

Is Threat in the Eye of the Researcher? Theory, Definition, and Measurement in the Study of State-Level Immigration Policymaking

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Abstract

This analysis seeks to identify theoretical and methodological problems in the way demographic indicators are used in the literature on state-level immigration policy outcomes. I show that 1) the same demographic indicators have been attached to very different and in fact oppositional theories leading to conceptual confusion; 2) multiple indicators are often used without clear theoretical justification; 3) the analyses have produced inconsistent results adding to the theoretical confusion. The purpose of this essay is to highlight these issues and urge the field to rethink our conceptualization and measurement of racial threat in policy models.

Introduction

Over the past decade, state legislatures substantially increased their involvement in immigration policymaking. According to data aggregated by the National Conference of State Legislatures (NCSL), in 2005 states introduced a total of 300 bills related to immigration and by 2011 the number had increased to 1,607. NCSL has calculated that between 2005 and 2012, a total of 9,227 pieces of immigration-related legislation had been introduced in the 50 states and of those, 1,811 (20%) had been enacted.¹ The growth in state activity in the immigration domain has also attracted scholarly interest. In the period since 2007, I identified a total of 15 articles studying the drivers of immigration policy-making in the U.S. states. Across the board, one key concern that animates much of this scholarship is whether the presence of large and growing immigrant communities across the nation, most of which do not share the ethnic, racial and cultural traits of the majority of the native population has influenced the number and type of immigration regulations that states debate and enact. The theoretical underpinnings of this type of inquiry are to be found in theories of racial threat that posit a relationship between the size (or, more recently, rate of growth) of an out-group and the policy responses of a majority-controlled political establishment (e.g., Key 1949; Blalock 1960; Blalock 1967).

The results from this emergent scholarship introduce a number of theoretical and empirical puzzles with which political scientists working in this domain need to grapple. In turn, these issues suggest that the field needs to develop a discussion about both theory and measurement. The two most commonly used indicators of racial threat, out-group size and out-group growth rate, have produced a series of conflicting and puzzling results. Some scholars report positive and statistically significant correlations between measures of out-group size or rate of out-group growth (Latino or foreign-born) and restrictive immigration policy outcomes (Zingher 2014; Boushey and Luedtke 2011; Creek and Yoder 2012; Marquez and Schraufnagel 2013; Filindra 2013; Commings and Wills 2016). An equal number of studies report null effects (Newman et al. 2012b; Filindra and Pearson-Merkowitz 2013a; Provine and Chavez 2009; Monogan 2013; Wallace 2014; Hero and Preuhs

¹ These numbers should be taken as directional indicators that require a grain of salt. NCSL has employed a very broad definition of what constitutes “immigration legislation.” As a result, practically any bill that makes reference to immigrants or ethnic-Americans is included. For example, bills celebrating “Irish-American Day,” or “pierogi day” are classified as immigration legislation. Scholars have been using the NCSL data but it is not always the case that definitions and justification for inclusion are provided. This is a crucial methodological issue that goes to the construction of dependent variables in immigration policy models but it is beyond the scope of this paper.

2007).² Adding to the confusion, studies that look at integration policies also show a positive and statistically significant correlation between measures of out-group population size or growth and pro-immigrant policy outcomes (Provine and Chavez 2009; Boushey and Luedtke 2011; Commins and Wills 2016). In response to contradictory findings, scholars have also suggested that the effects of out-group size and growth rate may not be linear but threshold-dependent (Graefe et al. 2008) and that the effects of racial dynamics may not be equal across policy domains (Filindra 2013). Others suggest that population size does not measure threat but political power of out-groups (Provine and Chavez 2009; Marquez and Schraufnagel 2013) or inter-group contact (Boushey and Luedtke 2011). Another approach disagrees on measurement: Newman and his collaborators (Newman et al. 2012b; Newman 2013) have argued that a more appropriate measure of threat is out-group growth rates rather than absolute size. However, the field has not sought to examine critically the theoretical basis for these analyses. Are we attaching the right indicators to the right theory? Do our results mean what we think they mean?

