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Majority rule vs. minority rights: immigrant representation despite public opposition on the 1986 immigration reform and control act

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ABSTRACT
What explains legislators’ behavior when they are uncertain whether they will be rewarded or punished at re-election? Typically, politicians are incentivized to deliver policies preferred by the majority. Less well understood is what happens when legislators face decisions on issues on which their traditional supporters disagree. Owing to the unavailability of public opinion data for congressional districts, however, studies evaluating competing theories of representation on such issues are scarce. We examine this question by evaluating leading theories of representation on the 1986 Immigration Reform and Control Act (IRCA), a complex, historically significant, highly salient, and controversial bill that gave citizenship to millions of undocumented immigrants – precisely the type of group that past research suggests should struggle to obtain representation. We employ recent advances in estimating public opinion using multilevel regression and post-stratification to estimate district-level public opinion on IRCA. Contrary to traditional conceptions of subconstituency politics, the results suggest that, under at least some circumstances, traditionally marginalized groups are able to make important policy advances in the face of negative opinion, particularly when they are able to build coalitions that cross party lines and divide their opposition.

Introduction

Among the great challenges elected officials face is what to do when their supporters disagree. Making decisions under such circumstances is difficult as re-election-seeking politicians are incentivized to deliver policies preferred by the majority. Understanding how elected officials behave, and the extent to which theories of legislative responsiveness explain legislator behavior when traditional constituencies are divided, is central to understanding American democracy and the extent to which its ideals match its practice.
One especially important and understudied area where these themes play out is immigration, an issue that affects the lives of millions and often divides traditional partisan and ideological coalitions (Tichenor 2002). On balance, immigrants are a small, unpopular, poorly resourced, and often-racialized group, typical of those that struggle to make policy gains even under the best of circumstances. Immigration policy, while widely studied, is relatively rarely examined in studies of legislative representation (but see Casillas and Leal 2013). As a consequence, we have a poorly developed understanding of the degree to which prevailing representation theories explain policies that affect millions of people. Of particular note, studies of immigration representation in Congress do not account for one of the most basic and important theories of representation, majoritarianism – the idea that elected officials should vote their constituents’ policy preferences.

To better understand how minorities can win in a system that privileges majority opinion, we examine the politics of representation on the 1986 Immigration Reform and Control Act (IRCA), a complex, highly salient, controversial, and important bill that advanced immigrants’ rights despite opposition by the mass public. Leveraging advances in political methodology, we provide the first estimates of immigration opinion at the congressional district level during this time, in order to both evaluate theories of representation and better understand the politics behind this seminal bill. Rather than focusing on explaining the passage and circumstances surrounding this particular immigration bill, our primary interest lies in assessing the extent to which dominant theories of legislative representation can account for bills like this one, a highly salient issue on which policy opposed by the majority became law.

Employing insights from scholars of immigration policy, our results provide an important corrective to contemporary studies of representation, which seldom examine the politics behind issues that benefit marginalized groups, or the effect of public opinion on the behavior of elected officials. Moreover, by studying a bill passed in 1986, we examine representation in an era that precedes the onset of extreme legislative polarization. Three main findings emerge from our analysis. First, somewhat counter-intuitively on this bipartisan bill, party-driven theories best explain legislator support for IRCA, even after accounting for public opinion. Second, despite the bill’s salience, and a long literature arguing that legislators are highly responsive to public opinion on salient bills, public opinion relatively poorly explains legislator support for IRCA. Third, we find that prevailing conceptions of subconstituency politics, one of the few theories designed to explain how policy gets made in the face of public opposition, poorly account for heterogeneity within the parties’ traditional support coalitions, as seen on this bill. Finally, in finding a limited role for public opinion, these results further validate the work of immigration policy scholars.

Immigration policy as a case

On 6 November 1986, President Reagan signed IRCA into law. The bill created significant restrictions on agricultural labor, sanctioned employers for hiring undocumented workers, provided amnesty for many undocumented immigrants, created a guest worker program, and significantly increased funding to patrol the border. In doing so, Reagan joined a majority of Democrats in the House to enact legislation opposed by a majority of House Republicans (U.S. Congress 1988).
To the casual observer, IRCA’s passage was surprising. At the behest of a conservative Republican president, IRCA increased spending, gave legal status to a large number of undocumented, imposed significant restrictions and responsibilities on business, and included substantial protections against discrimination by businesses. Perhaps the most visible beneficiaries appeared to be key Democratic constituencies like immigrants and civil rights groups. Upon a closer inspection, however, IRCA’s passage was not so surprising. In 1981, a bipartisan Select Commission on Immigration and Refugee Policy proposed a solution that combined amnesty with employer sanctions during a time when neither party wanted to be responsible for the failure to act (Tichenor 2002). The commission promoted the importance of reaching a compromise holding that, among other benefits, immigrants were likely to be economically beneficial to the nation (Gonzales 2010). The bill was carefully designed to dampen its critics’ opposition just enough to ensure its passage. Specifically, the bill balanced amnesty with employer sanctions, and future immigration restrictions with a program that created a limited number of visas for unskilled workers (Tichenor 2002).

