

Challenging Change: Immigrant population growth and local anti-immigration ordinances

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Abstract: From 2000 to 2009, 215 local governments in the United States seriously considered passing ordinances or policies intended to restrict either the settlement of immigrants or the services and benefits available to them. This paper investigates the risk factors associated with such proposals at the county level, with particular attention to places where the immigrant population is growing and/or new. I confirm that recent growth of the local immigrant population is an important risk factor for proposing such ordinances. Looking only at counties that had substantial increases in their immigrant population, I investigate other demographic, economic and political risk factors. Location outside of a “traditional immigrant destination state” and a high proportion white in 1990 are both associated with a higher risk of ordinance proposal in these counties, suggesting that lack of experience with diversity may play a role in local frustration with immigration. A high proportion of Hispanics among the immigrant population and more conservative voting patterns are also associated with increased risk of proposing and anti-immigration ordinance. Other native and foreign-born population characteristics and measures of policy problems commonly attributed to immigration do not predict anti-immigration ordinance proposals.

DRAFT: Comments to koneil@princeton.edu are welcome; please do not cite without permission.

Introduction

In July of 2006, the small city of Hazleton, Pennsylvania made national headlines by passing a local law intended to drive unauthorized immigrants out of the town. This “Illegal Immigration Relief Act,” created substantial penalties for employing or renting housing to unauthorized immigrants and declared English to be the town’s official language. Hazleton’s action set off an apparent flurry of copycat laws: newspapers reported imprecisely that “at least 80 town and cities” considered similar laws and that “as many as 100 other towns” had passed them in the months that followed (Preston 2007; Hurdle 2007).

Although not without historical precedent, the use of local laws to regulate immigration was unusual and controversial. Regulation of immigration is a power reserved to the federal government by the United States Constitution. Indeed, Hazleton’s ordinance was subsequently ruled unconstitutional (Rodriguez, Chisti, and Nortman 2007; Munley 2007).

Prominent observers in the media and politics tied the ordinances to federal inaction on illegal immigration, noting that Hazleton’s ordinance and its contemporaries followed failed attempts by the US Congress to pass immigration legislation in 2005. As *The New York Times* (2009) put it, “localities have been taking immigration enforcement into their own hands out of frustration over Washington’s failure to enact comprehensive reform, over misguided and ineffective federal enforcement of existing rules and over a sense that America has lost control of its borders.” The ordinances came as America’s unauthorized immigrant population reached an estimated 11.1 million people, or 30% of the foreign born population in 2005 (Passel 2006). This was a dramatic increase from an estimated 2.5 million people in 1989.

The ordinances also brought attention to a demographic phenomenon already familiar to social scientists: the remarkable growth of the foreign-born population in cities and towns far from the traditional immigration “gateways” such as New York, Los Angeles, Miami, and Chicago. Hazleton’s

population was estimated to be 14% foreign-born by the 2006-8 American Community Survey, up from 3.7% in 2000. It was one of many communities across the United States that had been transformed by the dispersal of the US foreign-born population in the previous two decades. Between 1990 and 2000, the foreign born population more than doubled in 19 states such as Georgia, North Carolina and Iowa, and growth continued into the new century (Migration Policy Institute 2008).

This dispersal, like the growth of the foreign-born population more generally in the past three decades, was led by Mexican, Central American, and other Hispanic national-origin groups (Massey and Capoferro 2008; Durand, Massey, and Capoferro 2005; Kandel and Brown 2006; Singer, Hardwick, and Brettell 2008). The best estimates suggest that a disproportionate number of immigrants in these “new immigrant destinations,” too, are unauthorized immigrants (Passel, Capps, and Fix 2004).

This dispersal of the foreign-born has made immigration, and the integration of immigrants, a very real and immediate issue in a wide variety of American communities. This paper investigates where, and why, this integration process is not proceeding smoothly by looking at which communities have entertained serious, concrete proposals for “anti-immigration” ordinances—broadly construed as laws or stated policies intended to limit immigration, illegal immigration, or the impact either has on the local area through anti-immigration or restrictive measures.¹ These range from deputizing local police to enforce federal immigration law, to prohibition of renting housing to or hiring unauthorized immigrants, to largely symbolic measures such as declaring English the official language of local government or restricting the flying of foreign flags. Appendix A contains a more complete description of the ordinances and policies considered in this paper.

¹ It should be noted that, although I use “anti-immigration” as convenient shorthand, some proponents of such ordinances would argue that they are in fact intended to support immigration. For example, a measure intended to prevent the hiring of unauthorized immigrants can be considered a way to support legal immigration; “English-only” rules have been promoted as a way to encourage immigrants to learn English.

“Anti-immigration” ordinances provide a rare opportunity to study an outcome of immigration, specifically the reaction of natives and local political systems, emerging from specific localities but at a national level. This paper takes this opportunity to study two questions. First, is the probability that a locality proposes an anti-immigration ordinance related to rapid and recent growth of the local foreign-born population? This question is intended to help update theories explaining when natives are threatened by immigration, which have begun to see changes in population composition as more important than composition itself.

Second, in communities that *have* experienced rapid and recent foreign-born population growth, are there specific factors associated with an increased risk of proposing anti-immigration immigration ordinances? Specifically, I am interested the role of novelty in provoking anti-immigrant ordinances--whether communities that have little experience with racial and ethnic diversity, and with immigration are at greater risk of an anti-immigrant ordinance. I also investigate the role of specific public policy “irritants”—such as strained school systems, crime, and overcrowded housing—as risk factors for anti-immigration ordinances. These factors are often cited by proponents of anti-immigration ordinances and show the most promise for suggesting policy interventions, but have received relatively little attention from social scientists. The roles of composition of the native and immigrant populations, and of political party balance are also investigated. In exploring these questions, this paper also presents a quantitative profile of local laws, policies and proposals intended to restrict immigration or regulate the behavior of immigrants.

Background and Hypotheses

Of the thousands of US localities, only a tiny fraction considered any type of anti-immigrant ordinance. In order to explain why some localities proposed ordinances while others did not I draw on a diverse set of theories that attempt to explain when and why natives have antagonistic relationships with

immigrants. In the longest-standing theoretical perspectives, “group threat” and “contact,” the key explanatory variable is the size of the out-group (immigrants) relative to the in-group (natives). More recent work adds nuance to these theories by placing more emphasis on changes in the size of the immigrant population than the absolute size itself and by looking closely at contextual factors that may promote adversarial relationships between natives and immigrants. Another body of theory and evidence considers how the characteristics of natives predict reactions to immigrants. This paper draws heavily on these perspectives, but also looks at the effects of two relatively under-studied factors: the characteristics of the immigrant population, and specific public policy “problems” that can be created by immigration.

Group Threat and Competition

The size of the local foreign born population plays a central role in this study, and also in a collection of theoretical approaches loosely termed “group threat” theory. Generally speaking, theories of group threat or completion posit that the larger and geographically closer the foreign-born population is, the greater the sense of threat and competition among natives, or sub-groups of natives. This group of theories first emerged from the black-white case in the US and has been adapted to the immigrant versus native (or Hispanic versus white, etc.) case (Allport 1979; Bobo and Hutchings 1996). Group threat theory posits that immigrant groups threaten native groups’ control over scarce resources, resulting in hostility. The resources in question can vary and include political power and jobs.

Theories of racial threat have not consistently predicted when and where natives will react negatively to immigrants, with evidence of modes changes in opinion or opinion changes under specific conditions (Campbell, Cara Wong, and Citrin 2006; Tolbert and Hero 2001, 1996; Marrow 2008) and others studies finding little evidence that the size of the local immigrant population generates a sense of threat among natives (Dixon 2006; Hjern 2007; Citrin et al. 1990). Much of the evidence on the

relationship between immigrant population size and threat in the US comes from California, where immigration-related ballot initiatives during the 1990s provided the opportunity to tie voter preferences to local context.

Research on the reaction of blacks, specifically, to immigrants has also been mixed, with some evidence of blacks viewing immigrants and/or Hispanics as a threat under some conditions, but not others (Gay 2006). Marrow (2009, 2008), investigating the reactions of black to immigrants in smaller Southern new immigrant destinations, suggests that blacks are less threatened by immigrants where blacks are a larger share of the population.

Contact

The flip side of group threat, “contact” theory, predicts that a larger out-group population can actually reduce hostility under the right conditions, by allowing personal interactions and dispelling myths and stereotypes (Lieberson 1961; Allport 1979; Pettigrew and Tropp 2006). Dixon and Rosenbaum (2004; Dixon 2006) finds that white Americans living in an area with a larger Hispanic population have more contacts with Hispanics, resulting in less strongly held stereotypes. The threat and contact hypotheses are not mutually exclusive, with some evidence from California, for example, that whites feel the greatest threat when the immigrant or Hispanic population is either very small or very large—suggesting that positive contacts were most likely when the out-group is moderately sized relative to the in-group. (Tolbert and Hero 2001; Stein, Post, and Rinden 2000).

Growth and Novelty

The inconsistent evidence on the relationship between the size of the immigrant population and natives’ opinions and behavior has led to the hypothesis that *changes* in group sizes are more important than the relative sizes themselves. Hopkins (2010) finds that opinions about immigration are more negative in

communities where the immigrant population is growing, in certain times periods. The same study finds that cities passing anti-immigrant ordinances in the period 2000 to 2006 had higher changes in the percent of their population that was foreign-born from 1990 to 2000 than a set of matched controls. Ramakrishnan and Wong (2008), on the other hand, find no relationship between Hispanic population growth from 1990 to 2000 and the proposal of anti-immigrant ordinances. This last finding may arise from their use of growth rates (as opposed to changes in population share) to measure population change. The majority of US communities have long had very small or nonexistent immigrant and Hispanic populations. Very large growth rates can thus still result in insignificant percent point changes in population share.