The purpose of this study is to offer a theoretically-driven critique of this growing literature and map out the various theoretical and methodological perspectives in order to prompt a debate on best practices for theory and measurement in the field of immigration policy studies.³ In this study, I bracket the very crucial issue of conceptualization of the dependent variable and focus on one set of key independent variables, those that measure population size or growth in one way or another. I also bracket the equally important issue of how other independent variables are conceptualized and measured.⁴

My analysis shows that scholars have sharp disagreements as to what theory corresponds to population indicators. Some draw from classic perspectives on racial threat that argue that the size (and/or growth rate) of out-groups measures fears of political loss among native whites and such fears translate through the legislative process into policies that restrict and disfavor the relevant outgroups (Blalock 1960; Blalock 1967; Key 1949; Rivera 2015; Ybarra et al. 2015; Filindra 2013; Hero and Preuhs 2007). However, a growing number of scholars dispute the assumptions of threat theory though not very clearly and comprehensively. This alternative view suggests that population indicators may actually measure the political and electoral power of out-groups with large number of immigrant members (Provine and Chavez 2009; Marquez and Schraufnagel 2013). As studies of the “black insurgency” suggest, in the post-civil rights era, minority groups have political power and a variety of tools to wield it (Fording 1997, 2001; Fox-Piven and Cloward 1971). Studies that focus on interest group politics suggest that advocates for immigrant-friendly policies can have sway (Wong 2006; Tichenor 2002). At a time of increased mobilization and advocacy among Latinos and immigrants, legislators may have strong incentives to provide policy concessions to large or growing constituencies. A third, but more problematic perspective, has suggested that rather than threat, demographic indicators may measure inter-group contact (Boushey and Luedtke 2011) which social psychologists suggest serves to alleviate prejudice and encourage inter-group tolerance and understanding (Allport 1954; Pettigrew et al.

² Hero and Preuhs (2007) find a negative and statistically significant correlation between out-group size and TANF benefit amount but since this analysis does not implicate immigrants and immigration-policy, I am not discussing it in this study. Here, I only reference their analysis of immigrant inclusion in welfare programs which is the more policy-relevant question.

³ One dimension of this debate has already emerged among comparative immigration policy scholars concerning how to measure immigration policy in quantitative models and whether a unidimensional or multidimensional index is most appropriate (Helbling 2013; Bjerre et al. 2013; Boucher et al. 2014; Helbling et al. 2015).

⁴ I fully concede that other key independent variables may suffer from problems of conceptualization and theory-measurement appropriateness. Furthermore, there is no doubt that the variation in measurement of the dependent variables can and probably has contributed to the inconsistency in results. For this paper, however, I focus exclusively on challenging our theoretical basis for use of population indicators.

2011). Scholars have also sought to introduce the notion that restrictive and inclusive immigration policies are not part of a continuum but have done so with little theoretical or empirical justification (cf., Rivera 2015).

The Multiple Meanings of Demographic Indicators

Close review of the literature on state level immigration shows that researchers have been using demographic indicators of outgroup size to measure three distinct concepts: racial threat, inter-group contact and group political representation. Measures of change in outgroup size have more typically been associated with racial threat but not exclusively. Scholars are not always precise as to the theory-measure correspondence; even studies that focus on a single theoretical perspective may use multiple demographic indicators, both size and growth rates without a clear theoretical or methodological justification.

a. Outgroup Threat Measured as Outgroup Size

Studies of state-level immigration policies have focused extensively on the question of whether changing demographics influence the response of political elites in the area of immigration. The theory of group conflict or racial threat has a long history both in political science and sociology (Key 1949; Blalock 1967). The basic tenet of this perspective is that as groups compete for scarce resources whether economic, cultural, social or political, the majority group assesses the dangers posed to its primacy using the size of an outgroup as a proxy. Larger outgroups pose larger threats and therefore the majority group is motivated to use policy to mitigate such dangers to its interests and privileges. As Rivera (2015) explains, “the Latino population elicits feelings of racial threat which motivates states to pass anti-immigrant policy” (p. 14).