The passage of bills like IRCA raise important questions about legislative representation and the conditions under which unpopular groups like undocumented immigrants can achieve their policy objectives. Issues like immigration, on which legislators receive conflicting cues from traditional constituencies, offer special leverage for studying the influences on elected officials’ decisions (Dennis, Bishin, and Nicolaou 2000). After all, research suggests that it is on such highly salient issues that politicians are most responsive to majority will (Kingdon 1977; but see Hayes and Bishin 2012). On the other hand, as Arnold (1993) shows, complex bills like those regarding immigration are less traceable, making it more difficult for voters to hold elected officials accountable for their effects.

Questions of legislative responsiveness are of particular interest when the policy gains for these small groups come at the expense of the preferences of a majority of the public and thereby violate the notion of popular sovereignty – arguably the most fundamental principle of democratic governance. After all, polls taken before the amnesty-granting vote in 1985 show that 55% of Americans believed “stiffer laws were needed to make immigration to the United States more difficult” (Kilman 1985). Moreover, the estimates we develop herein show that nationally, about 51% opposed the bill.

**Americans’ attitudes toward immigration**

Whether political and civil rights should be extended to undocumented immigrants has been a recurring issue in American politics since the first exclusion acts of the 1800s. Immigrants are frequently seen as an economic and cultural threat (e.g., Wilkinson 2015). Along with Muslims, undocumented immigrants are among the least-liked groups in American society (e.g., Bartels 2009). Generally, views on immigration are driven by concerns about admission and rights (Tichenor 2002). Americans tend to be more approving of immigrants who came “earlier” and those of European origin, but hold more negative sentiments about recent immigrants and those who come from Latin America or Asia (Harwood 1986; Simon and Lynch 1999; Rouse, Wilkinson, and Garand 2010). Americans also tend to be very supportive of immigrants they know personally, but much less supportive of immigration in general (Harwood 1986; Wilkinson 2014, 2015). Given these attitudes, it is not surprising that the public regularly supports
policies ranging from English-only laws, to preventing undocumented immigrants from obtaining drivers licenses, and other laws that provide few direct benefits to the native-born, but that make life more difficult for immigrants (Santoro 1999; Citrin et al. 2001).

Politically, with only a few exceptions (e.g., Cuban Americans), immigrants are disadvantaged by their small numbers and socioeconomic status. Many are unable to vote – only 5.6% of American citizens are immigrants, and even those who are citizens tend to have socioeconomic characteristics that are associated with low levels of participation (Brians and Grofman 2001; Grieco et al. 2012; Klofstad and Bishin 2014). Moreover, research shows that Latinos, who constitute the largest group of immigrants, have lower voter registration and turnout rates than Whites and Blacks (Abrajano and Alvarez 2010). Taken together, these factors serve to further weaken the political influence of an already small group.

**Democracy and representation**

American democracy is commonly characterized by liberty, equality, and popular sovereignty – the idea that policy should reflect the majority will (Dahl 1956). Empirical studies of representation typically examine the extent to which elected officials represent the opinion of a majority of their constituents or the views or interests of subconstituencies within their districts. The majoritarian theory of representation suggests that reelection-seeking representatives work to enact the majority’s preferences and, via elections, their constituents judge their responsiveness (e.g., Mayhew 1974).

Recognizing that politicians often take positions contrary to their constituents’ majority-preferred positions, scholars have developed alternative explanations for their behavior. One prominent view suggests that legislators develop and join political parties to advance their policy and electoral interests. While a variety of theories explicate the ways in which parties affect legislator behavior in Congress, in general, they suggest that legislators typically vote the party line. The theory of Conditional Party Government, for example, suggests that the extent to which members of Congress delegate power to party leaders depends on the degree to which party members have homogenous policy preferences and the degree to which policy preferences vary across parties (Rohde 1991). Similarly, Strategic Party Government holds that parties compete to maximize their share of the chamber, and with that goal in mind, they strive to balance the costs and benefits of passing particular legislation (Lebo, McGlynn, and Koger 2007).

Substantial evidence supports the view that parties drive legislator behavior (but see Krehbiel 1993). Parties control the legislative agenda and the institutional rewards and punishments given to members (e.g., Cox and McCubbins 2005). Moreover, party affiliation has been demonstrated to explain much of the voting that occurs in Congress (e.g., Poole and Rosenthal 1997). Overall, while a variety of theories operationalize how legislative parties affect members’ behavior, their central finding is that legislators tend to vote the party line to advance both their own and their party’s policy objectives.

