013), and only 6 percent are not stationed on the U.S.-Mexico border. Its budget also increased by over 13 times since 1990.<sup>8</sup>

Immigrant advocates also point to ballot initiatives and state laws in Alabama, Arizona, and California, along with local ordinances in places like Farmers Branch, Texas, and Hazelton, Pennsylvania. These are designed to make everyday life more difficult for unauthorized immigrants and their employers, to deny services to unauthorized immigrants, and to enforce federal immigration laws at local levels.

Federal efforts to detect and deport the unauthorized include cooperate federal programs like 287(g), Secure Communities, the Criminal Alien Program (CAP), and the National Fugitive Operations Program (NFOP). These efforts are justified as targeting “criminal aliens,” yet often arrest and deport individuals with no criminal record or relatively minor infractions. Employers also find it more difficult to hire the unauthorized due to the federal E-Verify program and the workplace audits that have largely replaced the more visible Immigration and Naturalization Service/Immigration and Customs Enforcement (ICE) workplace raids.



On the other hand, there are indications that U.S. politics might not be fairly characterized as nativist. First, the same federal system that allows for tighter immigration policies also provides room for more generous approaches. For instance, a *Washington Post* story pointed out that “despite recent national attention on such laws as the Arizona measure aimed at cracking down on illegal immigrants, a study released Monday by the Woodrow Wilson International Center for Scholars shows that across the country, more laws expanding immigrants’ rights are enacted than those contracting them” (Bahrapour 2010). Some states give driver’s licenses to the undocumented and allow them to pay in-state tuition at public colleges and universities.

In addition, the Obama administration in 2011 announced that ICE would base its removal efforts on 19 factors, with a goal of focusing on those who posed a threat to safety and security. This shift in “prosecutorial discretion” was followed in 2012 by “deferred action” for some unauthorized immigrants brought to the U.S. as minors.<sup>9</sup> While not the equivalent of a more permanent DREAM Act, it was widely praised by immigrant advocates.

Advocates of stricter immigration enforcement denounced these decisions. They argued that the administration was trying to work around the law and undercut enforcement efforts. U.S. Representative Lamar Smith (R-TX) called this essentially a “backdoor amnesty” that ignored “the rule of law” (Aguilar 2012). The advocacy group FAIR (2013) responded, “Since 2009, the Obama administration has systematically gutted effective immigration enforcement policies, moved aggressively against state and local governments that attempt to enforce immigration laws, and stretched the concept of ‘prosecutorial discretion’ to a point where it has rendered many immigration laws meaningless.”

In sum, the evidence does not clearly suggest that the United States entered a nativist period in the 21st century. Instead, we see mixed dynamics that defy easy characterization. For some, the immigration policy status quo is too restrictive; for others, it is too lenient. This context is important to today’s events, as it suggests that no side clearly dominated. The immigration policy agenda, and therefore its substantive direction, may have been particularly vulnerable to what Kingdon called a change in the “politics stream”—in this case, the results of the 2012 election.

### The Larger Context: The Evangelical Dimension

In addition, we have seen a change in the attitudes of religious groups, including elements of the “religious right,” toward immigrants. It will come as no surprise to learn that traditionally liberal religious groups and associations support more generous forms of immigration reform. The Catholic Church, although difficult to classify as liberal or conservative, continues to play a key role in immigrant advocacy. The change is the role of a growing number of evangelical leaders and pastors, generally seen as conservative, who are advocating more compassionate approaches to immigration reform (see Hesson 2013; Huey-Burns and Cannon 2013; Roebuck 2013).

This represents two new dynamics in evangelical communities. The first is a focus on how the Bible discusses the stranger and the immigrant. According to Huey-Burns and Cannon (2013), “‘Evangelicals take seriously the many texts in Scripture regarding welcoming the stranger, the outcast, the sojourner, and the neglected,’ says Michael Cromartie, vice president of the Ethics & Public Policy Center, a Washington think tank. ‘This sensibility makes them far more open to immigration than many would imagine.’” This trend could also be seen as part of an emerging focus on the actual words in the Bible, particularly those of Jesus, rather than the political interpretation of those words. Sometimes called the “red-letter movement,” it reflects the concern of some Christians that politicians have tried to hijack the Bible for partisan gain.

In addition, just as the Latino share of the electorate is growing, so is the Latino share of evangelical and Pentecostal churches. The upcoming April 15 edition of *Time* calls this “The Latino Reformation,” which represents both a quantitative and qualitative change. In terms of numbers, up to a third of Latinos may now identify as evangelicals or Pentecostals. The *Time* story also pointed out that “the evangélico boom is inextricably linked to the immigrant experience. Evangélicos are socially more conservative than Hispanics generally, but they are quicker to fight for social justice than their white brethren are. They are eager to believe in the miraculous but also much more willing to bend ecclesiastical rules to include women in church duties and invite other ethnic groups into their pews. The new churches are in many cases a deliberate departure from the countries and the faith their members left behind—but they don’t look or sound anything like the megachurches of the U.S.”<sup>10</sup>

Due to this shift in constituencies, in combination with a rethinking of key Biblical passages, evangelical leaders and denominations are increasingly active in advocating for comprehensive reform. Whether their rank and file will follow is a separate question, but this is an important change nevertheless. In addition, Latino religious leaders themselves, such as the Reverend Samuel Rodriguez of the National Hispanic Christian Leadership Conference, are vocal and influential participants in the national debate as well as within evangelical circles.