Another factor related to foreign-born population growth is the comparative novelty of immigration to many communities. From World War I through the mid-1980s, immigration to the United States was largely confined to large urban gateways and Southwestern border states. The dispersal of the foreign-born population, discussed above, has caused the growth of the immigrant population in places where citizens, governments, and organizations alike had little experience with immigration. Many of these places are also relatively racially and ethnically homogenous. If the management of diversity at a local level is a learned, practiced process, sudden demographic change as a result of immigrant may be especially destabilizing in these places.

Media accounts of high profile ordinance proposals or native-on-immigrant violence have noted both the rapid growth and novelty of Hispanic immigration to these places (Semple 2008). Some advocates link observed increases in abuse and discrimination against immigrants and Hispanics directly to geographic dispersal (Leadership Council on Civil Rights 2009; Bauer and Reynolds 2009). Beyond the few extreme incidents that have attracted media attention, a body of rich ethnographies and case studies document the complex and often difficult adjustment of natives to immigrants and vice-versa in

these places (see works collected in Anderson 2000; Stull, Broadway, and Griffith 1995; Massey 2008; Singer, Hardwick, and Brettell 2008; Zuniga and Hernández-León 2005; Gozdzia and Martin 2005)

Many of the places in the United States with rapidly growing foreign-born populations are “new” immigrant destinations; others are not. Growth and novelty are thus overlapping, but distinct phenomena. This paper continues to explore the role of foreign-born population growth in predicting native reactions to immigration, and makes an early test of relationship between the “newness” of immigration and ordinances intended to restrict immigration. These themes contribute my central hypotheses, and also focus the investigation on communities that have experienced important recent changes in their foreign-born population shares.

Hypothesis 1: Growth- *Growth of the foreign-born population from 1990 to 2006 in a community will be associated with a higher risk of proposing an anti-immigrant ordinance. A community’s proportion foreign born in 2006 will not be associated with risk of proposing anti-immigrant ordinances when growth is controlled for.*

Hypothesis 2. Novelty- *In communities that experienced rapid growth of the foreign-born population, communities with prior recent experience with immigration and greater diversity will have a lower risk of proposing anti-immigrant ordinances.*

Native Characteristics

Differences in the way individual natives and subgroups within broad groups react to immigrants and immigration may help explain inconsistent support for the group threat and contact theories. Theory and evidence point toward individuals with greater education being more supportive of immigration, either because immigrants presents a greater net economic benefit to better-educated people or

because education prepares one for diversity and change (Espenshade and Hempstead 1996; Espenshade and Calhoun 1993; Pantoja 2006; Scheve and Slaughter 2001). Wealth and income may matter as well, with evidence that natives in financial peril, the unemployed, and those with a pessimistic view of the national economy view immigration more negatively ((Alvarez and Butterfield 2000; Citrin et al. 1995, 1997; O'Neil and Tienda 2010)). Political beliefs are highly associated with opinions about immigration and immigrants, presumably because immigration provokes questions of national identity and values (Pantoja 2006; Citrin et al. 1990; Newton 2000). Sharing ethnicity with the relevant immigrant group and recent immigration in the family history are more clearly and consistently associated with opinions about immigration.

The age structure of a population may also impact the way natives think about immigration. Meyers (2007) argues that as differences emerge between the ethnic and racial composition of younger and older cohorts, support for public education and other public goods may wither. A common narrative emerging from the “new immigrant destinations” is that of younger immigrants reinvigorating dwindling rural populations with few young native residents (El Nasser 2008; Claiborne 2000). An age structure in which older cohorts are overrepresented could amplify the impact of immigration on a community, provoking more hostile reactions.

Hypothesis 3. Native Population Characteristics- *In communities that experienced rapid growth of the foreign-born population, specific characteristics of the native population will be associated with a higher risk of ordinance proposal. These include a larger proportion of elderly people, lower levels of education, and a black population that is smaller relative to the Hispanic population.*

Immigrant Population Characteristics

Relatively little research has been done about how the reaction of natives to immigration might be moderated by the characteristics of the local immigrant population. Legal status is a potentially important characteristic of immigrant populations, although the direction of the relationship with reactions is not always clear. A greater proportion of the immigrant population being naturalized citizens may indicate that the immigrant population is better integrated, more established, and better able to advocate for its needs, but it may also cause natives to perceive immigrants as potential competition for political power. Illegal immigration is the most politically explosive aspect of immigration and there is some evidence that support for immigration is negatively associated with the local unauthorized immigrant population (Hood and Morris 1998).

The gender balance of the immigrant population may likewise moderate relationship with natives. A population heavily dominated by working men presents a different set of challenges to a community than does one composed of families. Single men are a visible and often disquieting face of immigration and day laborer-hiring sites are a common flashpoint for anti-immigrant protests or lawmaking (Valenzuela 2003). However, immigrant families present more of a real or imagined burden on public resources and more clearly signal permanent changes in the makeup of a community (Smith and Edmonston 1997).

Hypothesis 4. Foreign-born population characteristics- *In communities that experienced rapid growth of the foreign-born population, specific characteristics of the foreign-born population that create social distance from natives and make immigrants more vulnerable will be associated with a higher risk of anti-immigrant ordinances. These characteristics include a large proportion Hispanic, a large number of men relative to the number of women, a large proportion of the least-educated and a low proportion of naturalized citizens.*

Politics and Ideology

There is some evidence that the opinions of individual natives about immigrants, other races or ethnicities, and immigration policy are highly associated with other ideological and political positions (Pantoja 2006). Other studies have notes that policy preferences on immigration in the United States rarely break cleanly along party lines, and that ideological considerations are trumped by other political factors such as candidate endorsements (Alvarez and Butterfield 2000; Ilias, Fennelly, and Federico 2008). At the national level, support for both highly restrictive and more liberal immigration party is found in both political parties. Despite these ambiguous results, important associations between political party balance and the passage of immigration-related laws has been found at both state and local levels (Chavez and Provine 2009; Ramakrishnan and Tom Wong 2008).

The diversity found within both major political parties on immigration issues raises the possibility that immigration can be used as a “wedge issue” by members of either party to attract moderates and split support in the opposing party. This raises the possibility that extreme positions on immigration policy may arise in highly competitive political environments, rather than those dominated by one party. As a result, it is also important to consider non-linear relationships between political party balance and the risk of ordinance proposal.

Hypothesis 5a. Political Ideology- *In communities that experienced rapid growth of the foreign-born population, a more conservative electorate will be positively associated with risk of proposing an anti-immigrant ordinance.*

Practical Problems

In addition to changing the demographic makeup of communities and challenging their sense of identity, immigration creates real and perceived policy problems for localities, even as it also creates benefits. Like all population growth, the settlement of immigrants can raise the need for specific public services. In particular, immigration can strain local public school systems because immigrant adults tend to be

younger and immigrant families tend to have more children than natives. This strain and its visibility can be intensified by fact that many children of immigrants need assistance learning English and, in places where immigration is recent, because new racial and ethnic tensions may emerge (Wainer 2006; Fix and Passel 2003; Capps 2005; Rumbaut 1996; Sly and Pol 1978; Kandel and Parrado 2006). Schools are an emerging point of friction in the politics of immigration, with evidence that native families flee to private schools as the immigrant student population rises (Betts and Fairlie 2003).

Increased levels of crime are another oft-cited consequence of immigration. A large number of supporters of local immigration ordinances cite increases in crime as a motivating factor, and a number of ordinance proposals closely followed individual high-profile crimes or traffic accidents involving immigrants. The bulk of the evidence concludes that immigrants are less likely than their native peers to commit crimes and that foreign-born population growth does not result in increased crime rates (Butcher and Piehl 1998, 1997; Reid et al. 2005; Hagan and Palloni 1999). The casual observer might easily reach the opposite conclusion, however: At the national level, immigrants disproportionately live in areas with higher crime rates and the population growth associated with immigration might result in a rise in total numbers of crimes, even if per-capita crime rates did not rise as immigrants settled in the area. These indicators may be more relevant to public decision-making than per-capita measure of crime prevalence.

Overcrowded housing and neighborhood change are frequently cited provocations for local ordinances targeting immigrants. Immigrants and Hispanic immigrants in particular, are more likely to live in extended family or boarding-house style arrangements (Blank 1998; Glick, Bean, and Hook 1997; Kamo 2000). Settlement by immigrants seeking less expensive housing may be a signal of neighborhood decline and stagnant or falling property values. Alternatively, the pressure of housing new residents may inflate housing prices, to the detriment of poorer natives.

Ultimately, whether settlement by immigrants actually causes increases in crime or school crowding is irrelevant to my hypothesis. In places where the immigrant population is growing, problems that are associated in the popular imagination of media with immigration may provoke a backlash and anti-immigrant ordinances, whether or not immigration actually plays a role in those problems.

Hypothesis 6. Public Irritants *In communities that experienced rapid growth of the foreign-born population, policy problems including overcrowded housing, strained school systems, and rising or high levels of crime will be associated with higher risk of an anti-immigrant ordinance.*

Data and Methods

Our hypotheses concern the association between the risk of proposing an anti-immigration ordinance and demographic and other characteristics of localities. Existing literature identified the growth of the foreign born population as a key risk factor in the proposal of anti-immigrant ordinances. I thus seek first to confirm this finding through a logit regression of the indicator variable for ordinance proposal on a locality's change in proportion foreign-born and a set of controls (Table 4).

Following this, my key hypotheses revolve around factors associated with higher risk of proposing an anti-immigrant ordinance in areas that experienced substantial growth of the foreign-born population. The universe is intentionally restricted to communities that have experienced growth of the foreign-born population, under the assumption that factors that are important in these places may be of little relevance in places with few immigrants or where the foreign-born population is stable. Thus, the second stage of analysis presents logit regressions of the indicator variable for ordinance proposal on predictor variables specified by my hypotheses, with the universe restricted to the top quarter of localities in terms of change in proportion foreign born between 1990 and 2006 (Table 5).