An alternative perspective seeks to explain how minorities can make policy gains even when opposed by majorities. Generally, these explanations build on the idea that legislators appeal to subgroups of constituents called subconstituencies (e.g., Fenno 1978). Most prominently, the Subconstituency Politics Theory of Representation argues that rather than faithfully following majority opinion (or taking the party line), politicians
appeal to intense groups of citizens within their district (Bishin 2009). On some issues, these intense groups may constitute less than a majority. Despite this numerical disadvantage, legislators are incentivized to advocate these groups’ positions, particularly when the majority opposing them is apathetic on the issue.6

Research on immigration responsiveness reflects these theoretical constructs. Legislators’ roll call voting decisions on immigration issues tend to be driven by partisan cleavages (e.g., Casellas and Leal 2013; Wallace 2014). Similarly, Kalaf-Hughes (2013) shows that the well-documented polarization of Congress is reflected in changes in legislators’ speeches on immigration over time. Immigration votes also appear to be influenced by subconstituencies, as districts with larger skilled labor populations are more supportive of open immigration policy (Facchini and Steinhardt 2011) as are those with larger minority populations (Fetzer 2006). Conversely, districts with more blue collar or low-skilled labor are more likely to oppose bills that increase immigration (Gonzalez and Kamdar 2000; Fetzer 2006). Owing to the absence of district-level public opinion data, strikingly little research examines the effect of public opinion on legislators’ roll call votes on immigration issues. Moreover, the few studies that account for public opinion focus exclusively on the Senate.

The 1986 IRCA

In order to better understand how legislators facing uncertain constituency reaction make decisions, we evaluate the expectations of leading theories of minority representation on one of the central public policy issues of our time, immigration. To do so, we study one of the most important and complex pieces of immigration legislation in contemporary politics, the 1986 vote to pass IRCA. Research on the politics of immigration depicts IRCA’s extraordinary complexity as “… coalitions cut across familiar partisan and ideological lines” leading to “compromises among strange bedfellows” (Tichenor 2002, 8).

In 1981, the President’s Task Force on Immigration and Refugee Policy began an extensive review of US immigration policy (Laham 2000). President Reagan took up immigration reform to address the unsustainable levels of both legal and illegal immigration that followed the 1965 Immigration and Nationality Act (Laham 2000). The 1965 act removed national quotas and prioritized desirable skills and family ties when processing immigration requests (Cohodas 1986). By 1980, the annual number of immigrants entering the US reached an all-time high of 1.3 million.

The 1986 IRCA was a bipartisan bill that tightened rules on employers with respect to hiring undocumented immigrants while legalizing a new category of seasonal workers and providing a pathway to citizenship to a large number of undocumented immigrants already living in the US (White, Bean, and Espenshade 1990). It allocated funding to secure the border and created a new class of visas for migrant workers. Importantly, IRCA marked the first attempt to penalize employers for hiring undocumented immigrants but also sought to protect minorities from employment discrimination by prohibiting employers from discriminating against employees based on national origin or citizenship status. These provisions both divided party coalitions and led different groups to view the various provisions in vastly different ways (Tichenor 2002).

How did these interests divide the traditional party coalitions on each of the bill’s components? The provision granting amnesty divided the Democratic constituencies of labor,
ethnic, and civil rights groups (Tichenor 2002; Jeong 2013). Unions and low-wage workers were largely concerned about the wave of guest workers that would enter the country and compete for jobs thus driving down wages (Laham 2000). Consequently, some labor unions opposed amnesty and supported immigration restrictions and enforcement mechanisms (Tichenor 2002). Several important Latino advocacy groups like the Mexican American Legal Defense and Educational Fund (MALDEF) opposed the employer enforcement provisions but supported amnesty. Immigrants were most directly harmed by existing immigration policy and were among amnesty’s most vocal supporters (Wong 2006). Similarly, among Democrats, civil rights organizations feared discrimination from employer enforcement while labor supported it (Jeong 2013).

Republican constituencies were similarly divided among pro-business groups and social conservatives. Social conservatives were strong supporters of employer sanctions, while business interests did not want to accept monitoring responsibility. Agribusiness opposed the immigration limits but were poised to benefit from the amnesty plan, as Western growers relied heavily on migrant farm labor to harvest and package crops (Cohodas 1986; Tichenor 2002). These employers were largely responsible for the defeat of the 1984 bill, which failed to incorporate accommodations for industries reliant on migrant workers (Cohodas 1986). The guest worker program also received mixed support as it was seen as essential to agricultural interests but was opposed by social conservatives who argued that the amnesty plan would pave the way for increased spending on welfare programs (Laham 2000; Wong 2006; Jeong et al. 2011; Jeong 2013). Concerns about employment practices and sanctions were not confined to social conservatives. MALDEF and other Latino groups worried that employer sanctions would result in employment discrimination against Latinos regardless of their status (Laham 2000; Jeong 2013). Once the restrictions on migrant farm workers were eased, and an amendment to protect Latinos from discrimination was added (i.e., the Frank Amendment), opposition waned and Congress passed the bill.

**Expectations: operationalizing theories of representation**

Perhaps no concept is more closely associated with democratic governance than popular sovereignty, or the idea that the public should rule. Majoritarian theories of representation hold that, particularly on highly salient issues (Lax and Phillips 2009), representatives will uphold the majority’s preferences (but see Hayes and Bishin 2012). Applying this theory, legislators should support IRCA when a majority of their district also supports IRCA.