In public opinion studies, where the focus is on native group attitudes towards immigrants and related policy preferences, the application of threat theory is fairly straightforward. Assuming that people have a fairly good understanding of local or national population proportions,⁵ the expectation is that in areas with large numbers of outgroups or where the size of outgroups is growing, the level of intolerance among natives may be higher as well (Rocha and Espino 2009; Newman 2013; Quillian 1995). Studies have also used perceptions of outgroup size or growth rate to substantiate a racial threat effect (e.g., Filindra and Pearson-Merkowitz 2013b). Recent advances in the field suggest that the growth rate of immigration produces distinct results in areas that have large immigrant communities and thus a history of immigrant integration compared to new destination communities where the presence of immigrants is a new phenomenon. Specifically, analyses show that among locales with large immigrant populations, growth in immigration produces more tolerance. The opposite is true for areas with small such populations (Newman 2013). The literature has also sought to distinguish between two types of threat, realistic and cultural, with findings supporting a stronger role of cultural threat (Newman et al. 2012a) but also fears stemming from economic concerns (Filindra and Pearson-Merkowitz 2013b; Jacobsen et al. 2016).

All articles included in this review make some reference to racial threat; their differences lie in whether they distinguish between types of racial threat (i.e., realistic v. cultural) and in the indicators they use to measure racial threat. For example, Monogan (2013) suggests that politicians get electoral benefits from scapegoating immigrants and attributing a variety of social problems to them, alluding to a realistic threat dimension. Similarly, Filindra (2013) suggests that

⁵ This is not a trivial assumption: first, there is strong evidence that the mass public has little political information overall (Delli Carpini and Keeter 1996; Zaller 1992); second, studies of innumeracy present inconclusive results as to whether people have a strong understanding of demographics (Nadeau et al. 1993; Sigelman and Niemi 2001; Alba et al. 2005; Wong 2007; Herda 2010, 2013).

welfare restrictions on immigrants may stem from concerns about the distribution of economic burdens across groups.⁶ Conversely, Newman et al. (2012b) focus on cultural threat, which they label “the acculturation threat hypothesis,” arguing that change in the demographics of a local area is akin to cultural shock, magnifying the perceptions of linguistic and normative differences between the natives and the newcomers. Similarly, Wallace (2014) suggests that cultural concerns led states to target Latino immigrants with intensified law enforcement programs.

Although frequently used, the application of racial threat theory is not as simple when it comes to studies of policy outcomes, especially those that implicate policies developed in the post-civil rights era in the United States. Applying racial threat theory to policy introduces an important mediating variable: the legislator and his or her electoral calculus. In the contemporary context, the assumption that legislators represent the interests of the white majority is a very strong one to make given the political empowerment of minorities and the changing demographics of the polity.

In many other countries the principle of *jus sanguinis* prevents people who are not co-ethnics from achieving citizenship; because the exclusion is based on ascriptive characteristics, it extends to generations of racial and ethnic “others” who are born in the country. By contrast, the American law of *jus soli* and the principle of naturalization enable people from minority immigrant communities to gain citizenship and along with it political rights. Prior to the civil rights movement, when state and federal laws allowed for the exclusion of people from the franchise on the basis of race and nativity, policy reflected the power dynamics existing under Jim Crow (Key 1949). In this privileged context, it was expected that 1) legislatures expressed the interests of the white majority and were sensitive to concerns stemming from inter-group competition; 2) locales with large concentrations of outgroups were *more* likely to enact policies that stem the advancement of minorities and preserve majority privileges. In this view, the size of the out-group represents a constant threat for the majority regardless of time and level of incorporation.

