

# The Representation of Non-Citizen Latinos: Project Overview

*“the blunt truth is that politicians and officials are under no compulsion to pay much heed to classes and groups of citizens that do not vote.” V.O. Key (1949)*

## 1.1 Introduction

According to political scientists such as Mayhew (1974) and Arnold (1990), the primary goal of lawmakers is to be reelected. Following this argument, elected officials should have no incentive to represent non-citizens living in the United States as these individuals are unable to vote and therefore, cannot provide legislators with direct electoral support. Despite this assumption however, recent political activity demonstrates that representation of non-citizens is nonetheless occurring. In 2012 alone, while numerous bills, particularly at the state level, were being proposed and passed to restrict non-citizens living in the U.S., the President and many federal and state elected officials were working to provide both legal and undocumented immigrants rights and access to certain benefits such as in-state tuition rates, driver’s

licenses, and healthcare.

In June 2012, President Obama issued the Deferred Action for Childhood Arrival (DACA), a memorandum to defer removal of certain undocumented young people who have pursued education or military service in the United States. While DACA was not seen as measuring up to the DREAM Act, a failed piece of federal legislation to provide a conditional path to citizenship for qualifying undocumented youth, it was seen by many as a move to benefit the non-citizen, and particularly the Latino non-citizen population.<sup>1</sup> While DACA does not provide a path to citizenship for individuals who are undocumented, it does allow them to stay in the U.S. for a two-year period, subject to renewal, and qualify for a work permit. According to the Department of Homeland Security, this program has the potential to benefit up to 1.7 million undocumented persons between the ages of 16 and 30 living in the U.S.

Beyond the action of the President, lawmakers have also been pushing for measures to aid immigrant groups. With encouragement from the President, the U.S. Senate has recently begun work on a comprehensive immigration reform package that, as currently proposed, would provide a path to citizenship for unauthorized immigrants.<sup>2</sup> At the state level, there has also been a recent increase in attention to immigration-related issues. According to the National Conference of State Legislatures, while 300 bills related to immigration and immigrants were introduced in state legislatures in 2005, 1,607 such bills were introduced and 306 were enacted in 2011. For all such bills proposed and passed for the entire time period between 2005 and 2011, see Table 1.1.

While many of these measures are seen as restrictive to immigrants and non-citizens, others have provided a wide range of benefits to these individuals. Starting

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<sup>1</sup> A number of immigrant advocates, however, actually came out against this move claiming that it does nothing to guarantee applicant relief from deportation (Dade and Halloran, 2012).

<sup>2</sup> For an outline of this plan see: <http://apps.washingtonpost.com/g/page/politics/bipartisan-framework-for-immigration-reform-report/27/>.

Table 1.1: State Legislation Related to Immigrants or Immigration: 2005-2011

<b>Year</b>	<b>Introduced</b> (Bills and Resolutions)	<b>Total Passed</b> (Laws and Resolutions)
2005	300	39
2006	570	96
2007	1562	290
2008	1305	270
2009	1500	353
2010	1400	346
2011	1607	306

in 2001, states began to enact laws to allow non-citizens, particularly those who are undocumented, access to in-state college tuition rates. As of 2012, 12 states (Texas, California, Utah, Nevada, Washington, Illinois, Kansas, New Mexico, Nebraska, Wisconsin, Connecticut and Maryland) had enacted such laws and many others (including Colorado, Oregon and Massachusetts) were taking steps to do the same.<sup>3</sup> In addition, recent actions have been taken to provide non-citizens access to driver's licenses. Prior to President Obama's Deferred Action plan, only two states (Washington and New Mexico) had established laws allowing illegal immigrants to obtain driver's licenses. According to the National Immigration Law Center, since Obama's announcement, 28 additional states have confirmed that DACA recipients are now eligible for licenses.<sup>4</sup> Other laws proposed and passed at the state level concern issues such as access to health care and medical insurance for non-citizen immigrants. The California state government in particular has been active in passing laws to expand Medicaid coverage to qualified non-citizens and provide immigrant children with free health screenings. Other measures taken by California include

<sup>3</sup> This information was obtained from a National Conference of State Legislators report, which can be found at: <http://www.ncsl.org/issues-research/educ/undocumented-student-tuition-state-action.aspx>.