Another common explanation for legislator behavior is based on partisanship – the idea that the two parties play an important role in offering citizens choices. While the parties had just begun to ideologically polarize 1986, they had developed divergent plans for immigration reform as early as 1980 (e.g., Gimpel and Edwards 1999; Laham 2000). Republicans, led by social conservatives, preferred more restrictive immigration policy, while Democrats tended to support more permissive immigration policy with provisions incorporating a pathway to citizenship for the undocumented (Jeong 2013). While some more visible Democrats took more restrictionist approaches, and some Republicans took more progressive ones (e.g., Ronald Reagan, George W. Bush), by 1980, the Democratic Party platform, emphasized the “obligation to respect fully the human and constitutional rights of all within our borders” and to put “an end to practices affecting Hispanic,
Caribbean, and Asian American communities which are discriminatory.” Conversely, the 1980 Republican Party platform took a much more restrictive view, and held that immigration policy “must reflect the interests of our national security and economic well being. Immigration into this country must not be determined by … those who wish to come to America” (Peters and Woolley 2016). Accordingly, to the extent that representatives adopt positions along party lines, Republicans should oppose IRCA, while Democrats should support IRCA.

The central implication of Subconstituency Politics Theory is that representation is driven by the preferences of intense groups. In its most fully articulated form, Bishin (2009) argues that in legislative districts with only one intense group, politicians from both parties will advocate that group’s preferred position. In districts with two intense groups, candidates will represent the groups with positions closest to their party’s platform. To maintain support from these intense and well-informed groups, elected officials remain committed to those positions once in office.

Data and methods

Evaluating competing theories of representation presents methodological challenges partly because the measures necessary for testing these theories are often either unavailable (e.g., public opinion at the congressional district level) or have shared components making traditional regression-based approaches difficult to estimate owing to problems of collinearity. Albeit in dramatically different ways, for example, political party plays a crucial role in theories of Electoral Capture, Subconstituency Politics, Strategic Party Government, cartel theories of behavior, and even indirectly as a product of public opinion (e.g., Fiorina 1973). We overcome these limitations by employing simple tests to evaluate each of the theories and by employing multilevel modeling with post-stratification in order to estimate district-level public opinion on IRCA.

One of the central goals of this analysis is to examine the extent to which legislators behave consistently with public opinion on immigration. Testing the majoritarian model requires estimating district-level attitudes toward IRCA. Assessing public opinion for US House districts is among the largest impediments facing scholars because surveys seldom include opinion questions that tie directly to legislation, and those that do typically have sample sizes that are too small to provide opinion estimates for states or House districts. Recent methodological advances allow us to overcome this limitation by employing multilevel regression with post-stratification (MRP) to estimate the average district opinion on immigration reform in 1986 (Park, Gelman, and Bafumi 2004; Lax and Phillips 2009; Warshaw and Rodden 2012).

In order to estimate district support for immigration reform using MRP, we use two national surveys from 1981 and 1984 (N = 1979; N = 2000) that ask respondents their opinion on immigration bills very similar to the one that passed. Specifically, the surveys asked respondents whether they supported a proposed amnesty plan for undocumented immigrants, a proposed guest worker program, and strengthening border security. Among House districts, the average level of support for immigration reform was 49%. The lowest level of support for immigration reform was seen in Illinois’ 1st district (33%) an overwhelmingly black district on the south side of Chicago, while the highest level of support (56%) was seen in Texas’ 7th district, which was a relatively affluent white
To test the degree to which the majoritarian model correctly predicts legislators’ votes on IRCA, we calculate the proportion of representatives that voted in favor of IRCA who also had a majority in support for IRCA in their district.

While the various party-based theories of behavior (e.g., Procedural Cartel Theory, Conditional Party Government, and Strategic Party Government) differ in the rationales they argue motivate legislator behavior, for purposes of theory testing, they lead to identical predictions for legislator behavior. Simply put, on balance, Republican legislators should oppose the bill, while Democrats should support it. To assess partisan theories, we collected data on legislators’ party identification and whether or not he or she voted in favor of IRCA.

We examine the Subconstituency Politics Theory by assessing the conditions under which legislators should support IRCA. Recall that Subconstituency Politics Theory holds that legislators act on behalf of intense district groups, which on this issue were immigrants and agribusiness. Democrats from a “one-group” district with only an immigrant subconstituency or from a “two-group” district with both an immigrant and agribusiness subconstituency should support immigrants’ preferences and vote in favor of IRCA. In contrast, Democrats from districts with only agribusiness should oppose the bill. Republicans from a “one-group” district with only an agribusiness subconstituency or a “two-group” district with both an agribusiness and immigrant subconstituency should oppose IRCA. Finally, Republicans from districts with only immigrants should support IRCA. Where no subconstituency group exists, legislators should follow party cues.

Unfortunately, measures of group intensity needed to identify active groups are unavailable on immigration. To overcome this problem, we follow past research and use the size of the immigrant population and the size of the agribusiness community to identify the likely existence of these subconstituency groups (e.g., Bishin and Smith 2013). We consider groups to be active when their populations are greater than their average district population nationally. Consequently, we consider agribusiness to be an “active” group when agricultural workers comprise more than 1.2% of the district population while immigrants are considered to be an “active” group when they comprise more than 6.2% of the district population.

To identify agribusiness constituencies, we use Adler’s (2003) Congressional District Data for the 99th Congress to measure the percent of the district employed as farm managers, farm foremen, and farm laborers as a proxy for agribusiness based on the logic that as the size of the farming industry within the district increases, the influence of agribusiness as a subconstituency increases. We use data from the 1980 Census to measure the percent of foreign-born within a district. Having identified the group-level characteristics of each district, we then develop a variable indicating whether legislators should support or oppose IRCA based on the subconstituency politics model.