### Passing the Latino Threshold?

In terms of immigration, the U.S. population has diversified considerably since the 1965 Hart-Cellar Immigration Act. At the time, President Lyndon Johnson stated—although it is less clear if he believed—that the law would not lead to substantial changes.<sup>11</sup> Nevertheless, it set into motion a demographic transformation unseen since the 19th century. In 1970, the foreign-born constituted 4.7 percent of the U.S., a figure that became 12.9 percent by 2010. In terms of numbers, the net increase was over 30 million individuals.<sup>12</sup> Immigrants came to America from all regions of the globe, and the European share declined considerably.

While many focus on immigration as the driver of Latino population growth, demographers understand the increasingly important role of “natural increase” (births minus deaths). As Cardenas, Leal, and Strube (forthcoming, 14) noted, the U.S. Census Bureau found that from 2000 to 2009, 62 percent of Latino population growth reflected natural increase. This number alone, a net of over 8 million individuals, was much larger than all white population growth (about 4.2 million from both migration and natural increase). Even without new migration, the Latino share of the U.S. population will continue to increase. In addition, a parallel dynamic is taking place for individuals who are neither white nor Latino—a net natural increase of over 5.2 million people, with another 2.8 million immigrants. In sum, whites constituted only 32 percent of total population growth during these nine years.

According to the U.S. Census Bureau, the Latino population continues to steadily increase. From 2000 to 2010, the number of Latinos grew by over 15 million. The total Latino population

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increased to almost 50.5 million and the Latino population share became 16.3 percent. The Mexican share grew by almost 10 million people, or approximately two-thirds of the change, although Central American and South American groups grew by over 100 percent on average.<sup>13</sup>

We also see considerable growth in states with little historic Latino presence. Continuing a trend from 1990 to 2000, many Southern and Midwestern states saw considerable percentage increases. In the South, the Latino regional growth average was 57.3 percent, and some of the fastest rates were found in Arkansas (114 percent), Kentucky (121.6 percent), Mississippi (105.9 percent), and South Carolina (147.9 percent). In the Midwest, the overall regional increase was 49.2 percent, and rates were particularly high in South Dakota (102.9 percent), Indiana (81.7 percent), and Nebraska (77.3 percent.). Such changes were an important part of the immigration debate in the 2000s, as conservative regions suddenly saw large numbers of newcomers, with implications for cultural and political change. For many, these were not welcome developments.

In addition to real data, it is possible that many politicians overestimate the number of Latinos in the United States. Surveys have shown that the American public overestimates the number of racial-ethnic minorities and immigrants in the country, and it is possible that some elected officials, party officials, and campaign consultants also imagine a future more diverse than it may become. While this dynamic may have worked against liberal immigration reform in the past, it may now spur the political process to find a compromise.

In addition, Latino population dispersal across the nation means that relatively small numbers can wield influence in larger Electoral College “swing states.” For many years, it was Cuban Americans—small in number, but located in strategically important Florida—who arguably had the most national influence. Mexican Americans and Puerto Ricans were located in “red” and “blue” states like California, New York, and Texas. While almost half of all Latinos still live in California and Texas, Latinos have proven influential in recent presidential elections in places like Colorado, Indiana, Iowa, Nevada, and Virginia.

The Latino community has long heard that population numbers would equal power. Rodolfo de la Garza (1996) referred to this as *el cuento de los numeros*, or the fable of numbers. This pattern

began in the 1980s and continued into the 2000s; each decade would be predicted as the “Decade of the Latino,” and each presidential election season would see new predictions about growing Latino political power. However, political realities would always disappoint, and Latinos would be forgotten until the next election. As Espinosa, Elizondo, and Mirana (2003, 23) noted, “These myths would lead us to conclude that Latinos are the decisive swing vote that will determine future elections and enable Latino politicians to overcome their Anglo counterparts because the Census figures show ‘dramatic increases’ in the Latino population. The problem with these myths is that they tend to overlook low Latino voter registration and turnout, as well as the impact that variables such as country of origin, generation, class, education, and religion have on political participation and choice.” Jorge Ramos (2004) also labeled this cycle of exaggerated expectations followed by four years of amnesia the “Christopher Columbus syndrome”—Latinos were repeatedly discovered by the mainstream only to be forgotten.