Selecting an appropriate unit of analysis presented a challenge. In the sample of anti-immigrant ordinances, there were 215 unique jurisdictions considering ordinances, 77 of which were at the county level and the remainder in towns, cities or other sub-county jurisdictions (or non-county jurisdictions co-terminous with a county). The challenge presented by this mix of units is compounded by data availability issues: population estimates from the American Community survey are only provided for units of more than 20,000 persons, and even in the decennial Census, estimates for many subpopulations are suppressed in smaller geographic units. Other variables relevant to my hypotheses are not available or have prohibitively incomplete coverage at the sub-county level.

This analysis thus uses the county with total population above 20,000 in 2005-7 estimates as its unit of analysis. The relevant dependent variable is thus whether the government of a county itself or a jurisdiction within its borders considered a proposal for an anti-immigrant ordinance. Controls for total population and the number of sub-county jurisdictions are used to account for the fact that a county with more jurisdictions is presumably at higher risk of containing an ordinance proposal, all other things being equal.

The use of counties as the unit of analysis requires the results be interpreted cautiously: although ideally I would be able to investigate the relationship between each jurisdiction's properties and ordinance proposals, this is possible only for counties. For all other jurisdictions, I am investigating the relationship between ordinance proposal and the properties of the county each jurisdiction is located in. The properties of these sub-county jurisdictions themselves may differ substantially from those of the county.

The exclusion of counties with a 2005-7 population below 20,000 persons eliminates roughly 42% of US counties—but these counties contained only about 4.2% of the US population in 2000. None of the excluded counties were the site of an anti-immigrant proposal. The top 25% of the counties over

20,000 persons in term of growth of the foreign-born were selected for the high-growth subsample 401 counties with a minimum increase in foreign-born population share of 3.22 percentage points between 1990 and 2006. Cases with incomplete information (primarily on the crime and school variables) were dropped, bringing the full sample to 1552 counties and the high-growth subsample to 401 counties, of 3,130 total US counties or county equivalents.

Predictor variables

Estimates of foreign-born population shares, foreign-born and native population characteristics were obtained from the 1990 and 2000 Census summary files, and from the 2005-7 American Community Survey detailed summary tables. The number of jurisdictions per county was estimated by the number of Census designated places with a centroid located within the county.

Measures of novelty and prior immigration experience include percent of the population that was white in 1990, and having less than 2% of the local population foreign-born in 1990, and being in one of the “big five” immigration states of New York, California, Illinois, Texas, and Florida.

Although neither party registration nor local political race results are available nationally, results from the 2004 Presidential election provide a measure of political ideology (Inter-university Consortium for Political and Social Research 2008; Haines Stewart III n.d.). It should be noted that immigration was not thought to be a key issue in that race. Nationally, the Democratic candidate, John Kerry, received 48% of votes cast. The inclusion of quadratic transformation of votes for the Democratic Presidential candidate, centered around 50%, as a predictor variable allows for the possibility of a non-linear relationship between political party balance and the proposal of an anti-immigration ordinance.

Measures of overcrowded housing were obtained from the 2005-7 American Community Survey estimates.² Stress on school systems—and the taxpayers that support them—was measured using changes in the school funding per resident from local sources between 1990 and 2005, change in student-teacher ratio at the district level between 2000 and 2005, and the proportion of students who were “English Language Learners” in 2005 (National Center for Education Statistics 2006). Per capita arrest rates in 2006 and growth in total arrests between 2000 and 2006 provide a measure of the level of crime in a community and growth in crime as a resident might observe it. (Federal Bureau of Investigation 2007).

Dependent Variable

The dependent variable indicates whether a jurisdiction in the county considered an immigration related ordinance or policy intended to either enforce federal immigration law or to curtail the services or privileges accessible to authorized or unauthorized immigrants. These proposals for anti-immigration ordinances were obtained from several sources.

The primary source for proposed ordinances was a full-text search of the Dow Jones Factiva database of US newspapers for a set of keywords commonly associated with local immigration-related ordinances during the period from January 1, 2000 to December 1, 2009. The Factiva database contains articles from 605 major and minor US newspapers, as well as Reuters and Associated Press newswires.

In addition, lists of proposed ordinances were also obtained from the Fair Immigration Reform Movement (FIRM) and the Latino Justice PRLDEF, as well as the websites of organizations representing different political perspectives on immigration: American Civil Liberties Union (ACLU) and Mexican American Legal Defense and Education Fund (MALDEF), the Immigration Reform Law Institute, US

² The definition of an “overcrowded” housing unit used here is more than one person per room.

English, and ProEnglish (LatinoJustice PRLDEF n.d.; Fair Immigration Reform Movement 2007).³ A list of successful applications to the federal government's "287(g)" program was obtained from the Immigration and Customs Enforcement website (US Immigration and Customs Enforcement 2008).

I confirmed each proposal and its outcome through either the minutes of public meetings or newspaper accounts. A jurisdiction was considered to have "proposed" a policy where specific language for an ordinance or a formal motion was successfully introduced and formally discussed by the governing body, where the executive body considered a stated, formal change in policy, or where a voter-led initiative was successfully placed on the ballot by petition. Instances where motions failed to be introduced for lack of a seconding motion, where ordinances were discussed non-specifically or informally, or where ballot initiatives failed to gather the required number of signatures were not coded as "proposed ordinances"⁴. Ordinances were coded to have "passed" if they successfully exited the legislative process and were not vetoed, if a formal policy change was enacted by the relevant executive agency, or if a ballot initiative was passed by popular vote.⁵

Because my goal is to operationalize the product of the democratic process, only explicit, formal policies were considered. A pattern of arrests of immigrants by local police that did not result from a stated policy, for example, does not qualify as an "ordinance," no matter how controversial, sustained, discriminatory or even illegal. Changes made to comply with state laws, day labor regulations passed to support hiring halls, and the repeal of pro-immigrant "sanctuary city" declarations were also excluded.

³ Latino Justice PRLDEF, ACLU and MALDEF litigate against local anti-immigration immigration ordinances, while FIRM is an umbrella organization of immigration advocacy organizations. The Immigration Reform Law Institute (a branch of the Fair Immigration Reform Movement) advocates and litigates in favor of legislation to reduce immigration, while US English and ProEnglish advocate on behalf of official English legislation.

⁴ This relatively restrictive definition of a "proposed ordinance" may explain why I find a higher rate of passage than Ramakrishnan and Tom Wong 2008)

⁵ A number of ordinances that were passed by their respective governments were not enacted as a result of actual or threatened litigation.

Two limitations of the data source and coding process deserve special mention. First, applications to US Immigration and Custom Enforcement's "287(g)" program can, in many jurisdictions, be initiated and agreed upon rather quietly, through administrative channels. Thus, while the data includes all jurisdictions that successfully applied for the 287(g) program, it may undercount cases where officials seriously considered the program but did not apply or did not complete the application process. Second, I did not include changes in zoning, parking, or occupancy laws, whether or not these changes were thought to target immigrants. Although changes in such laws are commonly thought to be a way to limit the impacts of settlement by immigrants, it is too difficult to assess whether these changes are related to immigration. Further, reporting of these changes in the media likely depends to a large degree on the size and characteristics of the local immigrant population.

Characteristics of Proposed and Passed Anti-immigration Immigration Policies

This search yielded 259 polices considered by localities from 2000 to late 2009. Of these, 180 (69.5 percent) passed. Many localities considered multiple ordinances: 215 distinct jurisdictions considered ordinances and 156 (72.6 percent) of these passed at least one ordinance. These jurisdictions were located in 150 distinct counties, 147 of which had populations above the 20,000 person threshold. Proposals passed in at least one jurisdiction in 111 counties and 109 counties above the 20,000 person cut-off, in both cases representing 74% of the counties in which a jurisdiction proposed an ordinance.

Although it is impossible to directly assess the extent to which this search captured all ordinances considered by localities in the US during this time period, my results compare favorably with those used in another study. Hopkins (2009), using what may be a more inclusive definition of "proposal" finds 108 sub-county localities considered "anti-immigrant" ordinances from 2000 to 2006,

compared with 98 sub-county proposals in the same period in my data.⁶ Ramakrishnan and Wong (2008), found 78 jurisdictions had considered “anti-immigrant” ordinances through July 2007, compared with 121 jurisdictions in the same time period in my data.

Policies intended to regulate employment were considered in the most jurisdictions (Figure 1), followed by 287(g) provisions, English-as-official-language policies, and housing prohibitions. 287(g) agreements were passed in the most localities, followed by employment restrictions, housing prohibitions, and English-as-official language policies.

As expected, a burst of proposals followed the introduction of Hazleton’s “Illegal Immigration Relief Act” in the summer of 2006 (Figure 2). Relatively few jurisdictions considered immigration-related ordinance prior to 2006. However, relatively few of the many ordinances considered in 2006 and 2007 passed. This likely reflects the fact that Hazleton was quickly forced to defend its law in an expensive lawsuit, which the city ultimately lost. A number of localities considering similar ordinances tabled their proposals to await the outcome of the Hazleton case.

Results

Comparing Ordinance and Non-Ordinance Counties

In both the all-county population and the high-immigrant-population-growth population, counties containing ordinance proposals are more populous, more densely populated, faster growing (even net of the foreign-born population), more wealthy, and have tighter labor markets than counties that contained no ordinances (Table 1) . These same properties, of course, attract immigrants to localities.

⁶ Specifically, it appears Hopkins included occupancy and zoning ordinances, and included a number of ordinances from the list provided by FIRM that I either could not confirm or did not meet this paper’s definition of a formal proposal.

It is thus unsurprising that counties with ordinance proposals had higher rates of foreign-born population growth in the 1990 to 2000 and the 2000 to 2005-7 periods, relative to all other populous counties and relative to other high-immigrant-growth counties (Table 2). However, other comparisons of means reveal unexpected differences. High-immigrant-growth counties that proposed ordinances have foreign-born populations that are a lower proportion male, a lower proportion of adults without a high school diploma, and a higher proportion of naturalized citizens than their peer counties that did not contain ordinance proposals (Table 2). The stereotype that anti-immigration ordinances are provoked by an influx of poorly educated, male day laborers living in boarding houses is not supported by this data.