Results and discussion

How well do the various theories explain behavior on IRCA? We begin by calculating the percentage of legislators who voted as each theory predicts. These results are seen in Table 1.

Two key results stand out. Perhaps the most striking result is that on one of the most salient issues of the time, the majoritarian theory explains legislators’ voting behavior on
IRCA statistically and substantively significantly less well than any of the other major theories of legislative behavior. The fact that so many legislators, about 63%, voted contrary to their constituents’ preferences and in favor of a policy designed to benefit, among others, a widely disliked and marginalized group is contrary to the bulk of research on legislative representation.

In contrast, political party best explains legislators’ voting behavior. While the differences between party and Subconstituency Politics are not large in substantive terms, they are statistically significant. Because different versions of party behavior like Procedural Cartel Theory or Strategic Party Government are observationally equivalent, we cannot identify which specific party-related theory drives these results. Nonetheless, several of the major representation theories perform comparably on IRCA.

The right-most columns of Table 1 show that the effectiveness of the major theories of minority representation varies dramatically across parties. We see little difference in how well these theories explain Republicans’ behavior. They do a better job of explaining legislator behavior among Democrats, among whom we see that party does a much better job explaining behavior relative to other theories.

Table 1. Proportion of votes correctly predicted in the US House on the 1986 IRCA.

<table>
<thead>
<tr>
<th></th>
<th>Democrats</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party</td>
<td>62%</td>
<td>67%</td>
</tr>
<tr>
<td>Subconstituency politics</td>
<td>58%</td>
<td>60%</td>
</tr>
<tr>
<td>Majoritarian</td>
<td>37%</td>
<td>37%</td>
</tr>
<tr>
<td>Votes cast</td>
<td>414</td>
<td>243</td>
</tr>
</tbody>
</table>

One challenge in evaluating these results lies in assessing whether a particular theory did well. One approach is to see whether these theories do better than we might expect legislators to do by chance alone. Specifically, we assess the effectiveness of each theory relative to a naïve model that assumes each legislator flipped a coin in deciding his or her vote, resulting in a model that correctly predicts 50% of votes. The effectiveness was calculated by subtracting 50%, the expected baseline, from the percent correctly predicted by each theory. Figure 1 depicts the deviations from chance such that theories that predict better than chance have positive scores while those that predict worse than chance have negative scores.

The most striking result seen in Figure 1 is the poor performance of public opinion relative to the naïve model. IRCA was a highly salient bill, precisely the type for which elected officials are thought to be most responsive to public opinion. Despite these expectations, the Majoritarian model significantly underperformed. Compared to the naïve model, the Majoritarian model correctly predicted fewer votes, 13 points worse than random chance in explaining legislators’ votes. Conversely, party did a good job, explaining 12 points better than did the naïve model, even despite the fact that the traditional party coalitions were split on the issue. The results within parties reflect these cleavages, especially among Republicans. Reflecting the results in Table 1, the effectiveness of party as an explanation appears driven by the large number of Democrats, who were 17 points more likely to support the bill than a coin-flipping model would suggest, while Republicans were roughly evenly split.

The relatively poor performance of subconstituency politics to substantially improve on chance is also noteworthy. Subconstituency politics is one of the few theories that seek to explain why legislators vote contrary to majority opinion. The case of IRCA is one on which legislators did exactly that, and yet subconstituency politics offers just a modest – though statistically significant – improvement over chance.
Taken together, these results raise as many questions as they answer. Even partisanship leaves almost 40% of legislators’ votes on IRCA unexplained. Why did legislators feel comfortable bucking public opinion on such a visible issue? Why do existing theories have such trouble explaining legislator behavior on such a visible and important vote? One obvious answer lies with IRCA’s complexity. As we have seen, the bill had multiple components aimed at appeasing opposing interests both within and across parties, bringing together an unusual coalition of supporters who might be loath to support any one aspect of the bill (e.g., Tichenor 2002; Jeong 2013).

The complexity is perhaps most apparent among Republicans. Despite being supported by the Republican president, business groups opposed new regulations requiring them to verify workers’ legal status, as well as the anti-discrimination guarantees, and while social conservatives staunchly opposed amnesty (e.g., Jeong 2013), they also strongly supported increasing border enforcement, limiting future immigration, and requiring proof of citizenship to gain employment. Agribusiness, while initially opposed to the farm labor restrictions ultimately softened their opposition to the bill once restrictions were eased and H-2 worker visas, allowing temporary workers, were implemented (Cohodas 1986). Among Democrats, base voters and immigrants strongly supported the bill while some Latino groups opposed it (e.g., MALDEF) over concerns of employment discrimination (Laham 2000).

To what extent did these various groups influence legislators’ votes on IRCA? We examine the relationship between the IRCA vote and district-level variables as well as the theories of representation presented in the preceding sections. We account for the individual elements of each of the theories by including measures of party, public

Figure 1. Summary of the improvement in explanatory power over a naïve model.

Note: *p < .05
opinion in support of IRCA, the size of the district’s immigrant and farming communities, and the competitiveness of the district.