If Latinos now hold actual—or its near equivalent, perceived’—political power, this will be a reversal from the usual pattern. For decades, scholars have tried to educate the mainstream about the realities of Latino politics, but to little avail. Contrary to the cycle of optimistic predictions that never materialized, scholars such as Rodolfo de la Garza have been making more nuanced arguments about Latino influence. For instance, in his edited volume *Ignored Voices* (1987), de la Garza found that Latinos were not sufficiently sampled in most public opinion surveys, which he found “tantamount to partial disenfranchisement” (4). In *Ethnic Ironies*, de la Garza and DeSipio (1996) observed that Latino influence in presidential elections was independent of candidate outreach to Latinos. They had more influence on the outcomes in 1992 than in 1988, but the campaigns in 1992 made fewer efforts to mobilize them. In *Muted Voices*, they found that Latinos played very little role in the 2000 presidential election. Only in more recent years have de la Garza and DeSipio tracked an uptick in observable Latino influence. In *Beyond the Barrio*, de la Garza, DeSipio, and Leal (2010) were for the first time cautiously optimistic about the Latino role in a presidential election (2004). In *Can You Hear Us Now?*, which covers the 2008 election, they found that Latinos did not decide the outcome but were an important part of Obama’s winning coalition.

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Today, Latino population growth may be too large—and too well positioned—for an anti-immigration politics that is not self-defeating. While the growing Latino population may have served to animate concerns about immigration, perhaps the U.S. has reached a demographic and electoral tipping point. Fears of a growing Latino and immigration population may give way to fears of alienating an already-grown Latino and immigrant population.

For many, the example of California looms large in political calculations. Governor Pete Wilson and the Republican Party championed ballot initiatives in the 1990s that would have prevented unauthorized immigrants from accessing public services, including public schools and emergency medical care (Proposition 187—the Save our State Initiative), Proposition 209 (end affirmative action), and Proposition 227 (almost eliminate bilingual education). While this proved a short-term political success, it would prove to save only the Democrats. The popular story of the aftermath is that Latinos mobilized in unprecedented numbers to vote Democratic, in the process turning the state from “red” to “blue.” Political science research suggests that voter mobilization may have been limited to the foreign-born Latino population (Pantoja, Ramirez, and Segura 2001), and my research suggests a unique Latino voter mobilization effect in California in the late 1990s (Leal 2003). Nevertheless, the political lesson is that offending Latinos through immigration politics can be risky. Substitute “America” for “California,” and substitute “national GOP” for “California Republican Party,” and the problem is clear. If Republicans tarnish their brand as nativist, then they can expect to lose the Latino vote for many years. This may be particularly the case for those Latinos entering the political system for the first time—young and other first-time voters who see stark contrasts between the parties. In light of political science theory about the nature of partisan attachments, this will not be easy for Republicans to counteract.

Political events of the last decade may have gradually convinced many in Washington that immigration was not an effective wedge issue. Members of Congress have sought since 2006 to use the immigration issue for political gain. Ayón (2006, 2) noted that after Brian Bilbray (a former FAIR lobbyist) won a special House election, he “returned to Washington touting the immigration issue as a counter to voter concerns about corruption and unease over the war in Iraq.” However, analysis suggests that very few victories could be attributed to such a strategy,

and contrary cases can be found of immigration restrictionists losing to immigration advocates. Dorval and LaRue (2006) found that “very few toss up races were won by Republican candidates who attempted to exploit immigration as a voter motivator.”<sup>14</sup> Immigration did not play any clear role in the 2008 contest between John McCain and Barack Obama, and it almost certainly hurt the GOP in 2012 among Latino and possibly Asian-American voters.

As the previous sentence indicates, we should not forget the Asian-American electorate, which displays some parallel characteristics with Latinos. Their share of the immigrant population has increased substantially since the 1965 immigration reform. Before 1960, only 5 percent of the foreign-born population was from Asia. By 2010, that figure had increased to 28 percent.<sup>15</sup> As a share of the total population and in total numbers, Asian Americans have consequently become a large—albeit not always well recognized—share of the overall U.S. population.<sup>16</sup> In 2010, the Census calculated that the category “Asian alone or in combination” accounted for 5.6 percent of the U.S. population. This constituted a 45.6 percent increase from 2000, as the total number of individuals increased from almost 12 million to over 17 million. As with Latinos, we see substantial growth in all parts of the nation. The percent of Asian Americans in the South increased by 80 percent over the decade, and the corresponding increase in the Midwest was 66 percent.

Asian voters are also highly likely—three-quarters of the population—to have been born abroad (Nhan 2012). While Latinos and Asians have different immigration histories, paths, and receptions, it is no stretch to argue that a population with so many immigrants and children of immigrants will be sensitive to heated immigration politics.

While the relatively low level of Latino support for Romney was a key storyline of the 2012 election, less often noted is the growing Asian-American support for Democratic candidates. According to a Pew report, the Latino vote for Obama was 67 percent in 2008 and 71 percent in 2012. For Asian Americans, the vote was 62 percent in 2008 and 73 percent in 2012. Although additional research is necessary, immigration politics seems a likely explanation for this 11 percentage-point jump. While the Asian-American share of the electorate is relatively low, about

2 percent in 2008 and 3 percent in 2012 (Taylor 2012), it is another growing constituency the GOP may not want to estrange.