There are few obvious geographic patterns to anti-immigration immigration proposals (Figure 3). Only Hawaii, North and South Dakota, Montana, Wyoming, Idaho, and New Mexico had no anti-immigration immigration ordinances proposed by localities. California localities proposed the most ordinances (26), followed by the “new immigrant destination” states of Pennsylvania, Virginia, and North Carolina with 22 ordinances proposed each. The states of the Northeast are overrepresented among the counties with ordinance proposals, while counties in the Midwest are underrepresented. Lower proportions of the ordinance counties are in the “Big-Five” traditional immigration states, relative to counties that did not contain an ordinance proposal, but this difference in means is not statistically significant.

Role of Growth of the Foreign-Born Population

In the full sample of counties, I find a strong association between the growth of the unauthorized population and the risk of proposing an anti-immigrant ordinance both (Table 4, models 2 and 3). Importantly, the inclusion of growth in the regression causes the association between the size of the foreign-born population in 2006 and the risk of proposing an anti-immigration ordinance to reverse direction (Table 4, model 1 versus models 2 and 3).

For example, the model with demographic, political and economic controls (Table 4, model 3) predicts that Fayette County, Kentucky has a 25% probability of containing an anti-immigration immigration proposal. Fayette County's foreign born population share rose 2.99 percentage points between 1990 and 2000 and 2.15 percentage points between 2000 and 2006. Had the county's foreign-born population share remained constant in both periods, the model would predict only a nine percent probability of an ordinance proposal. If the change in percent foreign-born between 2000 and 2006 were instead doubled, to 4.30 percentage points, the model would predict a 40 percent probability of having an ordinance proposal in Fayette County.

Other relationships from the full county sample are expected. More populous counties and counties with more jurisdictions have a higher risk of being the site of anti-immigration ordinance proposals. Counties with higher proportions of votes cast for Kerry were less likely to contain an ordinance proposal, as were those with higher unemployment rates. The negative association between unemployment rates and ordinance proposals might result from immigrant population growth in response to labor demand.

Risk Factors for Ordinance Proposal in High-Growth Counties

The association between changes in the share of the population that is foreign-born persists even when the sample is restricted to only those counties where that share grew substantially (Table 5, "Basic"). The "novelty" of immigration appears to be a risk factor for proposing anti-immigrant ordinances. A lower proportion of whites in the population in 1990 and being in a "Big Five" immigration state⁷ are both associated with a lower risk of an anti-immigrant proposal, although having a very low proportion of foreign-born residents in 1990 is not. Adding the novelty variables to the basic model also attenuates the estimated relationship between growth in the share of the population that is foreign-born and

⁷ California, New York, Texas, Illinois, and Florida

ordinance proposal. For example, the model with all predictor variables (“All” in Table 5) predicts that Stafford County VA, which was 89.5% white in 1990 and not in a “Big Five” immigration state, has an 85% chance of containing an anti-immigrant ordinance. If the county was instead 80% white in 1990 and located in one of the “Big Five” states, the predicted probability would be 27%. The size of the Hispanic population relative to the black population does not appear to be related to the risk of an ordinance proposal, however.

The model suggests a more complicated relationship between foreign-born population characteristics and the risk of an anti-immigrant ordinance than hypothesized. As hypothesized, counties in which a greater proportion of the foreign-born were Hispanic were at greater risk of an anti-immigrant ordinance. There was a negative association between percent of the foreign born without a high school diploma and ordinance proposal, the opposite of the relationship specified in my hypothesis. The relationship between the male-to-female ratio in the foreign-born population and ordinance proposal was also in the opposite direction hypothesized and only marginally significant.

The so-called “public irritants” do not appear to have the hypothesized effect on ordinance proposal. A comparison of means yields surprising results: even among the high-growth counties, the ordinance proposal counties had a lower proportion of overcrowded housing units and no significant differences in the other “public irritant” measures. The regression model also fails to support my hypotheses: Of the indicators tested, only the growth in local school spending per capita and change in student-teacher ratio have significant associations with the probability of passing an anti-immigrant ordinance. The association between growth in school funding from local sources per capita and the probability of an ordinance proposal is negative, the opposite of my hypothesis. The association between the change in student-teacher ratio and ordinance proposals is significant when the control for the 2005 unemployment rate is introduced as part of the model including all of the studied variables.

Republican success in the 2004 Presidential election was associated with greater risk of an ordinance proposal. There were limits, however: the negative, and significant, sign on the quadratic transformation for percent of votes cast for Kerry means that the modeled risk of a proposal peaks when 38.5% of votes were cast for a democrat, all other things being equal (Table 5, model with all variables). To put this in context, voters in the median county in the high-immigration growth category cast 39% of votes for Kerry, and quarter of the counties had less than 30% of votes cast for Kerry. For example, the model predicts that Atlantic County, NJ, in which 52.5 percent of votes were cast for Kerry, had a 26% probability of proposing an anti-immigrant ordinance. If the county had cast 38.5% of votes for Kerry, the model would instead predict a 40.5% probability of an ordinance proposal. If the proportion of votes cast for Kerry fell still further, to 30% of votes, the predicted probability of an ordinance proposal would fall back to 28%.

Limitations

My model has a number of limitations. First, it reveals only associations. Although I introduce a rich set of statistical controls, causal inferences are not possible given the data and model. Instead, this analysis seeks only to identify unexplored risk factors for anti-immigrant actions. A forthcoming revision will include variables that may be important, such as state political environments and geographic relationships between jurisdictions. Other potentially important omitted variables, such as triggering events (e.g., a high profile crime by an immigrant) or news media coverage, are impractical to quantify at a local level across the country.

Second, the unit of analysis introduces a degree of imprecision—county-level estimates may conceal much great variation at the sub-county level. On one hand, this imprecision may make the estimated association conservative (sub-county jurisdictions proposing anti-immigrant ordinances may have much higher changes in population makeup than their containing counties, for example). However,

interpretation must be cautious—I have modeled the effect of a jurisdiction’s county’s properties, not the effect of the jurisdiction itself. The next revision will attempt to rectify this with a sub-county analysis using a more limited set of predictor variables. Time also introduces an element of measurement error—many of the variables I present are for levels or growth to 2005, just before the bulk of the ordinance proposals occurred. However, the analysis includes outcomes for the full period from 2000 to 2009.

Discussion

This analysis finds a strong relationship between the change in a county’s population composition and the probability that an anti-immigrant ordinance was proposed in that county. This finding confirms, with somewhat different methods and samples, as finding first advanced by Hopkins (2010). The relative size of the foreign-born and native populations is unimportant once *changes* in composition are accounted for, suggesting that the “group threat” and “contact” hypotheses, in their traditional form, are not useful in this case.

My findings also confirm Ramakrishnan and Wong (2007) in finding that that Republican political strength in an area, in a Presidential election, is associated with higher risk of an anti-immigrant ordinance. The relationship between political party control and anti-immigrant ordinances is more nuanced than a simple linear association. Anti-immigrant ordinances appear most likely in places where the electorate is conservative, but there is still sufficient balance to allow competition between the parties. The role of political competition, as well as political ideology, deserves to be included in future analyses of anti-immigration lawmaking and sentiment.

This paper’s primary goal was to investigate the role of novelty and prior experience with diversity in anti-immigration reactions, in an attempt to better describe the process of immigrant integration in the “New Immigrant Destinations”. Indeed, in my model, counties that experienced large changes in the

share of the population that was foreign-born, were primarily white in 1990, and that were not located in one of the traditional immigrant “gateways”—describing many of the “New Immigrant Destinations”—were highly likely to contain an anti-immigrant ordinance. The relationship between these “novelty factors” and anti-immigrant reactions deserve more extensive investigation. For example, there are a number ways that places with high immigration growth could differ between the “Big Five” and the other states, in term of their state policy environment, the factors attracting immigrant settlement, and other characteristics.

In other ways, however, the results of my models are surprising. The growth of the foreign born population as a share of the total population was a key factor, as was a high share of Hispanics among the foreign born, a key characteristic of the “new immigrant destinations.” However, other indicators thought to typify a newly established immigrant population did not predict anti-immigrant ordinance proposals; there was no association between ordinance proposals and having a large proportion of males, low naturalization rates, or a poorly-educated foreign-born population. The same characteristics are also thought to be associated with a higher proportion of unauthorized immigrants in the community. In fact, there were modest indications that these characteristics were negatively association with ordinance proposals. The possibility that anti-immigration animus rises as the foreign-born population becomes more established and its presence in a community matures—rather than when a foothold is first established by single laborers—should be considered.

My measures of “policy irritants”—some of the problems often cited by proponents of anti-immigration ordinances—did not predict ordinance proposals. The results of the investigation of the relationship between “policy irritants” and ordinances should be interpreted in light of the imperfect unit of analysis, however; Specific communities within counties may have policy problems that are not apparent at the county level. The finding of a null relationship between policy problems and ordinances matches

research at the state level (Chavez and Provine 2009), but leaves few clues as to what problems policymakers should prioritize if they wish to ease tensions between immigrants and natives in localities experiencing growth of their foreign born population.