The legal changes introduced by the Voting Rights Act, combined with the growing size of minority communities, especially Latinos and Asians have changed both the racial composition of legislatures and the electoral calculus of individual legislators (Robinson 2002; Preuhs 2005, 2006; Filindra and Pearson-Merkowitz 2013a). As such, this perspective does not account for the rising political power of minorities that has taken place in recent decades (Fording 1997). The political empowerment of minorities as reflected in their size conditions the policy response of the state (more on this below and on authors who acknowledge this reality).

In a similar vein, Blalock (Blalock 1960; Blalock 1967) specifically cautions against using population size as a proxy for threat, arguing that minority population size needs to be weighted by group resources and ability to mobilize these resources as compared to the same measures for the majority group. Having large numbers connotes political power only if the group is endowed with politically-relevant resources (Blalock uses mean education as a proxy) and is operating in an institutional environment that allows for the mobilization of these resources (Blalock uses voting rates as a proxy for mobilization). Table 1 shows that eight of the fourteen studies reviewed here use the absolute size of the relevant population as a measure of inter-group threat.

[TABLE 1-HERE]

One productive direction to overcome these difficulties is the one taken by Rivera (2015) who developed a measure of state hostility to immigrants based on public opinion data. The state literature has long used aggregates of attitudinal data as a proxy for the political and ideological preferences of the population (Erikson et al. 1993; Berry et al. 1998). Measures of public opinion are also prevalent in the policy responsiveness literature more generally (Wlezien 1995; Soroka

⁶ Some authors use state economic conditions and education levels as proxies for realistic threat. Others use these variables as a measure of the state’s economic health and thus ability to spend on different types of programs with fiscal impact. A more detailed discussion of the proper use of such indicators is also needed, but it is outside the scope of this paper.

and Wlezien 2005; Manza and Cook 2002). The development of large scale surveys such as the General Social Survey, the American National Election Survey and especially the Cooperative Congressional Elections Study (CCES) along with the emergence of new techniques that allow estimation from small samples enables scholars to estimate state-level scores on issue preferences. For example Brace et al. (2002) developed such scores for abortion, racial integration, capital punishment, welfare and a number of other policy domains.

b. Outgroup Threat Measured as Outgroup Growth Rates

More recently, researchers have posited that the absolute size of an out-group may not be what drives threat and subsequent policy responses that seek to disadvantage outgroups. The ratio of majority and minority groups in a state changes relative slowly so the majority has time to respond to large out-groups. Furthermore, elected officials need to take into account the preferences of large minority groups. What is more threatening to a majority group's dominance is not necessarily the absolute size but the rate of growth of an out-group. The growth of an out-group increases its visibility in communities that may have had little experience with a specific minority. Growth rates provide information about the future potential of an out-group to challenge the majority group's position and thus the dominant group is expected to be more likely to respond to change in the size of an out-group rather than the absolute size of a minority group (Hopkins 2010; Newman 2013).

This perspective seems more attuned with social psychological theories that discuss how people respond to real or perceived positive and negative change. Given the asymmetry between losses and gains, members of the majority are more likely to engage in collective action when they perceive the change in demographics as detrimental to their interests or social position (Kahneman and Tversky 1979; Quattrone and Tversky 1988; Zaal et al. 2011). The "rate of change" position is also less vulnerable to a contact theory argument. Although it may be true that an increase in the number of out-group members in a community provides more opportunity for inter-group contact, this is unlikely to happen in the short-term horizons that govern policymaking.

However, conceptual issues remain even when theorizing shifts to change in population dynamics. First, expectation may be different depending on the baseline size of the population: high growth rates in states with existing large out-group populations may have very different effects than high growth rates in states with smaller out-group populations (Graefe et al. 2008). Even when arriving at a high rate, new out-group members may not be as visible in an already large out-group community. However, a high rate of out-group member increase may be noticed and rise concerns in a locale where the size difference between the majority and the minority is substantial. This suggests that there may be an interaction between size and rate of growth, but the literature has not looked at conditional relationships.