<sup>4</sup> This information was drawn from a 2013 National Immigration Law Center report, which can be found at: <http://www.nilc.org/dacadriverslicenses.html>

those to expand immigrant eligibility for food stamps and cash assistance programs.<sup>5</sup>

Given this evidence, the question becomes WHY is this activity occurring? Why, when we ordinarily view representatives as being driven by reelection incentives, are they proposing and passing laws to benefit a non-citizen and therefore, non-voting population? In this dissertation, I work to answer this question by examining the substantive representation of non-citizen Latinos in the United States.<sup>6</sup> Focusing on legislative activity at the state level in particular, I assess both the roll call voting and bill sponsorship behavior of lawmakers in four states: Arizona, California, Florida and North Carolina. To supplement these results, I also draw on survey responses collected from state lawmakers in seven states: Arizona, California, Colorado, Florida, New Mexico, New York and North Carolina.

Expanding on traditional theory, I assess both the short-term and long-term reelection goals of lawmakers. I find that a particular subset of the current voting pool in a lawmaker's district (first-generation Latino citizens) and non-citizens themselves (who can be viewed as potential future voters) affect a lawmaker's decision on whether to vote for or sponsor legislation to benefit non-citizens. In addition, I find evidence to suggest that aside from electoral factors, a lawmaker's ethnic identity is also conditioning behavior. My results show that compared to all other lawmakers, Latino lawmakers in particular are significantly more likely to engage in activities to support non-citizen interests, even when electoral pressures for such activities are low.

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<sup>5</sup> This information was drawn from a 2013 National Immigration Law Center report, which can be found at: <http://www.nilc.org/benefitsca.html>

<sup>6</sup> When I refer to non-citizens throughout this dissertation, I consider both documented and undocumented individuals.

## 1.2 Project Importance

This project is important for a number of reasons. First of all, it is significant in terms of its contribution to the literature on representation. By exploring the political representation of non-citizens, I am challenging traditional theories that assume a lawmaker’s constituency only includes citizens and as a result, elected officials respond exclusively to the needs of their citizen electorate. Explorations of democratic government largely claim “the people” to be represented in a state are the citizens. As an example, Manin, Przeworski, and Stokes (1999) reiterate the assumption that under democracy, “governments are representative because they are elected.” They continue by asserting that “parties or candidates make policy proposals during campaigns and explain how these policies would affect *citizens’* welfare; *citizens* decide which of these proposals they want implemented and which politicians to charge with their implementation, and governments do implement them” (29).<sup>7</sup>

While it is true that citizens are the focus of the bulk of legislative activity, non-citizens are, at the very least, included in a legislator’s geographic constituency (Fenno, 1978), as they are counted for purposes of reapportionment, and as noted above, are being represented by many. Throughout this project, I consider these representational efforts in more detail, providing insight into how the presence of non-citizens and those who share preferences with this group, may be altering our understanding of the term ‘constituency’ and more largely, our perception of American representational democracy.

In addition to advancing our conceptual understanding of the constituency, this project takes a more nuanced approach to empirical studies within the field. Many studies of representation to date center of the question of who is represented in American society, or, in the words of Robert Dahl, “who governs” (1961). The bulk of

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<sup>7</sup> Emphasis added

these analyses examine which groups in society have the most political influence. Assessing roll call voting, policy statements, and policy outputs, many have found that income matters and specifically that those individuals with higher incomes have more political influence than those with lower incomes (Gilens, 2005; Weakliem, Shapiro and Jacobs, 2005; Bartels, 2008). Others have suggested that beyond income, factors such as a group's organizational capacity (Truman, 1951; Schattschneider, 1960; Dahl, 1961; Olson, 1965; Walker, 1991; Baumgartner and Leech, 1998; Lowery and Brasher, 2004) and rates of political participation (Griffin and Newman, 2005; McCarty, Poole and Rosenthal, 2006) are related to representational outcomes. Griffin and Newman (2007; 2008) also demonstrate how relative to minority groups, White Americans are significantly more likely to have their views represented by elected officials.