References

- Allport, Gordon W. 1979. *The Nature of Prejudice*. 25th ed. Reading, Mass: Addison-Wesley Pub. Co.
- Alvarez, R. Michael, and Tara L. Butterfield. 2000. "The Resurgence of Nativism in California? The Case of Proposition 187 and Illegal Immigration." *Social Science Quarterly* (University of Texas Press) 81:167-179.
- Anderson, Cynthia D. 2000. *The Social Consequences of Economic Restructuring in the Textile Industry: Change in a Southern Mill Village*. New York: Garland Pub.
- Bauer, Mary, and Sarah Reynolds. 2009. *Under Siege: Life for Low-Income Latinos in the South*. Montgomery, AL: Southern Poverty Law Center.
- Betts, Julian R., and Robert W. Fairlie. 2003. "Does immigration induce 'native flight' from public schools into private schools?." *Journal of Public Economics* 87:987-1012.
- Blank, Susan. 1998. "Hearth and Home: The Living Arrangements of Mexican Immigrants and U.S.-Born Mexican Americans.." *Sociological Forum* 13:35-59.
- Bobo, Lawrence, and Vincent L. Hutchings. 1996. "Perceptions of Racial Group Competition: Extending Blumer's Theory of Group Position to a Multiracial Social Context." *American Sociological Review* 61:951-972.
- Butcher, Kristin F., and Anne Morrison Piehl. 1998. "Cross-city evidence on the relationship between immigration and crime." *Journal of Policy Analysis and Management* 17:457-493.
- Butcher, Kristin F., and Anne Morrison Piehl. 1997. "Recent Immigrants: Unexpected Implications for Crime and Incarceration." *National Bureau of Economic Research Working Paper Series* No. 6067. <http://www.nber.org/papers/w6067> (Accessed February 8, 2010).
- Campbell, Andrea, Cara Wong, and Jack Citrin. 2006. "'Racial Threat', Partisan Climate, and Direct Democracy: Contextual Effects in Three California Initiatives." *Political Behavior* 28:129-150.
- Capps, Randy. 2005. *The New Demography of America's Schools: Immigration and the No Child Left Behind Act*. Washington, DC: Urban Institute.
- Chavez, Jorge M., and Doris Marie Provine. 2009. "Race and the Response of State Legislatures to Unauthorized Immigrants." *Annals of the American Academy of Political and Social Science* 623:78- 92.
- Citrin, Jack, Donald P. Green, Christopher Muste, and Cara Wong. 1995. *Public Opinion*

Toward Immigration Reform: How Much Does the Economy Matter? Center for Latino Policy Research.

- Citrin, Jack, Donald P. Green, Christopher Muste, and Cara Wong. 1997. "Public Opinion Toward Immigration Reform: The Role of Economic Motivations." *The Journal of Politics* 59:858-881.
- Citrin, Jack, Beth Reingold, Evelyn Walters, and Donald P. Green. 1990. "The "Official English" Movement and the Symbolic Politics of Language in the United States." *The Western Political Quarterly* 43:535-559.
- Claiborne, William. 2000. "Iowa Looks Abroad for Workers; Dwindling Population Prompts Controversial Immigration Campaign." *The Washington Post*, September 16, A03.
- Dixon, Jeffrey C. 2006. "The Ties That Bind and Those That Don't: Toward Reconciling Group Threat and Contact Theories of Prejudice." *Social Forces* 84:2179-2204.
- Dixon, Jeffrey C., and Michael S. Rosenbaum. 2004. "Nice to Know You? Testing Contact, Cultural, and Group Threat Theories of Anti-Black and Anti-Hispanic Stereotypes." *Social Science Quarterly* 85:257-280.
- Durand, Jorge, Douglas S. Massey, and Chiara Capoferro. 2005. "The New Geography of Mexican Immigration." Pp. xxix, 288 p. in *New destinations : Mexican immigration in the United States*. New York: Russell Sage Foundation.
- El Nasser, Haya. 2008. "Counties feel impact of Hispanic immigrants." *USA Today*, June 30, 6A.
- Espenshade, Thomas J., and Charles A. Calhoun. 1993. "An analysis of public opinion toward undocumented immigration." *Population Research and Policy Review* 12:189-224.
- Espenshade, Thomas J., and Katherine Hempstead. 1996. "Contemporary American Attitudes Toward U.S. Immigration." *International Migration Review* 30:535-570.
- Fair Immigration Reform Movement. 2007. *Database of Recent Local Ordinances on Immigration*. Washington DC: FIRM <http://www.communitychange.org>.
- Federal Bureau of Investigation. 2007. *Uniform Crime Reporting Program Data: County-Level Detailed Arrest and Offense Data*. Ann Arbor, MI: Inter-university Consortium for Political and Social Research.
- Fix, Michael E, and Jeffrey S Passel. 2003. "U.S. Immigration: Trends and Implications for Schools." <http://www.urban.org/publications/410654.html> (Accessed November 30, 2008).
- Gay, Claudine. 2006. "Seeing Difference: The Effect of Economic Disparity on Black Attitudes toward Latinos." *American Journal of Political Science* 50:982-997.

- Glick, Jennifer E., Frank D. Bean, and Jennifer V. W. Van Hook. 1997. "Immigration and Changing Patterns of Extended Family Household Structure in the United States: 1970-1990." *Journal of Marriage and Family* 59:177-191.
- Gozdziak, Elzbieta M, and Susan Forbe Martin, eds. 2005. *Beyond the Gateway: Immigrants in a Changing America*. Lanham: Lexington Books.
- Hagan, John, and Alberto Palloni. 1999. "Sociological Criminology and the Mythology of Hispanic Immigration and Crime." *Social Problems* 46:617-632.
- Haines Stewart III, Charles. *Official 2004 Presidential Election Returns*. (Accessed June 18, 2007).
- Hjerm, Mikael. 2007. "Do Numbers Really Count? Group Threat Theory Revisited.." *Journal of Ethnic & Migration Studies* 33:1253-1275.
- Hood, M. V., and I. L. Morris. 1998. "Give Us Your Tired, Your Poor,... But Make Sure They Have a Green Card: The Effects of Documented and Undocumented Migrant Context on Anglo Opinion toward Immigration." *Political Behavior* 20:1-15.
- Hopkins, Daniel J. 2010. "Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition." *American Political Science Review* 104(1).
- Hurdle, Jon. 2007. "Judge Strikes Down Town's Immigration Law." *The New York Times*, July 26 <http://www.nytimes.com/2007/07/26/us/26cnd-hazleton.html?scp=3&sq=hazleton%20ordinances&st=cse> (Accessed February 4, 2010).
- Ilias, Shayerah, Katherine Fennelly, and Christopher M. Federico. 2008. "American Attitudes toward Guest Worker Policies.." *International Migration Review* 42:741-766.
- Inter-university Consortium for Political and Social Research. 2008. *County Characteristics, 2000-2007*. Ann Arbor, MI (Accessed August 4, 2009).
- Kamo, Yoshinori. 2000. "Racial and Ethnic Differences in Extended Family Households." *Sociological Perspectives* 43:211-229.
- Kandel, William, and David L Brown, eds. 2006. *Population Change and Rural Society*. Dordrecht: Springer.
- Kandel, William A., and Emilio A. Parrado. 2006. "Hispanic population growth and public school response in two new South immigrant destinations." in *Latinos in the New South: Transformations of Place*, edited by Heather A Smith and Owen J Furuseth. Aldershot, England: Ashgate.
- LatinoJustice PRLDEF. n.d. *List of Ordinances*. New York NY: PRLDEF

www.ailadownloads.org/advo/PRLDEF-ListOfLocalOrdinances.xls (Accessed October 5, 2009).

Leadership Council on Civil Rights. 2009. *Confronting the New Faces of Hate: Hate Crimes in America*. Washington, DC: Leadership Council on Civil Rights.

Liebersohn, Stanley. 1961. "A Societal Theory of Race and Ethnic Relations." *American Sociological Review* 26:902-910.

Marrow, Helen B. 2008. "Intergroup Relations in the Rural and Small-Town South." in *New Faces in New Places*, edited by Douglas S Massey. New York: Russell Sage Foundation.

Marrow, Helen B. 2009. "New immigrant destinations and the American colour line." *Ethnic and Racial Studies* 32:1037.

Massey, Douglas S, ed. 2008. *New Faces in New Places: The Changing Geography of American Immigration*. New York: Russell Sage Foundation.

Massey, Douglas S., and Chiara Capoferro. 2008. "The Geographic Diversification of American Immigration." in *New Faces in New Places*, edited by Douglas S Massey. New York: Russell Sage Foundation.

Migration Policy Institute. 2008. "Numeric Difference in the Foreign Born by State." *MPI Data Hub*. <http://www.migrationinformation.org/DataHub/acscensus.cfm> (Accessed February 17, 2009).

Munley, James. 2007. *Lozano v. City of Hazleton*.

Myers, Dowell. 2007. *Immigrants and Boomers: Forging a New Social Contract for the Future of America*. New York: Russell Sage Foundation.

National Center for Education Statistics. 2006. *Local Education Agency Survey (Common Core of Data)*. Washington DC: US Department of Education.

Newton, Lina Y. 2000. "Why Some Latinos Supported Proposition 187: Testing Economic Threat and Cultural Identity Hypotheses.." *Social Science Quarterly (University of Texas Press)* 81:180-193.

O'Neil, Kevin, and Marta Tienda. 2010 forthcoming. "A Tale of Two Counties: \line Natives' Opinions Toward Immigration in North Carolina." *International Migration Review*.

Pantoja, Adrian D. 2006. "Against The Tide? Core American Values and Attitudes Toward US Immigration Policy in the Mid-1990s." *Journal of Ethnic and Migration Studies* 32.