The Public Religion Research Institute (PRRI)/Brookings Institution 2013 immigration survey, discussed more fully below, also provides some intriguing evidence of how the immigration issue has affected the parties. When asked, “Do you think the Republican Party’s position on immigration has helped or hurt the party in recent elections, or do you think it has not made a difference?,” very few chose the “helped” option. Only 5 percent of Anglos (non-Hispanic whites), 7 percent of African Americans, and 14 percent of Latinos believed it helped the GOP. By contrast, 48, 45, and 39 percent, respectively, believed that it hurt. The remainder believed it had not made a difference. While this may reflect the post-election media commentary about the Latino vote, it indicates that much of the public believes the GOP has an immigration problem.

Lastly, the respondents were asked which party they trusted to better handle the immigration issues.<sup>17</sup> Anglos gave almost equal marks to the Republicans (36 percent) and Democrats (34 percent). Minority groups were less trusting of the GOP; African Americans favored the Democrats 70 to 14 percent, while Latinos were 56-17. Latinos were the most likely to provide a “neither” response, which suggests some possible (but limited) skepticism about both parties.

### **The New Immigration Debate: Some Tentative Ideas**

The defeat of Mitt Romney in 2012—and his campaign criticized by Democrats as offering only “self-deportation” to the Latino community—appears to have caused some rethinking within the GOP. Commentators noted that the racial-ethnic voting patterns on election night would have meant a Romney victory in past elections. Today, the demographic transformations noted above indicate that more inclusive electoral approaches might be necessary. Otherwise, said the punditry, the GOP risks consignment to history.

An important question is how the immigration issue helps to shape the Latino vote. Another section of this paper will examine public opinion data, but as I will observe, the exact policy preferences of various racial-ethnic groups are not at the core of the debate. Instead, the



immigration debate may have taken on a tone that moved it beyond basic policy preferences. The key to understanding Latino opinion about may involve a variation of Tichenor's (2002, 35) contrast of immigration policy vs. immigrant policies. Immigration policy, or the laws that regulate the number and nature of immigrants, can only be changed at the national level. However, the federal system does provide some policy room for states and localities to enact laws that target unauthorized immigrants themselves. Many of these immigrant policies have received considerable news coverage, and some of the more prominent were noted above.

From the Latino perspective, we might characterize the difference as immigration policy vs. immigration *politics*. Research has long revealed that Latino attitudes toward immigration policy are not as liberal as many think. Latinos hold diverse opinions, including some that might be considered conservative. While many Latinos do not favor an open border policy and do agree about upholding the rule of law, they do not want a political debate that demonizes immigrants and indicts all Latinos. When the debate moves from good-faith discussions about what policies are best to nativist sentiment that questions the place of all Latinos in America, it is no surprise to find results like 2012. The Democratic claim that Republicans want to “deport Grandma” captured for many Latinos the nature of the stakes. Even for Latinos not paying close attention to politics, the difference between the two parties was clear—even with a Democratic president presiding over an unprecedented deportation of largely Latino immigrants.

Some argue that a legalization program will hurt Republicans in the long run because Latino immigrants will largely register and vote as Democrats. Surveys show that Republicans are on the losing side of most issues important to the majority of Latinos. As Leal (2007, 41) noted, Latinos “are generally supportive of ‘big government’ . . . and they express a high level of trust in government and look to Washington to solve problems.” Even the relatively small Cuban-American population, which is the Republican exception, is not particularly conservative about domestic policy issues. It also seems unlikely Republicans can gain more votes through social-moral issue appeals, which surveys show are low-priority political issues for Latinos. In the landmark Latino National Survey of 2005-06, which included over 8,624 Latino respondents, only 11 individuals said that abortion was the most important issue facing America.

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On the other hand, the status quo may also be self-defeating for Republicans. If Democratic candidates continue to receive a Latino vote in the low 70 percent range, this will prove problematic to Republican Electoral College calculations. The Democrats could consolidate a “solid Southwest,” secure Florida, and receive enough Latino votes to tip states like Indiana, Iowa, Virginia, and North Carolina. In the longer term, a successful Democratic effort to turn Texas “blue” based on Latino mobilization could well end the GOP’s national hopes for the foreseeable future.

Some Republicans may therefore see a more favorable electoral future if immigration is removed from the table. Republicans, on average, win about a third of Latino presidential votes. This is very different than the African-American Republican vote, which is typically in the single digits. While Republicans may not believe they can win a majority of the Latino vote, they might aspire to return to the 40 percent of George W. Bush in 2004 or 35 percent of Ronald Reagan in 1984. This might help them to piece together a “winning coalition” in enough states to remain competitive in presidential elections—even as American demography continues to change. If the immigration politics of the last decade continue, such figures may move out of reach, and the new generations of Latino voters could become even more Democratic.