Rather than focusing on “who governs” or the degree to which one group is represented relative to another, in this study, I focus on the representation of one group, non-citizen Latinos, and how lawmakers respond to the preferences of this group relative to each other. While many scholars have analyzed minority representation, including Latino representation, none have directly considered the political representation of the non-citizen subpopulation. In addition, while many existing studies explore how district demographics and the racial/ethnic identity of the lawmaker relate to the substantive representation of minority groups (Hero and Tolbert, 1995; Cameron, Epstein and O'Halloran, 1996; Kerr, 1997; Lubin, 1997; Canon, 1999; Mansbridge, 1999; Haynie, 2001; Casellas, 2007; Preuhs, 2007; Minta, 2009; Wilson, 2010), they do not directly consider how these relationships relate to legislative strategy. In this project, I seek to clarify this link by assessing political representation from the perspective of the representatives. Expanding on reelection theories of legislative behavior, I provide explanations for *why* lawmakers represent specific subgroups in society, including those who cannot vote.

Beyond contributing to the literature on minority representation, this project remains substantively important because of the population that is analyzed. Between 2000 and 2010, the non-citizen Latino population in the United States increased from 5.6 million to 13.3 million. As this population, and especially the undocumented portion of this population has grown, its political relevance has increased dramatically. Despite focus on economic concerns, immigration and the politics surrounding the immigrant community (especially related to the Deferred Action for Childhood Arrival plan) continued to be an issue during the 2012 election (Segura and Barreto, 2012; Sharry, 2012). And, as mentioned above, states have been increasingly active in developing and passing laws that affect immigrant groups, specifically those who are not citizens. Although recent trends have shown a decrease in the number of immigrants arriving from Hispanic-origin countries (Passel and Cohn, 2009; Passel, Cohn and Gonzalez-Barrera, 2012), the overall population of non-citizens in the U.S. continues to rise. What affect will these groups have on politics in the future? And how will the distribution of this population shape future legislative strategy and outcomes? It is my hope that this project will begin to shed light on these important, yet largely unanswered questions.

Finally, this project has important implications for the study of other disenfranchised groups in society. On a broader, theoretical level, I am concerned with the motivations that underlie sub-group representation. By considering legislative motivations, my purpose is to provide insight into why lawmakers may pay attention to groups that are not apart of their immediate reelection constituency. This not only includes non-citizen Latinos, but also other non-citizen immigrants, individuals under the age of 18, and even disenfranchised prisoners or ex-felons. As elaborated upon in the theory section below, I consider how shared preferences across current voting and non-voting populations may result in increased levels of representation for these disenfranchised groups. In addition, I highlight how the potential for certain groups

to become voters in the future may condition the incentives of career-motivated lawmakers. This second point has important implications for understanding the representation of non-citizens, but may also help explain broader trends in Latino representation. Given that the proportion of Latinos under the age of 18 is large relative to other racial/ethnic populations, the future voting potential of this group is noteworthy. By considering long-term electoral goals, which I do in this project, we may be able to better understand, not only how the Latino youth population is affecting political behavior today, but also how they will affect political strategies as they age over time.

### 1.3 The Concept of Representation

Prior to explaining the political representation of non-citizens, it is useful to consider what the concept of ‘representation’ itself actually entails. In the words of Kenneth Whitby (1997), “representation is essentially a normative concept that conveys a variety of meanings about what should be the proper relationship between the legislators and citizens” (4). Political theorists have carefully considered this relationship, evaluating the normative consequences of a *delegate* orientation, in which the representative has an electoral incentive to follow the policy wishes of the constituency, as opposed to a *trustee* orientation, in which constituents entrust a representative to act on their behalf, conceding to her a sufficient amount of autonomy to act in favor of the common good.<sup>8</sup> Additionally, theorists have characterized the duties a representative has while in office. Hannah Pitkin (1967) draws a distinction between representation in which an elected official “stands for” her constituents (descriptive or symbolic forms of representation) and representation in which a legislator “acts

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<sup>8</sup> This discussion traces back to Burke (1854) and Mill (1882) and was later referenced by Pitkin (1967) and more recently Shotts (2009)



for” her constituents (substantive representation).<sup>9</sup> Much of the empirical work on representation in the literature tends to center on descriptive and substantive forms of representation and their causes and consequences. While descriptive representation refers to the extent to which a representative mirrors the demographic and social traits of her constituents, substantive representation refers to the degree to which a legislator engages in activities to meet the interests and needs of her constituents.