Passel, Jeffrey S. 2006. *Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*. Washington, DC:

- Pew Hispanic Center <http://pewhispanic.org/files/reports/61.pdf>.
- Passel, Jeffrey S, Randy Capps, and Michael E Fix. 2004. *Undocumented Immigrants: Facts and Figures*. Washington, DC: Urban Institute.
- Pettigrew, Thomas F., and Linda R. Tropp. 2006. "A Meta-Analytic Test of Intergroup Contact Theory.." *Journal of Personality & Social Psychology* 90:751-783.
- Preston, Julia. 2007. "Local Immigration Law Faces Court Challenge." *The New York Times*, March 12 <http://www.nytimes.com/2007/03/12/us/12cnd-hazleton.html?scp=5&sq=hazleton%20ordinances&st=cse> (Accessed February 4, 2010).
- Ramakrishnan, Karthick, and Tom Wong. 2008. "Immigration Policies Go Local: The Varying Responses Of Local Governments To Low-Skilled and Undocumented Immigration." http://www.karthick.com/working_assets/KR-wilsoncenter-Feb21.pdf.
- Reid, Lesley Williams, Harald E. Weiss, Robert M. Adelman, and Charles Jaret. 2005. "The immigration-crime relationship: Evidence across US metropolitan areas." *Social Science Research* 34:757-780.
- Rodriguez, Cristina, Muzaffar Chisti, and Kimberly Nortman. 2007. *Testing the Limits: Assessing the Legality of State and Local Immigration Measures*. Washington, DC: Migration Policy Institute
http://www.migrationpolicy.org/pubs/NCIIP_Assessing%20the%20Legality%20of%20State%20and%20Local%20Immigration%20Measures121307.pdf (Accessed September 20, 2008).
- Rumbaut, Ruben G. 1996. *The New Californians: Assessing the Educational Progress of Children of Immigrants*.
<http://www.eric.ed.gov/ERICWebPortal/contentdelivery/servlet/ERICServlet?accno=ED398294> (Accessed August 24, 2009).
- Scheve, Kenneth F., and Matthew J. Slaughter. 2001. "Labor Market Competition and Individual Preferences over Immigration Policy." *The Review of Economics and Statistics* 83:133-145.
- Semple, Kirk. 2008. "A Killing in a Town Where Latinos Sense Hate." *The New York Times*, November 14
<http://www.nytimes.com/2008/11/14/nyregion/14immigrant.html?scp=17&sq=anti-immigrant+US&st=nyt> (Accessed June 21, 2009).
- Singer, Audrey, Susan Wiley Hardwick, and Caroline Brettell, eds. 2008. *Twenty-First-Century Gateways: Immigrant Incorporation in Suburban America*. Washington, D.C: Brookings Institution Press.
- Sly, David F., and Louis G. Pol. 1978. "The Demographic Context of School Segregation and

- Desegregation." *Social Forces* 56:1072-1086.
- Smith, James P, and Barry Edmonston, eds. 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. Washington, D.C: National Academy Press.
- Stein, Robert M., Stephanie Shirley Post, and Allison Rinden. 2000. "Reconciling Context and Contact Effects on Racial Attitudes." *Political Research Quarterly* 53:285-303.
- Stull, Donald D, Michael J Broadway, and David Craig Griffith, eds. 1995. *Any Way You Cut It: Meat Processing and Small-Town America*. Lawrence, Kan: University Press of Kansas.
- The New York Times. 2009. "An Illegal Immigration Patchwork." *The New York Times*, December 11
<http://www.nytimes.com/2009/12/11/opinion/11fri2.html?scp=1&sq=hazleton%20failure%20immigration%20reform&st=cse> (Accessed February 4, 2010).
- Tolbert, Caroline J., and Rodney E. Hero. 2001. "Dealing with Diversity: Racial/Ethnic Context and Social Policy Change." *Political Research Quarterly* 54:571-604.
- Tolbert, Caroline J., and Rodney E. Hero. 1996. "Race/Ethnicity and Direct Democracy: An Analysis of California's Illegal Immigration Initiative." *The Journal of Politics* 58:806-818.
- US Immigration and Customs Enforcement. 2008. "Delegation of Immigration Authority Section 287(g) Immigration and Nationalization Act."
http://www.ice.gov/partners/287g/Section287_g.htm (Accessed September 11, 2009).
- Valenzuela, Abel. 2003. "Day Labor Work." *Annual Review of Sociology* 29:307-333.
- Wainer, Andrew. 2006. "The New Latino South and the Challenge to American Public Education." *International Migration* 44:129-165.
- Zuniga, Victor, and Ruben Hernandez-Leon, eds. 2005. *New Destinations: Mexican Immigration in the United States*. New York: Russell Sage Foundation.

Figure 1. Number of Jurisdictions Proposing or Passing Punitive Immigration Ordinances, by Type of Ordinance
 Categories are nonexclusive. 218 Jurisdictions Proposed Ordinances, 158 Jurisdictions Passed

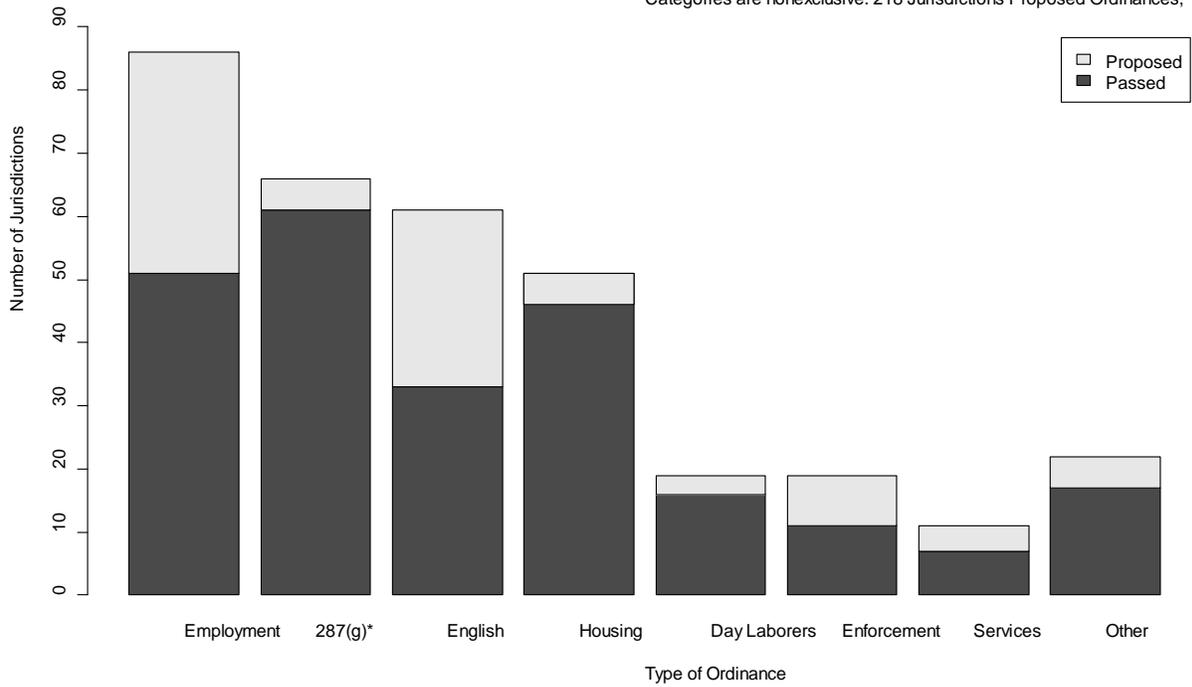
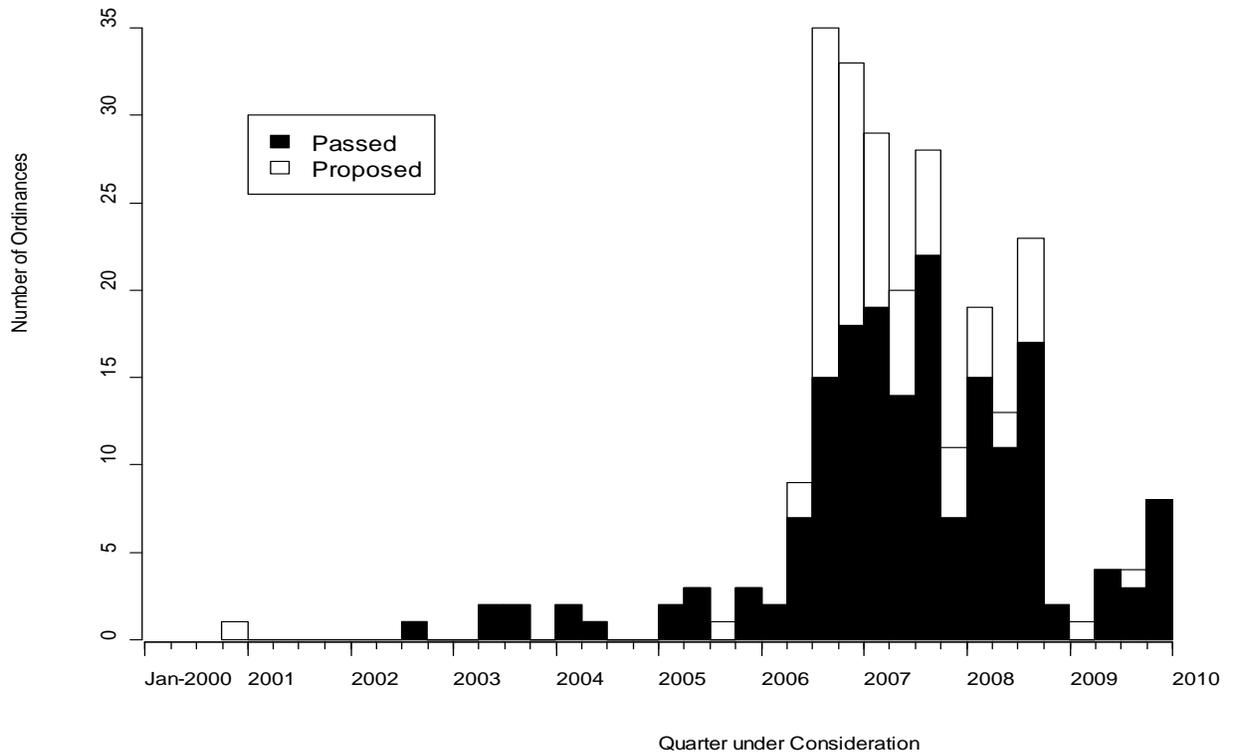