One parallel might be President Clinton and welfare reform (PRWORA) in the 1990s. He wanted to remove this issue from the political agenda, as he felt it was working to the disadvantage of Democrats. The party, albeit reluctantly, gave on substance in an attempt to adjust to the political environment and remove a wedge issue.

Part of the calculation might be the comparatively deep Republican bench of potential Latino presidential and vice presidential candidates. George P. Bush will be running for his first Texas statewide office in 2014, Ted Cruz was recently elected to the U.S. Senate to replace Kay Bailey Hutchison, and U.S. Senator Marco Rubio is widely seen as a future candidate. There are also two Latino governors—Susana Martinez of New Mexico and Brian Sandoval of Nevada.<sup>18</sup>

However, these candidates might find a path to the White House more challenging without a change in the immigration debate. If the GOP is perceived as anti-immigrant, can they as

effectively appeal to Latino and other minority voters and thereby help the GOP to complete in an increasingly diverse America?

Relatedly, could a non-Latino Republican candidate recreate George W. Bush's level of success with Latino voters? Bush's early upbringing in Texas, positive relationship with Latino constituencies as governor of Texas, and the contrasts with the policies of Pete Wilson might not be easily to replicate. In addition, some argued that Bush's outreach to Latinos also allowed him to win the votes of many non-Latinos. Termed the "ricochet pander," it meant that some potential Republican voters were wary of supporting a candidate seen as playing racial politics. By his public embrace of Latinos, Bush removed that concern from the minds of many voters and paved the way for greater Latino as well as Anglo electoral support. Perhaps a candidate like Jeb Bush could reassemble the Bush winning coalition, and perhaps other non-Latino candidates might emerge who have long-standing, positive relationships with Latino communities. To do so, however, might be impossible if the immigration issue is still active.

Another possibility is that the new immigration debate reflects factional disagreements within the Republican Party. As I previously observed (Leal 2011), "Among Republicans, the more established, business-oriented wing of the party is at odds with an increasingly active and immigration-skeptic grass roots base." While generalizations are always difficult, perhaps the more moderate "establishment" Republicans would like to move the GOP more toward the ideological center, and they see the immigration issue as a good place to start. By emphasizing the fact of a diversifying electorate, they are changing the discussion from ideology to practicality. The impact of the Romney defeat—and its apparent surprise to many in the party<sup>19</sup>—may have opened a window (to use Kindgon's terminology) for such a discussion. Immigration policy is therefore a way to enhance the party's competitiveness in the future.

Illustrative of conservative and Republican worries about the immigration issue is the claim that President Obama does not want immigration reform to pass for political reasons. As Charles Krauthammer (2013) recently argued, "Obama seems to want an issue, not a solution—a potent political issue for Democrats to demagogue in 2014 and 2016 and forever." Similarly, Bill

O'Reilly said, "I think he wants to destroy the Republican Party, particularly in the eyes of Hispanic American voters."<sup>20</sup>

If so, the president may have a strong hand, even if the politics of reform mean that he might distance himself from everyday negotiations in order to minimize Republican congressional opposition. As Charlie Cook (2013) noted, "Every time Obama takes a public stand on immigration, he makes it that much more difficult for Republican members of Congress to support it." Nevertheless, the Republican worry is that by rejecting a path to citizenship, they risk Democratic consolidation of the growing Latino (and Asian-American) vote at a rate higher than historical averages.

One reply is that Latinos might also blame the Obama administration for the defeat of immigration reform, but the evidence for this is not strong. The first item is the 2012 election results, when Obama won over 70 percent of the Latino vote despite mixed evaluations of his immigration record by Latino and immigrant leaders—he has even been called the "Deporter-in-Chief" (Nowrasteh 2012). In addition, the PRRI polling data noted above found that Latinos were much more likely to trust Democrats than Republicans on immigration policy. While they were also the group most likely to not differentiate between the parties, immigration is an issue that works to the benefit of Democrats. To the degree that immigration politics causes Republican-leaning Latinos to vote Democratic, it functions as a classic wedge issue.

Lastly, even if Republicans in Congress ultimately support a path to legalization, it does not mean they will automatically receive more Latino voters. Would the immigration politics of recent years fade from memory, or can it still be used as a Democratic wedge issue? Is the Republican "brand" now sufficiently problematic for many Latinos, or could the candidacy of someone like George P. Bush change perceptions? What will happen if the GOP advances issues that Democrats argue are efforts to reduce Latino political power—such as voter identification, birth certificates for voter registration, and changing the Electoral College system?

### Public Opinion Data

This section will review how Americans view immigration policy and immigration reform options. It will focus on the similarities and differences of the largest racial-ethnic groups: Anglos, Latinos, and African Americans. As noted above, however, the details of public opinion findings do not seem critical to the immigration debate. Politicians already believe that Latinos care about immigration, so survey details do not necessarily play a central role.