One possible indication that the change in the size of an outgroup population is a more appropriate proxy for out-group threat comes from studies that use attitudinal survey data which include respondents' assessment of change in the immigrant population in their state or localities. One such study finds that perceptions of growth in the size of the immigrant population correlate with support for immigration restrictions among natives (Filindra and Pearson-Merkowitz 2013b). However, more studies are needed to establish the validity of this and other measures.

A further wrinkle in the "growth rate as threat" hypothesis is that researchers have used it to theorize about two distinct types of threat: realistic and cultural. In some accounts, the change in the social environment that results from high rates of growth in out-groups produces "acculturation stress" and fears that the majority group's cultural markers and values are under threat (Newman et al. 2012b; Newman 2013). Some use terms such as "political threat" and "cultural threat" interchangeably, implying that either both are materially based or neither has a material grounding (Boushey and Luedtke 2011). For example, studies blur the lines between the two types of threat when using out-group growth rates as a measure of "anti-immigrant anxieties" stemming from

nativism which they define as a combination of realistic threats (e.g., use of public resources) and concerns related to “other-ness” including incompatibility of social values (Ybarra et al. 2015). A more productive effort at empirically differentiating between types of threat is Wallace’s (2014) use of rate of Spanish language usage as a proxy for cultural threat which allows her to conceptualize demographic change variables more precisely as indicators of realistic threats.

Much like the absolute size measures, the “demographic change as threat” measure is vulnerable to problems related to dependent variables. This is especially the case for studies that differentiate models based on the direction of the policy (pro/anti-immigrant). In such models, the expectation is that threat should operate in opposite direction: it should correlate positively with anti-immigrant legislation and negatively with pro-immigrant legislation. Yet, as I indicated above in Rivera’s analysis (2015), this is not always the case. For example, Boushey and Luedtke (2011) find that “percent change in foreign born population,” their measure of “racial threat” correlates positively with both dependent variables. However, this inconsistency is not substantively discussed in the article. This puts into question the validity of these measures since the literature does not provide clear guidance as to how to better match measures, dependent variables and theories.

c. Advocacy and Representation of Interests

Latinos and other minority groups are not just large constituencies threatening the interests of a white majority. In some states, minority groups have already reached the status of “majority-minority,” meaning that collectively they represent more than half of the state population. Demographers expect that this will be true for the nation as a whole later this century. In the post-civil rights era, Asians and Latinos have emerged as politically important and powerful groups capable of pushing for their own agenda (Ong et al. 2008; Jackson 2011; Garcia-Bedolla 2009; Bedolla and Michelson 2012). Although both groups have found a political home primarily in the Democratic party, the Republican party has sought to attract voters from these communities with some success (de la Garza and Cortina 2007; Lopez and Minushkin 2008). In addition to the emergence of groups with large proportion of immigrant members as powerful constituencies, studies by immigration scholars have documented the important role that advocacy groups and social movements have played in pushing for more rights for non-citizens (Tichenor 2002; Wong 2006; Pallares and Flores-Gonzalez 2010; Nicholls 2013). Taken together, such arguments suggest that in a democratic polity, size connotes representational power not only for majorities but also for minorities.

The role of advocacy and political engagement as drivers of legislative responsiveness has been explored in the literature on the welfare state (Fording 1997; Brooks and Claggett 1981; Keech 1968). Scholars have developed numerous theories on the link between public opinion and policy outputs, with many suggesting that the effect of the mass public is contingent on a variety of factors (Manza and Cook 2002; Lax and Phillips 2009). A full review of this literature is beyond the scope of this article. However, scholars of social movements have long posited that social mobilization of marginalized groups can force elites to make policy concessions, effectively increasing legislative responsiveness to the demands of outgroups (Fox-Piven and Cloward 1971; Fording 1997).