Figure 2. Punitive Immigration Ordinances by US Localities, by Quarter 2000-2009



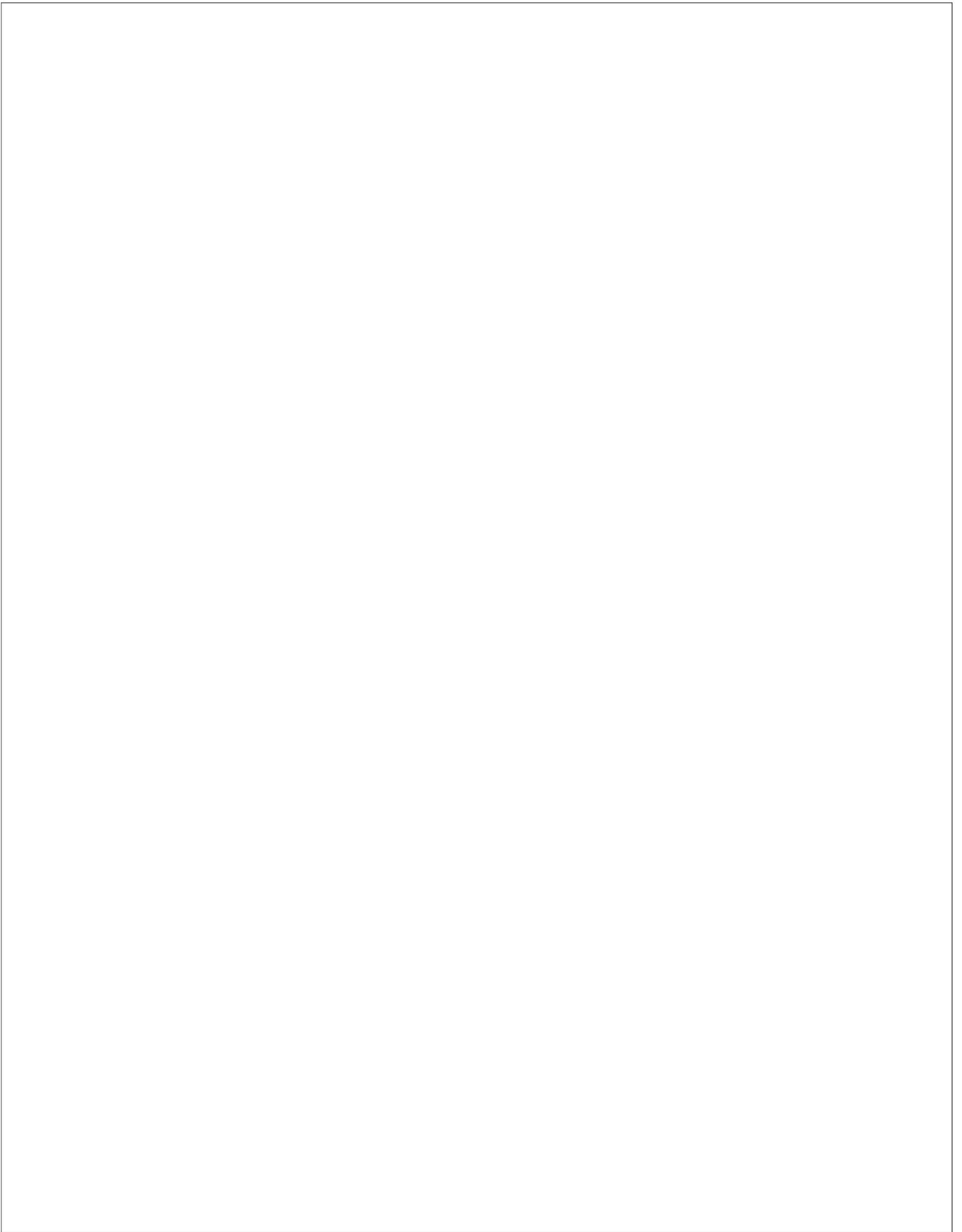


Table 1. Comparison of mean demographic, economic, and native population characteristics for Ordinance Proposal and Non-Proposal counties in full sample and high-growth counties.

	Mean(SD), full sample			Mean (SD), high growth		
	No Proposal	Proposal	p-value	No Proposal	Proposal	p-value
Total Population, 2005-7	114.68 (-229.98)	557.79 (-1061.9)	0.000	241.49 (-424.24)	639.04 (-805.55)	0.000
Population Density, 1000s of persons per sq. mile.	0.26 (-0.82)	0.87 (-1.41)	0.000	0.54 (-1.15)	1.11 -1.69	0.000
In Metropolitan Area	48.06 (-49.98)	85.50 (-35.35)	0.000	61.76 (-48.68)	86.59 -34.29	0.000
In Northeast	11.54 (-31.96)	16.79 (-37.53)	0.077	7.21 (-25.91)	15.85 -36.75	0.015
In South	47.85 (-49.97)	52.67 (-50.12)	0.291	47.96 (-50.04)	57.32 -49.77	0.131
In Midwest	26.88 (-44.35)	12.21 (-32.87)	0.000	18.50 (-38.89)	4.88 -21.67	0.002
In West	13.72 (-34.42)	18.32 (-38.83)	0.148	26.33 (-44.11)	21.95 -41.65	0.418
% of whites 65 or older	15.46 (-3.56)	14.48 (-3.73)	0.003	15.02 (-4.10)	14.38 -3.83	0.202
Native population growth, 1990 to 2005-7, %	19.52 (-27.40)	33.76 (-37.80)	0.000	28.54 (-37.43)	39.77 -42.27	0.019
% of black and white adult natives with a BA	18.76 (-8.72)	25.59 (-9.69)	0.000	23.19 (-11.17)	28.02 -10.16	0.000
Median Personal Income, 1000s of \$	22.30 (-4.84)	27.12 (-5.83)	0.000	24.26 (-6.16)	28.19 -6.41	0.000
Unemployment rate, 2005 annual average %	5.40 (-1.57)	4.65 (-1.05)	0.000	5.14 (-1.56)	4.52 -1.07	0.001
Change in median home value 2000-2005-7, %	49.80 (-31.45)	68.65 (-43.69)	0.000	59.92 (-40.02)	75.30 -46.37	0.003

Table 2. Mean comparison of foreign-born population characteristics and immigration growth and novelty variables for Ordinance Proposal and Non-Proposal counties in full sample and high-growth counties.

	Mean(SD), full sample			Mean (SD), high growth		
	No Proposal (n= 1421)	Proposal (n = 131)	p-value	No Proposal (n=319)	Proposal (n=82)	p-value
% foreign-born, 1990	4.56 (-5.09)	10.15 (-8.08)	0.000	10.76 (-6.28)	13.48 (-7.80)	0.001
Change in % foreign born, 1990-2005-7	2.14 (-2.55)	5.32 (-3.99)	0.000	5.96 (-2.68)	7.37 (-3.70)	0.000
Change in % foreign born, 2000-2005-7	0.75 (-1.10)	1.89 (-1.64)	0.000	1.96 (-1.38)	2.52 (-1.74)	0.002
Change in % foreign born, 1990-2000	1.39 (-1.90)	3.42 (-2.97)	0.000	4.00 (-2.34)	4.85 (-2.90)	0.006
% White in 1990	84.55 (-16.41)	82.79 (-12.34)	0.231	79.53 (-15.82)	80.70 (-11.31)	0.531
% In Big Five Immigration State	11.61 (-32.05)	8.40 (-27.84)	0.267	20.06 (-40.11)	10.98 (-31.45)	0.057
% with < 2% foreign-born in 1990	64.53 (-47.86)	39.69 (-49.11)	0.000	35.11 (-47.81)	24.39 (-43.21)	0.066
Ratio of Hispanic Population to Black	-- --	-- --	-- --	15.01 (-43.83)	3.90 (-4.88)	0.024
Male to female ratio, foreign-born adults 2005-7	1.19 (-0.98)	1.07 (-0.23)	0.168	1.30 (-0.71)	1.13 (-0.17)	0.031
% of foreign-born with no HS diploma	32.99 (-19.68)	32.43 (-14.69)	0.748	46.12 (-19.27)	36.12 (-14.66)	0.000
% of foreign-born naturalized	40.53 (-17.81)	37.59 (-12.43)	0.065	29.82 (-12.67)	34.25 (-11.15)	0.004
% Hispanic, of Foreign- Born	-- --	-- --	-- --	61.22 (-25.31)	54.63 (-18.38)	0.028

Table 3. Comparison of means for political and policy problem variables for Ordinance Proposal and Non-Proposal counties in full sample and high-growth counties.

	Mean(SD), full sample			Mean (SD), high growth		
	No Proposal (n= 1421)	Proposal (n = 131)	p-value	No Proposal (n=319)	Proposal (n=82)	p-value
Percent of votes for Kerry, 2004	40.22 (-11.50)	41.75 (-10.79)	0.143	40.67 (-14.13)	42.07 -11.40	0.407
% of housing units overcrowded	1.23 (-1.46)	0.44 (-0.91)	0.000	1.50 (-2.02)	0.49 (-1.10)	0.000
% of students English Learners	4.05 (-6.88)	7.39 (-8.26)	0.000	10.39 (-8.77)	10.30 (-8.62)	0.933
% change in student-teacher ratio, 2000-2005	-11.54 (-8.66)	-9.90 (-9.85)	0.040	-10.09 (-7.83)	-8.31 (-7.30)	0.064
% growth in school spending p. capita, 2000-6	99.99 (-64.43)	89.49 (-51.16)	0.070	100.33 (-64.12)	88.20 (-51.10)	0.113
Total arrests per 1000 persons, 2005	5.04 (-2.40)	5.17 (-1.97)	0.544	5.16 (-1.90)	5.16 (-1.99)	0.991
Growth in total arrests, 2000-2005	24.06 (-276.11)	21.63 (-63.90)	0.920	16.18 (-57.31)	21.89 (-74.53)	0.451

Table 4. Logit regression of punitive immigration proposal indicator on selected characteristics on all US counties of more than 20,000 people. Coefficients and (standard errors) reported. N = 1,552