In the literature on Black and Latino politics, scholars have primarily assessed substantive representation by analyzing the roll call voting behavior of lawmakers.<sup>10</sup> However, while still valuable, such analyses remain incomplete as they do not capture substantive representation in its entirety. Bill sponsorship and co-sponsorship, as well as participation in deliberations, hearings, and meetings also factor into substantive representation. By analyzing these behaviors, alongside roll-call voting, one can draw more careful distinctions between different representatives and their relative levels of responsiveness to the needs and preferences of their constituents. More recent studies that do examine additional forms of responsiveness, including bill sponsorship and participation in committees, have found that in many cases, these additional substantive activities are linked to the descriptive aspect of representation (Canon, 1999; Haynie and Bratton, 1999; Haynie, 2001; Gamble, 2007; Rouse, 2011). That is, lawmakers who are descriptively representative are not only more likely to vote in line with the preferences of their constituents, they are also more likely to sponsor legislation (Canon, 1999; Haynie, 2001) and more likely to engage in

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<sup>9</sup> It is not clear from the literature whether members who are “acting for” their constituents are viewed as delegates or trustees. However, based on the argument provided by Fox and Shotts (2009), when the public evaluates the representative on the policies she chooses, that lawmaker is serving as a delegate. On the other hand, when a representative is evaluated on the outcomes her policies generate, she is viewed a trustee. In this instance then, the actual ‘act’ of the representative is the choosing of policy, not necessarily the outcome. For this reason, I regard lawmakers who are ‘acting for’ their constituents as fulfilling a delegate role.

<sup>10</sup> See for example, Swain (1993); Cameron, Epstein and O’Halloran (1996); Lubin (1997); Whitby (1997) in the literature on Black representation and Hero and Tolbert (1995); Kerr (1997); Casellas (2007) in the literature on Latino representation

committee deliberations and oversight hearings to benefit these individuals (Gamble, 2007; Rouse, 2011; Minta, 2011).

In this project, I assess the substantive representation of non-citizen Latinos while also considering how descriptive representation may be related to substantive activity. In an effort to gain a more complete picture of responsiveness, I examine not only roll call voting, but also the bill sponsorship and co-sponsorship behavior of lawmakers.

#### 1.4 A Theory of Legislative Ambition

In characterizing minority representation in particular, scholars generally tend to take on the perspective of the constituent, or those who are being represented. In many studies of both substantive and descriptive representation, the focus is not on what the representative wants but rather, what the people want and whether they obtain desired benefits. In this study, I move beyond these existing analyses to consider the viewpoint of the lawmakers. In doing so, I not only seek to explain when representation of non-citizens occurs, but also *why* lawmakers engage in behaviors to benefit these individuals. Through this approach, I am expanding on both rational choice and psychological assessments of legislative behavior (i.e. Fenno (1978) and Miler (2010), among others), to take into account how lawmakers approach subgroup representation.

Drawing from the literature on the concept of representation (most notably, the work of Hannah Pitkin (1967)) and the literature on legislative motivations and perceptions (Miller and Stokes, 1963; Fenno, 1973; Mayhew, 1974; Dodd, 1977; Fenno, 1978; Arnold, 1990; Miler, 2010), I begin by developing a more detailed theory of reelection. Beyond this, however, I also consider how a lawmaker's deeper concern with policy outcomes, or her 'good public policy' goals (Fenno, 1973), may be driving behavior. In examining each of these motivations, I theoretically link lawmaker

incentives to specific substantive outcomes, mainly roll-call voting and bill sponsorship.

#### *1.4.1 Short-Term and Long-Term Reelection Motives*

To date, scholars of the American Congress have generally agreed that representatives are first and foremost interested in getting reelected and thus engage in behaviors while in office that increase their probability of electoral success (Fenno, 1973; Mayhew, 1974; Dodd, 1977; Arnold, 1990; Aldrich, Perry and Rohde, 2013). One of the most prominent scholars of legislative motivations, David Mayhew (1974), takes a rational choice approach to explaining behavior, adopting the assumption that lawmakers are “single-minded seekers of reelection” who are primarily engaged in activities to ensure electoral victory. Along these same lines, Dodd (1977) contends that the reelection goal can become “all consuming” for lawmakers and may lead them to emphasize “form over substance” rather than problem solving (271). Extending this assumption, I claim that reelection goals are important for understanding legislative behavior however, they must be broken down. My argument is that lawmakers actually hold two types of reelection goals, short-term and long-term, and that by considering these distinct goals, we will gain a more complete understanding of why representation of different subpopulations, including non-citizen Latinos, occurs.