In general, public attitudes toward immigration are complex and not easy to summarize. One of the difficulties is that immigration policy is multidimensional. There are many immigration policies, types of migrants, and reform options. In some other policy areas, public opinion can be more easily ascertained with a relatively simple question. For such policies, it is also easier to create a time series of opinion. In addition, as with all surveys, the answers may vary according to how the questions are worded, the response options, the framing caused by the other questions, and the composition of the survey sample; the output therefore depends on the input. Elected officials examining the polls may not find clear lessons, as some indicate public support for restrictive policies, others show openness to more generous reforms, and still others reveal support for both restrictive and expansive elements.

I have noted this dynamic in previous work. For instance, Leal (2009) found that “the American public was somewhat mixed and inconsistent in its views. Given the difficult nature of the issue, this might come as no surprise.” The article cited a *Roll Call* story that found “opinion polls give these central players little advice on how to handle the issue beyond a general public unease about the level of illegal immigration and a general uncertainty about what to do.”<sup>21</sup> It also quoted a *CQ* story finding that “public opinion is murky.”<sup>22</sup>

It is also the case that many factors appear to influence immigration attitudes. Freeman, Hansen, and Leal (2013) note that, “In short, the scholarly literature tells us that some combination of economic and social conditions and perceptions thereof, cultural background, religious affiliation, class, age, gender, education, and degree of assimilation shape attitudes toward immigration.” Their volume points out many such factors, with evidence of consistent efforts for

education as well as framing. Other research points out that partisanship, ideology, contact and context, and discriminatory attitudes and stereotypes are also associated with immigration policy opinions.

One factor that is often associated with immigration attitudes—the business cycle—may be less important than we think. As summarized in Leal (2011), “Tichenor also observes that some expansionist laws were passed during recessions and some restrictionist laws were adopted in the midst of prosperity. These include the Immigration Acts of 1917, 1924 and 1929; the Internal Security Act of 1950; the McCarran-Walter Act of 1952; refugee laws in the early 1970s and 1980, and the Immigration Act of 1990.” More recently, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which led to the contemporary expansion in deportation, was enacted in 1996, when the economy was expanding.

We might also ask whether public opinion matters in policymaking. As Freeman, Hansen, and Leal (2013) observed, while the translation of public values into public policy is at the heart of a democracy, it is also the case that the Founding Fathers were cautious about the mass public. This is why we have institutions such as the Electoral College—the voter was not to receive a direct role in national politics. Instead, opinion would be filtered and tempered through layers of representative institutions. Many scholars have investigated empirically whether policy matches opinion, and others have asked normatively whether this should always be the case, especially if there is the potential of majority votes reducing minority rights.

There is also the reality that in few nations does immigration policy match public opinion. With the exception of Canada, where public support for immigration is high, most publics in the Western nations prefer fewer immigrants. Instead, they typically get more immigrants, which has been called the “gap hypothesis” (Cornelius et al. 2004). A variety of explanations have been advanced, such as a diminishing of state sovereignty in the face of labor needs in a global marketplace (Sassen 1996, 1999). Others emphasize the role of client politics and ethnic lobbying (Freeman 1995, 2006), some see the constraints of “embedded liberalism” (see Hampshire 2009), while still others believe that domestic and supranational institutions such as judiciaries and the European Union can constrain anti-immigrant politics.

On the other hand, Schildkraut (2013) argues that the problem with the “gap” thesis is that until fairly recently, public opinion surveys only asked one question about immigration: should there be more or less immigrants? The complexity of the issue deserved more complex questions, but surveys stuck with this single, problematic question for decades. More recently, surveys have included a much wider variety of questions, and the result is a subtler and more complex understanding of public attitudes.

Her analysis indicates that the public supports something very much like comprehensive immigration reform, with greater border security and employer sanctions along with a path for legalization. It is quite possible that this is what the public will soon receive in the United States, in which case the “gap” might no longer apply.

### *A. Public Religion Research Institute/Brookings Institution Survey*

A large-scale survey on public attitudes toward immigration reform was recently conducted by the Public Religion Research Institute (PRRI) and the Brookings Institution: the “Religion, Values, and Immigration Reform Survey.” In the field from January 28 to February 24, 2013, it includes 4,465 respondents. It also has a sufficiently large sample of Latinos (450) and African Americans (382) to separately examine opinions by race and ethnicity, which is the focus of this section.

Almost everyone see problems with the current immigration system. The percent who said the system was either “completely broken” or “broken but working in some ways” was 65 percent for Anglos, 61 percent for African Americans, and 57 percent for Latinos.

In terms of unauthorized immigrants, a large majority favored “a way to become citizens provided they meet certain requirements”—61 percent for Anglos, 68 percent for African Americans, and 71 percent for Latinos. By contrast, 25 percent, 15 percent, and 8 percent, respectively, favored the “identify and deport them” option.

When asked to choose between securing the borders and deporting the unauthorized vs. securing the borders and providing a path to citizenship, we see strong majorities in favor of the latter: 64

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percent for Anglos, 72 percent for African Americans, and 80 percent for Latinos. When asked about the self-deportation approach—“The best way to solve the country’s illegal immigration problem is to make conditions so difficult for illegal immigrants that they return to their home country on their own”—most respondents disagreed “completely” or “mostly”: 53 percent for Anglos, 69 percent for African Americans, and 68 percent for Latinos.