To account for intra-party cleavages, we also include measures of other groups that may have influenced their legislator’s vote on IRCA. Drawing from the 1980 Census, we include size of the Latino population and size of the low-skilled labor force, which is measured as the percent of the district (age 16 or older) employed in construction, forestry, fisheries, and mining, or in the manufacture of nondurable goods. We also account for education levels among the white population within a district, which is measured as the percent of the population (age 25 or older) that is white with no college education. Finally, we include a variable for union presence within a state measured as the percent of the state identifying as union members. As our dependent variable is dichotomous (a vote for IRCA is scored “1”, a vote against “0”), we employ logistic regression. To facilitate interpretation, we follow past work (e.g., Nagler 1991) and present the overall results and then separate results by party in Table 2.

The results depicted in Table 2 illustrate the complex politics behind IRCA. While all variables are correctly signed, the influences vary dramatically by group. Examining legislator voting behavior, we see that Republicans were less likely to vote for the bill. Similarly, legislator support for IRCA decreases as a district’s Latino and low-skilled worker populations increase. These are consistent with expectations about businesses discriminating against Latinos, and low-skilled workers seeing immigrants as an economic threat. In contrast, as the size of a district’s farming and immigrant population increases, legislators are much more likely to support IRCA. The protections for farmworkers, and granting temporary worker status reflect legislators’ responsiveness to these groups.

To what extent does legislator sensitivity to these groups vary by party? The right-most columns of Table 2 depict these influences. Democrats appear to be most sensitive to the Latino population, the low-skilled labor population, and the immigrant population, all of which are groups Democrats have cultivated as part of their party coalition. Similarly, Republicans are most sensitive to the farming and immigrant populations. As logit coefficients are not directly interpretable, we conduct simulations to estimate the magnitude of these effects. Specifically, we examine how the predicted probability that a representative

Table 2. Logistic regression of influences on representatives’ 1986 IRCA votes in the US House.

<table>
<thead>
<tr>
<th></th>
<th>All representatives</th>
<th>Democrats</th>
<th>Republicans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constant</td>
<td>−1.863 (1.954)</td>
<td>−3.029 (2.632)</td>
<td>−4.940 (5.069)</td>
</tr>
<tr>
<td>Republican legislator</td>
<td>−1.143*** (2.65)</td>
<td>.</td>
<td></td>
</tr>
<tr>
<td>Latino population</td>
<td>−4.513** (1.45)</td>
<td>−3.943** (1.572)</td>
<td>−3.797 (3.538)</td>
</tr>
<tr>
<td>Immigrant population</td>
<td>9.282*** (2.742)</td>
<td>7.135** (2.883)</td>
<td>17.267** (6.71)</td>
</tr>
<tr>
<td>Farming population</td>
<td>34.139*** (11.028)</td>
<td>26.278 (16.854)</td>
<td>34.117** (15.848)</td>
</tr>
<tr>
<td>Low skill labor</td>
<td>−9.931* (5.97)</td>
<td>−13.647* (7.585)</td>
<td>−3.091 (10.589)</td>
</tr>
<tr>
<td>labor population</td>
<td>.925 (1.027)</td>
<td>.610 (1.361)</td>
<td>1.152 (2.035)</td>
</tr>
<tr>
<td>Uneducated, white</td>
<td>1.667 (1.714)</td>
<td>1.023 (2.572)</td>
<td>1.819 (2.471)</td>
</tr>
<tr>
<td>population</td>
<td>.038 (0.042)</td>
<td>.079 (0.058)</td>
<td>−.138 (.094)</td>
</tr>
<tr>
<td>Union presence</td>
<td>−.008 (3.28)</td>
<td>.300 (.502)</td>
<td>−.496 (.509)</td>
</tr>
<tr>
<td>Public opinion</td>
<td>−255.906</td>
<td>−144.204</td>
<td>−106.603</td>
</tr>
<tr>
<td>Competitive district</td>
<td></td>
<td>243</td>
<td>171</td>
</tr>
</tbody>
</table>

Notes: Population is percent of congressional district for all groups except unions, which is percent of state population. Standard errors in parentheses.

*p < .10.

**p < .05.

***p < .01.
votes for IRCA changes as each of the variables that is statistically significant increases from the 5th to the 95th percentile of its distribution (plotted along the X-axis), while holding all other variables constant at their means.

The graphs in Figure 2 allow us to examine the magnitude of the influences associated with a representative’s vote in favor of IRCA. The first panel shows that the difference in the probability of support for Republicans was substantially lower than for Democrats. Importantly, we note that virtually the entire confidence interval lies below the 50% line, indicating that Republicans were unlikely to vote for the bill and Democrats were overwhelmingly likely to vote for it. In contrast to the relatively large effects for party, we find smaller effects for the farming and low-skilled labor population. If we identify the 50% threshold as substantively important, in that it reflects the point at which a legislator goes from being unlikely to likely to support the bill, only the Latino and foreign-born population variables appear large enough to shift the likelihood that a legislator votes for the bill. These results suggest that the politics of the bill were most sensitive to district characteristics and concomitantly much less sensitive to public opinion (as indicated by its failure to achieve statistical significance). Conversely, while changes in the size of the farming population had a large influence on legislator’s propensity to support the bill, it seems to have done little to affect one’s vote, shifting legislators from being likely to being extremely likely to support the bill.