This short-term/long-term reelection argument draws on existing dyadic theories of subconstituency representation. These theories assume that a lawmaker does not view her district as “an amorphous mass” (Bauer, de Sola Pool and Dexter, 1963, 419) but rather, as a set of distinct subgroups, including electoral (Kuklinski, 1978; Peltzman, 1984; Kingdon, 1981; Martin, 2003; Griffin and Newman, 2005), partisan (Clausen, 1973; Fiorina, 1974; Wright, 1989; Bishin, 2000; Clinton, 2006) and racial/ethnic (Whitby, 1997; Hutchings, 1998; Canon, 1999; Tate, 2003; Griffin and Newman, 2008). Richard Fenno (1978) was one of the first scholars to disaggregate

the legislative district, arguing that the legislator views her constituency as a set of four concentric circles: the geographic constituency, which is the broadest circle, encompassing all person's within a district's boundaries; the reelection constituency, which is made up of all potential electoral supporters; the primary constituency, which includes individuals who will potentially work for the representative; and finally, the personal constituency, which consists of a legislator's family, friends, and trusted advisors. Drawing from this work and existing reelection theories, I contend that legislative behavior is not driven by the interests of the entire geographic constituency but rather, the interests and wishes of the reelection constituency, as it is this group that determines a lawmaker's electoral fortune.<sup>11</sup>

When asked about their decision-making processes, state lawmakers generally support this reelection claim. By sending out personal surveys, I was able to directly ask legislators about their perceptions and the importance of different subgroups in their districts.<sup>12</sup> When asked the question, "Relative to the interests of voters, the interests of non-voters are much more important, somewhat more important, equally important, somewhat less important, or much less important?" 35% of lawmakers I surveyed (45) said non-voter interests were somewhat or much less important than the interests of voters (see Table 1.2 for all responses).

Further, when asked about the importance of various groups to their decision-making, legislators consistently ranked citizen voters, i.e. members of the reelection constituency, the highest.<sup>13</sup> As shown in Figure 1.1, when making decisions about sponsoring and voting on legislation, lawmakers said the interests of 'citizens who

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<sup>11</sup> This assumes that lawmakers are always "running scared" (Jacobson, 1987) and thus are constantly working to assure electoral victory.

<sup>12</sup> This survey was sent to elected officials of both the upper and lower chambers of the state legislature in seven states. The total sample was 934 lawmakers and the end number of respondents was 140.

<sup>13</sup> The exact question wording was: "When making decisions about sponsoring/voting on legislation, how important are the interests of the following groups to you as a lawmaker?"

Table 1.2: Relative Importance of Non-Voters: Survey Results

Question: *Relative to the interests of voters, the interests of non-voters are:*

<b>Response Option</b>	<b>Number of Respondents</b>	<b>Percent of Total</b>
<i>Much more important</i>	2	1.6%
<i>Somewhat more important</i>	6	4.7%
<i>Equally important</i>	75	58.6%
<i>Somewhat less important</i>	41	32.0%
<i>Much less important</i>	4	3.1%

always vote’ are a priority. This figure, which presents the mean importance ratings of all respondents (on a 1-10 scale, with 1 being “very unimportant” and 10 being “very important”), shows that while the rating of citizens who never vote is just over 5 (noting that these individuals are neither important nor unimportant), citizens who always vote are rated, on average, above an 8 (8.43 when making sponsorship decisions and 8.24 when making voting decisions).