The underlying assumption of representation-based or responsiveness-based arguments is that the group size can be used as a proxy for the organizational and electoral power of a group. Scholars in this tradition also tend to assume that the policy preferences of racial groups are uniform, at least in the domain of immigration. A second unstated assumption is that the policy preferences of group members who are citizens and the policy preferences of non-citizen members are similar (cf., Newton 2000; Branton 2007; Branton et al. 2014). Therefore, a well-established, politically powerful minority community is well positioned to protect new-comers who are

members of the group and demand protective and integrative legislation from the state (Provine and Chavez 2009).⁷

A representative example of how most studies discuss representation issues is the one provided by Marquez and Schraufnagel (2013) who state that in states where “the Hispanic population represents a significant voting bloc, it is easy to imagine more liberalizing policy changes” (p. 351). Similarly, Creek and Yoder (2012) link representation to the growth rate of the Latino population in suggesting that “a state’s Hispanic population would be most affected by and most attentive to state participation in the 287(g) program, so as this percentage increases, so too will lawmakers’ weariness of offending this growing segment of the electorate” (p. 679). Monogan (2013), on the other hand, introduces representation of majority interests as was the case in California in the early 1990s, but also recognizes that such a strategy may be of limited value precisely in the context of large minority voting blocs with potential to get even larger in the future.

Similar problems emerge when a representational argument is attached to an out-group growth indicator. Setting up theoretical expectations based on this perspective is not very easy. On one hand, it is likely that as the size of a new constituency grows, political elites may be more likely to attend to their needs and demands in order to cultivate future loyal voters. On the other hand, the growth of challengers may incentivize elites to attend to the demands of established constituencies (Creek and Yoder 2012). A parallel exists in this respect to the size perspective and expectations of when legislators may view a growing out-group community as an electoral opportunity or as a challenge may not be different (Fording 1997, 2001).

The first issue to be grappled with is that scholars who advance a Latino representation argument expect the direction of the correlation coefficient between group size (or growth rate) and policy outcomes to be in the exact opposite direction than do threat scholars. In fact, some models do show such a relationship, especially with dependent variables that measure pro-immigrant policies but not exclusively (Provine and Chavez 2009; Boushey and Luedtke 2011; Zingher 2014). In addition to opening up the issue of measurement of the dependent variable and model specification (more on this below), such findings beg the question of theory-measurement consistency and what does group size really measure in the context of policy models.

Both the theoretical and the empirical problems are further complicated by research that suggests a non-linear relationship between group size and policy outcomes, or a moderated relationship that implicates size and growth rate. Unlike the unstated assumption of a linear relationship which seems to predominate the immigration policy literature, welfare policy scholars have suggested a U-shaped, curvilinear relationship between group size and policy responsiveness (Keech 1968; Fording 1997): when the size of the out-group is very small, responsiveness should be high because the cost to the majority group is low and attention to the issue by the majority is low. Responsiveness is expected to decline as the size of the population grows, but it should start increasing again once a certain threshold is met. This is because once the outgroup reaches a certain size, political actors cannot ignore the votes of a large minority group. In a similar vein, scholars in the immigration domain have suggested that the effects of group size on policy may be subject to a threshold (Graefe et al. 2008). Others suggest that the effects of threat when measured as group growth rates may be heterogeneous by preexisting group size, or that traditional gateway states with large immigrant populations behave differently than new destination states (Graefe et al. 2008; Newman et al. 2012b; Newman 2013).

Ideally, an advocacy or policy responsiveness argument should be tested with data on immigrant advocacy or public opinion. In the context of African-Americans and welfare expansion, studies have looked at “black insurgency” as a way to measure the political activism of the black

⁷ A different version of the advocacy argument, one that focuses on the role of business interests has been explored by Commins and Wills (2016). The role of economic interests is important but falls outside the scope of this paper.

community (Fording 1997; Fox-Piven and Cloward 1971; Fording 2001). However, no such dataset exists to-date, thus researchers opt for demographic data as a proxy for political power. This theoretical perspective suggests that locales with larger concentrations of out-groups are *less* likely to enact legislation that hurts the interests of the minority and *more* likely to enact policies that advance minority demands.⁸