The respondents were also asked about additional immigration policies. Most favored the general E-Verify approach (85, 74, and 68 percent, respectively), most favored allowing immigrant STEM graduates to remain in the U.S. (72, 74, and 88 percent, respectively), and most favored expanding a guest-worker program (71, 65, and 85 percent, respectively).

In sum, while there are some differences between Latinos and other groups, clear majorities of all groups favor the more generous immigration reform option in all instances. There were also few differences in terms of some of the specific items that may be incorporated into immigration reform legislation.

### *B. Pew Research Center Surveys*

One of the most commonly cited sources of public opinion data about Latinos and public policy is the Pew Research Center and the Pew Hispanic Center. Pew regularly conducts surveys on a wide variety of topics, and it has asked many questions about immigration across the years. A separate paper would be needed to examine the vast range of relevant surveys and questions, so this section will highlight results that compare Latino, African-American, and Anglo attitudes.

A 2012 national survey by the Pew Research Center for the People and the Press (June 7-17, 2,013 respondents) found clear racial-ethnic divisions about the Arizona immigration law. While 75 percent of Latinos were opposed, the corresponding figure for Anglos was 28 percent and for African Americans was 56 percent.

When given the options of better border security, a path to citizenship, or both, the majority of African Americans (59 percent) and the plurality of Anglos (41 percent) favored both, while the majority of Latinos (53 percent) favored citizenship.<sup>23</sup> A year later, a February 2013 Pew



Research Center/*USA Today* survey found approximately similar results. In addition, the 2013 survey showed that Obama approval ratings had dramatically increased among Latinos from 2011 to 2013—from 28 percent to 63 percent. The net increase for African Americans and Anglos was much smaller (6 percent and 10 percent, respectively).<sup>24</sup>

A February 2011 Pew survey asked about a variety of immigration-related questions. On the issue of changing birthright citizenship, it found that Latinos were the group most likely to support the status quo (73 percent, versus 59 percent for African Americans and 52 percent for Anglos), although 23 percent did favor barring citizenship for the children of unauthorized immigrants. In addition, Latinos were the least likely to believe that unauthorized immigration burdened government services (23, 31, and 45 percent, respectively) or had a negative impact on jobs (16, 39, and 27 percent, respectively). All groups overwhelmingly believed that unauthorized immigration did not add to crime and did not hurt the U.S. way of life.<sup>25</sup> Lastly, a November 2011 survey found that Latinos were more likely than African Americans and Anglos to support in-state tuition for unauthorized immigrant students (77, 66, and 40 percent, respectively).<sup>26</sup>

Taken together, the Pew surveys suggest that Latinos are the most opposed to the Arizona law, the most favorable toward reform that focuses on a path to citizenship, the most opposed to changing birthright citizenship, and the least likely to see harmful economic or fiscal impacts of unauthorized immigration, and they in general would like to see in-state tuition for immigrants. Such views are likely understood (or assumed) by electoral officials and party strategists, and thereby help to generally drive the contemporary debate about immigration reform, the Latino vote, and changing American demographics. As noted previously, the details seem less important than the general trends.

### Conclusions

This paper examines the Latino dimension to the new, post-election immigration debate. Not long ago, the prospects for immigration reform were poor. Conservatives had successfully blocked a path to legalization in the 109th and 110th Congresses, and opposition to “amnesty” seemed unlikely to fade. The older crosscutting cleavages of immigration politics were shifting

to a new partisan divide, despite the efforts of George W. Bush and John McCain. Immigration reform was rarely mentioned during the 2008 or 2012 presidential campaigns, and almost 400,000 individuals were deported every year. Some in Congress wanted to end “birthright citizenship” and worried about “anchor babies.” In addition, many legalized immigrants would likely become future Democrats, which added an additional partisan obstacle.

What a difference a day makes. When Barack Obama won over 70 percent of the Latino vote on his way to reelection, many in the Republican Party were surprised by both results. By connecting the dots, a new conversation began in the GOP—can we win elections without taking into account the growing diversity of the nation and the electorate? While Latinos for decades were forecast to gain political power, the future finally appeared to have arrived. This worry instantly changed the immigration debate, and discussions about “deporting Grandma” have been replaced with negotiations about a pathway to citizenship. Many pundits now see some version of comprehensive immigration reform as likely to pass this year.

In addition, other features of American politics may have helped to smooth this shift in the conversations. Taken as a whole, the immigration climate of the 2000s saw unprecedented levels of immigration enforcement and deportations, but other signs suggest the political environment could not be simply characterized as nativist. While some localities and states sought to enforce immigration laws and make life more difficult for the unauthorized, other jurisdictions sought to expand immigrant rights. This suggests that the policy environment may have been less homogenous than was commonly seen. There is evidence of ambiguity and uncertainty across the nation, and the policy environment may have consequently been riper for change than was often thought.