To summarize, the results from Table 1 suggest that public opinion and the Subconstituency Politics Theory relatively poorly explain legislator behavior on IRCA. The statistical results in Table 2 provide an explanation for the latter: the politics were likely more complex than commonly employed versions of subconstituency politics allow. Subconstituency Politics Theory articulates a model that is conditioned by party allegiances when a legislator has two or fewer intense groups of constituents in a district. In the case of IRCA, we see that legislators had to balance the preferences of multiple groups within their traditional party coalitions. Consequently, these results suggest an unusual coalition of groups. Specifically, the statistical results corroborate this account and show that the subconstituencies that were important cut across traditional party lines as about half of Republicans supported the bill, and one third of Democrats opposed it (e.g., see Table 1). Moreover, it is quite unusual, for instance, to find cases in which the immigrant population and Latino population both influence legislator behavior, but in opposite directions.

To what extent does the magnitude of these effects differ across parties? To examine this question, we disaggregate the model to examine differences between Democratic and Republican representatives and the constituencies that influenced their decision to support IRCA. We begin with an examination of the substantive impact of all statistically significant variables for House Democrats whose results are depicted in Figure 3.

The results in Figure 3 demonstrate that the likelihood of voting for IRCA varies dramatically across variables. Most striking, while the absolute magnitude of the change is similar across variables, only increases in the Latino population are associated with substantial changes in the likelihood of voting for rather than against the bill. As the Latino population increases within a district, Democrats become less likely to vote in favor of IRCA. There are two explanations for this seemingly anomalous outcome. First, despite the Frank Amendment and assurances of the Reagan Administration, major Latino groups remained wary of employment discrimination and opposed the bill. Second, some Latinos may have been concerned about economic competition with
these new immigrants. Virtually no feasible increase in the foreign-born, or the low-skilled labor populations led Democrats to vote against it. More simply put, Democratic legislators’ votes on IRCA appear to be sensitive only to changes in the district Latino population.

Next, we turn to examine results for House Republicans. The substantive impact of the statistically significant variables is depicted in Figure 4. The results in Figure 4 draw a sharp contrast to those seen for Democrats, as both of these variables have large substantive effects. Very small shifts in the size of the immigrant and farming populations lead to massive changes in Republicans’ propensity to vote for IRCA. As the farming and foreign-born populations increase even slightly, Republicans’ propensity to support the bill increases dramatically. In the case of the farming population, this is perhaps of little surprise. Rural areas with relatively large farming populations are often represented by Republicans who, in turn, depend on them for votes. As a district’s farming population increases from 2% to 3%, the probability of voting for IRCA goes from 46% to 55%. Perhaps even more surprising is the sensitivity Republican House members show toward the immigrants in their districts. As the district foreign-born population increases from 5% to 7%, the probability of voting for IRCA increases from 49% to 57%. These results provide additional evidence that IRCA was passed by assembling a coalition of groups that normally work in opposition to one another. Farming interests supported the guest-worker component of IRCA and as a result, Republican legislators sought to protect migrant workers – a group that would be largely concentrated in districts with

Figure 2. Simulated changes in representatives’ probability of voting for IRCA as independent variables shift from one standard deviation below to one standard deviation above the mean.
Figure 3. Simulated changes in house democrats’ probability of voting for IRCA as independent variables shift from one standard deviation below to one standard deviation above the mean.

Figure 4. Simulated changes in house republicans’ probability of voting for IRCA as independent variables shift from one standard deviation below to one standard deviation above the mean.
larger foreign-born populations. Small increases in the size of both the foreign-born population and farming population not only lead to huge increases in legislators’ propensity to vote for IRCA, but in both cases, these shifts are associated with changes large enough to change legislators’ votes.

What might explain the impotence of both public opinion, and to a lesser degree subconstituency politics, on such a salient issue? One explanation may lie in Kingdon’s “field of forces” (1977) in which he holds that legislators make voting decisions by examining the direction in which the entire combination of relevant factors coincide. The public was largely divided on the issue and absent large majorities on either side, legislators may have felt compelled to follow the cues of those with intense preferences. Moreover, the groups in legislators’ typical coalitions also provided conflicting cues. Democrats had to face Latinos who were split on the issue, some of whom strongly opposed the bill, as well as immigrants who were strongly supportive. Similarly, Republicans had to account for both farming and business interests.

The creation of the bill that brought together bedfellows with conflicting interests may have simultaneously given legislators more latitude and made their decision more difficult since they lacked unambiguous cues on the issue (Tichenor 2002). The multifaceted bill’s complexity may also have helped to obscure the degree to which its effects were easily traceable by constituents (Arnold 1993). Given the idiosyncratic nature of this influence, however, it is hard to empirically assess this explanation.