At least one scholar has sought to minimize the measurement problem by using aggregate data on Latino voters (Zingher 2014). The use of CVAP may be an improvement compared to the percentage of the population measure, but that may depend on the correlation between Latino population size and Latino voter size. A more productive approach is offered by Graefe et al. (2008) who measure political power of groups through measures of the electoral participation of Latinos and other minorities in state elections. Since their focus is welfare policy, the authors use a measure of percent of welfare caseloads that correspond to African-Americans and to Latinos as a proxy for realistic racial threat. Similarly to data on the number of Latino state representatives, Latino and/or minority electoral participation data could serve as a useful proxy for Latino/immigrant political influence and such data are readily available.

Another issue that needs theoretical clarification and backing is the use of multiple indicators. Some studies use both the proportion of the Latino population and that of the foreign-born population. Other combinations are Latino CVAP and percent foreign-born, and a public opinion measure of immigration attitudes and percent Latino. Yet, studies do not provide a thorough analysis of inter-correlations nor do they always clearly justify the theoretical basis for using these measures.

d. Intergroup Contact

A third paradigm, drawing from social psychology, posits that inter-group contact mitigates threat because it produces empathy (Allport 1954; Pettigrew 1998). In the context of immigration policy, there is substantial evidence that meaningful contact between members of different groups alleviates prejudice and leads to more out-group friendly policy preferences among members of the dominant group (Pearson-Merkowitz et al. 2015; Pettigrew 1997; McLaren 2003).

When used in the context of political dynamics and policy, contact theorists suggest that the presence of large out-group concentrations among members of the majority provides the opportunity for inter-group contact, learning and cooperation. Although contact theory has been explicitly developed at the individual level and focused on actual relationships between people (cf., Schiappa et al. 2007), some studies have applied the theory to the social domain, arguing that the presence of large out-groups in a community should lead to more minority-friendly policies. Specifically, Boushey and Luedtke (2011) suggest that the presence of large numbers of Latinos in a state can be understood as a measure of inter-group contact because this increases the likelihood of positive interactions between members of the majority and minority groups. The suggested underlying mechanism in this perspective is time: the presence of large out-group communities is taken to mean that there is a longer history of minority settlement in some areas and thus more of an opportunity for understanding and accommodation to develop. Therefore, a contact theory perspective anticipates that locales with large concentrations of outgroups are *less* likely to enact policies that harm minorities and *more* likely to enact policies that ameliorate their position.

There are several concerns with this theoretical approach when it is applied to policy. First, V.O. Key (1949) and scholars of segregation (Landis et al. 1984; Bobo and Zubrinsky 1996; Massey and Denton 1998; Semyonov and Glikman 2009) have shown that the presence of large minority groups in the vicinity of white neighborhoods can increase intolerance and support for anti-minority policies that perpetuate segregation. Second, the application of the theory requires

⁸ Time is an important mechanism in this perspective as well: the size of the group is a proxy for the time it has been in the area and the opportunity to develop political clout.

individual level data that substantiate contact. Aggregate demographic data especially when measures of racial segregation are not included in the model cannot capture either the level or the quality of intergroup contact that may exist in a locality. Absent additional measures that may more closely track the opportunity and likelihood of contact, the suggestion that demographics alone can be used as a proxy for the presence of meaningful inter-group relationships is not tenable.

e. Bringing in the Dependent Variable: Policy Dimensionality and Demographics

Another complication in the way demographic proxies are used has to do with the conceptualization of the dependent variables. Doing fairness to this issue requires a separate, comprehensive review grounded in recent methodological discussions and advancements (Helbling 2013; Bjerre et al. 2013; Boucher et al. 2014; Helbling et al. 2015). Here, I will limit the discussion to points that have implications for the theorizing and measurement of population dynamics.