In addition, we should not study immigration policy in isolation from other policy developments. Although we will need the perspective of the future to better understand current trends, a libertarian dimension may be emerging in politics that is influencing several policy debates. The most often noted are same-sex marriage and marijuana legalization, but we might also include immigration reform.

We also see a change in the religious dynamics that are helping to promote comprehensive immigration reform. Many evangelical leaders and organizations are now advocating a path to legalization. This change reflects a new focus on Biblical teachings about the stranger as well as the growing Latino presence in evangelical and Pentecostal churches. While Latinos are still predominantly Catholic, *Time* magazine noted a “Latino Reformation” that is quantitatively and qualitatively changing American Protestantism.

Another dimension is that the Latino, Asian-American, and immigrant populations may have passed a “tipping point” beyond which anti-immigration politics is self-defeating. Not only have Latinos steadily gained in numbers for decades, they have moved to states and localities across the nation. They are therefore increasingly found in “battleground” states—and their votes can (and have) make a difference. Latino political power has been predicted for decades, but for the first time it may be a reality.

For many in the Republican Party, the fear is that California in the 1990s may be a harbinger of national politics tomorrow. In that state, ballot initiatives designed to deny public services to the unauthorized, including emergency medical care and public education, created a Latino backlash, particularly among immigrants, against the GOP. The Democratic Party, which had been declining in power in the state legislature and statewide offices, was able to regain control. Today, California is a solidly “blue” state with little prospect of reversal.

Tentative evidence also suggests that immigration politics has failed as a national wedge issue. While some in the mid-2000 thought that immigration politics might work for the GOP, there are few instances where candidates have been able to ride immigration-skeptic politics to victory. In some cases, as I previously noted, they may have rode it to defeat. Conservative political strategists may believe that the time has come to jettison a losing tactic.

The paper also tentatively describes some possible ways to think about Latinos and immigration debates. One important question is how immigration influences the Latino vote. One key distinction may be immigration policy vs. immigration politics, a variant of Tichenor’s (2002, 35) contrast of immigration policy vs. immigrant policies. The exact nature of Latino public

opinion about possible policy reforms may be less important than their understanding that the politics of immigration has become very negative. Latino views are more diverse than is often understood, but if they feel under attack as a community, we might not be surprised by results like the 2012 election.

Republicans therefore face a status quo with no easy options. A legalization plan may alienate some parts of the conservative base while potentially creating millions of new Democratic voters. Because most Latinos have favorable views of big government and do not politically prioritize social issues such as abortion, substantial GOP recruitment is unlikely.

Yet the status quo may also be self-defeating. If Democratic candidates continue to receive a Latino vote in the low 70 percent range, this will prove problematic to Republican Electoral College calculations. The Democrats could consolidate a “solid Southwest,” regularly win Florida, and tip swing states. Republicans do not need to win the Latino vote to be competitive nationally—they just need to avoid 71-29 results, win on average no less than one-third, and occasionally reach between the 35 percent of Ronald Reagan in 1984 and the 40 percent of George W. Bush in 2004.

Some Republicans may therefore conclude that their long-term electoral future is enhanced by taking the immigration issue off the table. This might help them to piece together a “winning coalition” in enough states to remain competitive in presidential elections—even as American demography continues to change. It might also enhance the prospects of their deep bench of Latino Republicans, including George P. Bush, U.S. Senator Ted Cruz, U.S. Senator Marco Rubio, and Governors Susana Martinez of New Mexico and Brian Sandoval of Nevada.

One policy parallel might be President Clinton and welfare reform (PRWORA) in the 1990s. To remove this wedge issue from the political agenda, the Democratic Party reluctantly gave on substance in order to adjust to the political environment.

Another possibility is that the new immigration debate reflects internal GOP disagreements. While generalizations can be problematic, perhaps the more moderate “establishment”

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Republicans would like to move the GOP toward the ideological center, and they see the immigration issue as a good place to start. By emphasizing the fact of a diversifying electorate, they are changing the discussion from ideology to practicality. The impact of the Romney defeat may have opened a window for such a discussion.

Illustrative of Republican worries about the immigration issue is the claim that President Obama does not want immigration reform to pass for political reasons. If so, the president may have a strong hand, even if he may need to distance himself from everyday negotiations in order to minimize Republican congressional opposition. As Charlie Cook (2013) noted, “Every time Obama takes a public stand on immigration, he makes it that much more difficult for Republican members of Congress to support it.” Nevertheless, if Republicans reject a path to citizenship, they risk giving Democrats a wedge issue for many elections to come.

Lastly, even if enough Republicans in Congress ultimately support a path to legalization, it does not mean they will automatically receive more Latino voters. Will Latino leaders, organizations, and voters forget about recent immigrant politics? Is the Republican “brand” problematic for many Latinos, especially for new voters? Could a Latino Republican presidential candidate change perceptions? And will changing immigration positions help the GOP if it advances other policies that Democrats argue are aimed at Latinos and immigrants—like voter identification and birth certificates for voter registration?

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Endnotes

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