Conclusion

This paper began by asking what explains legislator behavior when traditionally supportive constituency groups provide conflicting cues. In examining this question, we investigated which theories best explain legislator behavior on a complex, visible, and controversial issue, the Immigration Reform and Control Act of 1986. Three central findings emerge. First, contrary to decades of research arguing that legislators are most responsive on highly salient legislation, we find that public opinion poorly explains House members’ votes on IRCA. Second, despite the bipartisan nature of the bill, the results suggest that party-driven theories best explain the results on IRCA. Third, these results also show that while legislators did respond to various subconstituency groups rather than public opinion more broadly, we find that conventional accounts of subconstituency politics (e.g., Bishin 2009) that are conditioned by partisanship are incomplete. More simply put, existing accounts of Subconstituency Politics Theory do not explain how legislators behave when their traditional party-based coalitions are divided on an issue. These results imply that broader theories of subconstituency politics that explain how politicians make decisions between opposing positions held by groups that typically support them are needed.

Relatively few empirical studies of representation directly examine whether legislators act consistently with constituent preferences on issues where majority opinion and minority rights conflict. One reason for this is that data on constituent preferences are often unavailable. Consequently, theories of group politics designed to explain the conditions under which small and marginalized minorities can obtain policy are rarely examined in the context of representatives’ behavior in the US Congress (but see Bishin and Smith 2013).
These results also, therefore, help validate more sophisticated theories of how immigration policy tends to get made (e.g., Tichenor 2002). Perhaps the most widely accepted account suggests that immigration policy is a function of group preferences on two dimensions: (1) individuals’ or groups’ propensity to increase or restrict immigration, and (2) the extent to which rights or privileges should be extended to immigrants (Tichenor 2002). Owing to the absence of data on immigration attitudes on specific legislative issues at the congressional district level, it is difficult for scholars to assess the role these dimensions play in House members’ policy decisions. Since the absence of opinion data precludes assessing these dimensions’ role on particular bills, and because omitting important explanations can lead to biased inferences about the relative influence of other explanations (e.g., Greene 2012), these results serve to reinforce existing findings. More specifically, the fact that we find such a limited role for opinion when comparing it to alternative theories of representation reinforces these accounts of how immigration policy is made.

Our analysis demonstrates that American democracy allows for the politics necessary to empower traditionally marginalized groups like immigrants. Unfortunately, the rapid increase in partisanship in Congress and on immigration in particular (e.g., Casellas and Leal 2013; Kalaf-Hughes 2013) suggests that to the extent that passing large-scale immigration reform requires developing political coalitions that cut across party lines, significant immigration reform is unlikely to occur in the near future. As President George W. Bush’s unsuccessful attempts to enact comprehensive immigration reform demonstrated, even the support of a Republican president may be insufficient to bring together the subconstituencies needed to pass major reform.

Part of the implicit contract between representatives and constituents is that representatives will be responsive to the preferences of their constituents and act in a manner that promotes those interests. On one hand, our inability to detect any influence of public opinion may be seen as troubling. After all, adherence to the preferences of the majority is commonly seen as a hallmark of democratic governance. On the other hand, legislators’ willingness to shirk direct constituency opinion might be seen positively – to the extent that in doing so, legislators help a traditionally disadvantaged group. Immigrants, especially the undocumented, are among society’s most vulnerable and least able to pay the costs of participation. A bill granting citizenship to so many serves to empower and better position them to enjoy basic democratic freedoms while facilitating their incorporation in the polity. In short, extending citizenship is exactly the type of issue on which majority rule might be outweighed by the competing democratic values of liberty and equality. From this perspective, the fact that politics can cut across party lines and deliver policy to such a small and unpopular group on an issue of great importance might be seen as a feature of American democracy rather than a flaw.

Notes

1. Unlike, for example, the 1990 Immigration Act, IRCA is also one of the few seminal immigration bills for which contemporaneous opinion data are available that allow for the estimation of congressional district-level opinion. All references to opinion on IRCA refer to our estimates (described extensively below) that are based on public opinion polls from the period.
2. We include votes cast and positions announced in our tabulations.
3. Reagan would almost immediately eviscerate those protections despite being advised that discrimination would likely occur (Martin 2000, 137).

4. Even Cuban Americans exhibit significant heterogeneity in socio-economic status and political behavior (e.g., Bishin, Kaufmann, and Stevens 2011; Bishin and Klofstad 2012).

5. The two major political parties are also less likely to contact immigrant and minority voters (Stevens and Bishin 2011).

6. Other views of subconstituency politics build on the idea that legislators appeal to constituents of their own party (e.g., Clinton 2006) of partisans and independents (Wright 1989; Medoff, Dennis, and Bishin 1995; Peters and Woolley 1995) or of all but opposing strong partisans (Bishin 2000). Unfortunately, the lack of data precludes generating reliable public opinion estimates for these subgroups.

7. See Appendix A in the supplemental file for the exact question wording for each of these survey questions.

8. Legislators from both districts voted against the bill.

9. Details describing how we estimated immigration opinion are provided in Appendix B in the supplemental file.

10. Our tests of subconstituency politics theory are robust to alternative numerical thresholds and constituency component variables (e.g., subconstituency politics fares no better if Latino preferences replace immigrant preferences).

11. The US does complete a Census of Agriculture; however, congressional district-level data were not reported until 1992, six years and a redistricting after the IRCA vote.

Disclosure statement

No potential conflict of interest was reported by the authors.

References