Scholars have introduced the idea that immigration policies may not fall on the same dimension but this hypothesis has received little empirical scrutiny. This type of argument assumes that restrictive and integrationist policies do not fall on a single continuum but rather load on two different dimensions. Some studies present separate models for restrictive and immigrant-friendly policies without strong theoretical or empirical justification for doing so (Boushey and Luedtke 2011; Marquez and Schraufnagel 2013; Provine and Chavez 2009). When these analyses include the same demographic proxies, they seem to suggest that in one case (anti-immigrant policy), the size of the Latino or foreign-born population is a proxy for threat, but in the other case (pro-immigrant) it is a proxy for Latino electoral strength. An exception is Rivera (2015) who has sought to provide a theoretical basis suggesting that legislators heed the demands of a large Latino electorate but only with symbolic, inconsequential pro-immigrant legislation which is likely to escape the attention of the native-born majority. This argument seeks to tie not only the direction but also the scope of the effect of the legislation to theories of threat and representation. However, it does little to mitigate the problem of using the same proxy to indicate two different theoretical constructs.

A second approach differentiates not between friendly and hostile policies but rather policy domains. Filindra (2012) distinguishes between welfare and healthcare policies for the poor arguing that because of differential federal incentives, the size of out-group populations may play a different role in the political calculus of state legislatures. Working within the threat paradigm, she expects that outgroup population size correlates with welfare policy restrictions that target immigrants. However, in healthcare, where the federal government requires emergency room access to all regardless of status or ability to pay, the author argues that legislatures have a strong economic incentive to include immigrants in Medicaid programs. Therefore, her expectation is for null effect of threat. A distinction based on an exogenous factor such as federal incentives may be theoretically defensible, but it still does not clarify the prior problem of what is the best way to match theories and indicators in studies of policy outcomes.

Conclusion

The study of drivers of immigration policy-making in the states has generated substantial enthusiasm among scholars but the results of our collective efforts to substantiate the role of racial factors in this domain have been marred in theoretical and methodological confusion and inconsistencies. The data as currently have been analyzed seem to suggest a possible correlation but given the use of the same indicators to defend opposite theoretical expectations. Moving forward in this field, we need to have a discussion as to the most appropriate measures for the theoretical constructs of interest. Population-based measures were developed in an era when survey data were scarce, especially at the subnational level. Today, this is less so the case. The discipline has successfully used targeted measures of policy preferences based on survey aggregates. Data on advocacy and social mobilization are also urgently needed if we are to test the

theory of Latino political representation more effectively. Also, new data on policy are being developed and ideas being generated as to how we should best measure and code policy outcomes. While these advancements in data and methods are taking shape, we now have the opportunity to follow the lead of comparative immigration policy researchers and collectively rethink our theories and our methods and provide a set of best practices that will allow for the testing and refutation of clear hypotheses and the generation of new knowledge.

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Table 1. Conceptualization and Measurement of Threat, Contact and Minority Representation			
	Threat	Contact	Minority Representation
Hero and Preuhs (2007)	% black %Latino %FB		
Graefe et al. (2008)	% of welfare caseloads that are black % of welfare caseloads that are Latino		% of voters Latino, black, Asian
Provine and Chavez (2009)	Δ in % Latino		% Latino
Boushey and Luedtke (2011)	Δ in % FB	% FB	
Creek and Yoder (2012)			Δ in % Latino
Filindra (2012)	% black %Latino %FB		
Newman et al. (2012b)	% FB Δ in % FB		
Filindra and Pearson-Merkowitz (2013a)	Δ in % FB		% state legislators who are Latino
Marquez and Schraufnagel (2013)	% Latino Δ in % FB		% Latino
Monogan (2013)	%FB		
Wallace (2014)	Δ in % Latino Spanish usage		
Zingher (2014)	% FB Δ in FB		Latino CVAP
Ybarra et al. (2015)	Δ in % Asian Δ in % Latino Δ in % white Interactions of Δ variables		
Rivera (2015)	% Latino Public opinion		
Commins and Wills (2016)	% FB		