Predictor Variable	Model 1	Model 2	Model 3
Percent of population foreign born, 2005-7	0.045* (-0.019)	-0.063* (-0.031)	-0.075^ (-0.04)
Change in percent foreign born, 2000-2005-7	--	0.273** (-0.089)	0.192* (-0.095)
Change in percent foreign born, 1990-2000	--	0.272** (-0.071)	0.337** (-0.085)
Native population growth, 1990-2005-7, %	0.008** (-0.003)	0.005^ (-0.003)	0.002 (-0.004)
Population > 50,000, <= 100,000 (<= 50,000 is reference)	0.578 (-0.436)	0.568 (-0.443)	0.596 (-0.454)
Population > 100,000 <= 250,000	2.256** (-0.407)	2.279** (-0.415)	2.395** (-0.428)
Population > 250,000	2.720** (-0.472)	2.463** (-0.477)	2.634** (-0.508)
Population density, 1000 persons per sq. mile	0.005 (-0.082)	0.091 (-0.096)	0.331* (-0.13)
In metropolitan area	-0.09 (-0.348)	0.01 (-0.356)	-0.094 (-0.361)
Number of sub-county places	0.018** (-0.007)	0.024** (-0.007)	0.026** (-0.008)
South (Northeast is reference)	0.553^ (-0.321)	0.249 (-0.337)	0.407 (-0.363)
Midwest	-0.359 (-0.38)	-0.61 (-0.395)	-0.455 (-0.414)
West	-0.345 (-0.386)	-0.216 (-0.399)	0.128 (-0.443)
Median Personal Income, \$1000s	--	--	-0.01 (-0.028)
Unemployment rate, 2005 annual average %	--	--	-0.266* (-0.113)
Change in median home value 2000-2005-7, %	--	--	0.005 (-0.004)
Percent of votes for Kerry, 2004	--	--	-0.070** (-0.018)
Percent of votes for Kerry, 2004, squared	--	--	-0.003** (-0.001)
McFadden's Pseudo R-squared	0.25	0.28	0.32

** = p < 0.01, * = p < 0.05, ^ = p < 0.1.

Table 5. Logit regression of indicator for having an anti-immigration ordinance proposal on selected variables with controls^a, counties with high foreign-born population growth 1990-2005-7 (N = 401)^b.

	Basic	Economic	Politics	Native chars. ^b	FB chars.	Policy Irritants	Novelty	All
Change in percent foreign born, 1990-2005-7	0.240**	0.225**	0.288**	0.264**	0.340**	0.236**	0.121	0.241*
Percent of population foreign-born, 2005-7	-0.069	-0.075	-0.075	-0.076	-0.08	-0.069	-0.079	-0.121
Median personal income, \$1000s	-0.061 [^]	-0.053	-0.073 [^]	-0.059	-0.130**	-0.041	0.025	-0.011
Unemployment rate, 2005 average %	-0.037	-0.041	-0.041	-0.041	-0.044	-0.045	-0.047	-0.085
Change in median home value 2000-2005-7, %	--	-0.061 [^]	--	--	--	--	--	-0.017
Percent of votes for Kerry, 2004	--	-0.036	--	--	--	--	--	-0.065
Percent of votes for Kerry, 2004, squared	--	-0.491**	--	--	--	--	--	-0.579*
% of non-Hispanic whites over 65	--	-0.179	--	--	--	--	--	-0.253
Proportion of non-Hispanic whites and blacks with BA	--	0.006	--	--	--	--	--	0.009
Ratio of Hispanic population to black population	--	-0.005	--	--	--	--	--	-0.008
Male to female ratio, foreign-born population	--	--	-0.075**	--	--	--	--	-0.047 [^]
% with no HS diploma, of foreign-born population	--	--	-0.022	--	--	--	--	-0.027
% naturalized citizens, of all foreign-born	--	--	-0.003**	--	--	--	--	-0.002*
% Hispanic, of foreign-born	--	--	-0.001	--	--	--	--	-0.001
% of housing units overcrowded	--	--	--	0.057	--	--	--	0.065
% of students English Learners	--	--	--	-0.049	--	--	--	-0.068
% change in student-teacher ratio, 2000-2005	--	--	--	-0.929	--	--	--	-0.84
% Growth in local school spending per capita, 2000-6	--	--	--	-1.752	--	--	--	-3.914
Total Arrests Per 1000 persons, 2005	--	--	--	-0.026	--	--	--	--
Growth in total arrests, 2000-2005	--	--	--	-0.021	--	--	--	--
Percent white in 1990	--	--	--	--	-1.643 [^]	--	--	-1.846 [^]
In "Big Five" State	--	--	--	--	-0.926	--	--	-1.073
Less than 2% foreign-born in 1990	--	--	--	--	-0.059**	--	--	-0.058*
McFadden's pseudo R-squared	--	--	--	--	-0.022	--	--	-0.028
	--	--	--	--	0.019	--	--	0.016
	--	--	--	--	-0.026	--	--	-0.034
	--	--	--	--	0.069**	--	--	0.105**
	--	--	--	--	-0.018	--	--	-0.024
	--	--	--	--	--	-0.344	--	-0.359
	--	--	--	--	--	-0.245	--	-0.263
	--	--	--	--	--	0.029	--	-0.006
	--	--	--	--	--	-0.029	--	-0.043
	--	--	--	--	--	0.034	--	0.085**
	--	--	--	--	--	-0.022	--	-0.03
	--	--	--	--	--	-0.007*	--	-0.008*
	--	--	--	--	--	-0.003	--	-0.003
	--	--	--	--	--	0.103	--	0.159
	--	--	--	--	--	-0.084	--	-0.114
	--	--	--	--	--	0	--	0
	--	--	--	--	--	-0.003	--	-0.004
	--	--	--	--	--	--	0.040**	0.041 [^]
	--	--	--	--	--	--	-0.015	-0.024
	--	--	--	--	--	--	-1.488**	-2.348**
	--	--	--	--	--	--	-0.543	-0.723
	--	--	--	--	--	--	-0.458	-0.757
	--	--	--	--	--	--	-0.458	-0.624
McFadden's pseudo R-squared	0.23	0.25	0.28	0.22	0.28	0.26	0.27	0.46

a. Controls for total population size, region, metropolitan area status, population density, jurisdictions per county, and native population growth not shown. b. N for the model with native characteristics only is 362. ** = p < 0.01, * = p < 0.05, [^] = p < 0.1.

Appendix A. Types of Anti-immigration Immigration Policies in the US, 2000-2009

US localities pursued a variety of different policies related to immigration between 2000 and 2009. This collection of ordinances and policies can be classified into the following rough categories. In some cases, localities passed ordinances with multiple mandates, placing them in several of these categories.

Official English Ordinances

A number of localities proposed or passed ordinances declaring English to be the official language of government. In some cases, these laws were accompanied by a specific prohibition against providing translations or foreign-language materials. In others, exceptions were made for specific critical services. In most cases, no matter the specific wording, such ordinances have little practical effect: translations are mandated by federal law in many situations. Decisions restricting the use of bilingual education programs in primary schools were not included in this analysis—in some jurisdictions, these bans found extensive support among immigrants and their advocates.

287(g) Agreements

In 2002, the US federal government began implementing a program, authorized by Congress in 1996, to train and deputize state and local police to enforce federal immigration law. The program requires an approval process and a memorandum of understanding between the federal government and the local law enforcement agency. These agreements allow participating local police to independently determine a detainee's immigration status and, if warranted, initiate the removal process. In some cases, local legislative bodies passed resolutions requesting that their police forces apply for the program; in others, agencies applied on their own initiative.

Other Enforcement Policies

Although a 287(g) agreement allows local police to enforce immigration law independently of US Immigration and Customs Enforcement (ICE), local police can work with ICE to enforce immigration law. Thus, a number of localities considered or enacted policies other than 287(g) encouraging the enforcement of immigration law at the local level. A common enforcement tactic is to direct local police to check the immigration status of all of their detainees and report them to ICE.

Employment

Hazleton and a number of other localities considered ordinances that would fine local employers for hiring unauthorized workers, essentially duplicating federal law. In some cases, the ordinance would also give legal workers the right to sue employers. After Hazleton's ordinance and others were blocked by the courts, localities pursued other strategies. In several cases, localities require business license holders or government contractors to attest that their workers are legal or to participate in the federal e-Verify employee verification program.

Rental Housing

One especially aggressive tactic for restricting the residence of illegal immigrants employed by localities was banning the rental of housing to illegal immigrants. In Hazleton, for example, landlords could be fined up to \$500 per day per illegal immigrant resident. Other versions of this tactic required landlords to attest that none of their residents were unauthorized immigrants or to use the federal e-Verify system to verify the status of their tenants. This type of ordinance faced some of the most serious legal challenges.

Services and Benefits

A number of localities considered ordinances restricting county benefits and services from unauthorized immigrants. These ordinances rarely had much impact, as unauthorized immigrants were already largely excluded from federal and state-funded programs administered by localities, and the two services that unauthorized immigrants arguably make the most use of—public primary education and emergency health care—are protected by federal law. This did not stop one locality from attempting to require schoolchildren to provide a social security number to registered, in what was viewed as an attempt to intimidate unauthorized immigrants.

Day Laborer Regulations

The gathering of immigrant looking for day labor work at informal or formal hiring sites is a highly visible and often incendiary reminder of immigration in many American communities. A number of communities considered or passed laws prohibiting solicitation of employment on public roadways or otherwise attempted to restrict day laborers.

Other Types

The tactics used by some communities to limit the impacts of immigration defy classification. Pahrump, Nevada passed a law that, among other things, prohibited the flying of any nation's flag other than that of the United States. In Bogota, New Jersey, the mayor requested the removal of a Spanish-language billboard.

Zoning and Occupancy Laws

Overcrowded housing and large numbers of cars parked on residential streets are complaints frequently voiced about immigrants. Some jurisdictions have responded to this by imposing or strengthening zoning and maximum occupancy laws. These ordinances are not considered in this analysis for methodological reasons described below.