While both existing work and new survey evidence confirm the importance of electoral supporters to legislators, I claim that our current understanding of the reelection constituency remains incomplete. Expanding on Fenno’s conception of the district, I argue that reelection-minded officials will not only consider the interests of their current voters, but will also work to appease a potential future voting population. Over the past 30 years, we have seen a rise in legislative careerism (Woods and Baranowski, 2006); a trend which suggests that lawmakers are not only focused on winning the most immediate election (their short-term reelection goals), but are also becoming more committed to staying in office for longer periods of time. Due to this drive to become career politicians, in addition to seeking electoral support in

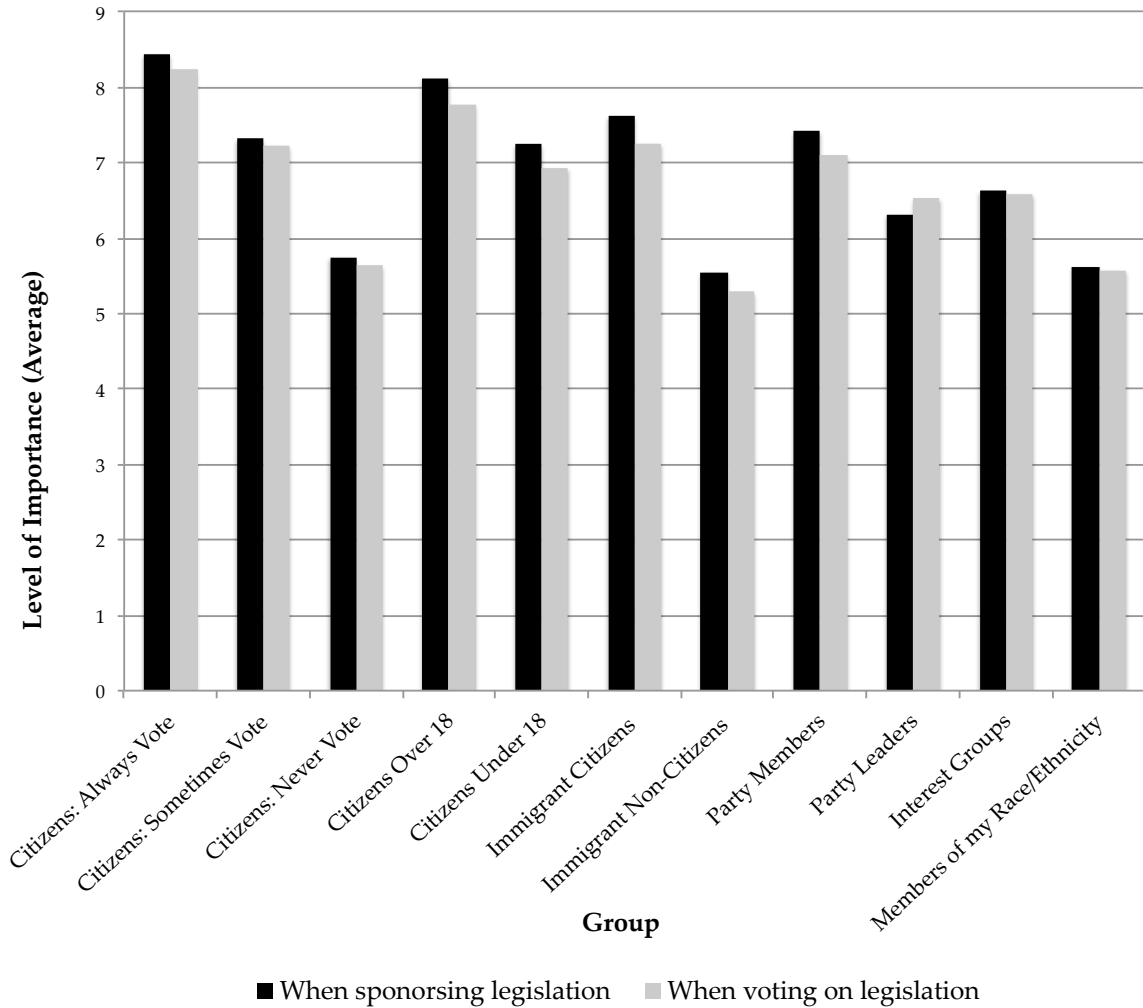


FIGURE 1.1: Importance of Group Interests: Mean of State Lawmaker Responses

the present, lawmakers will work to garner support for the future and as a result, will appeal to prospective voters. As illustrated in Figure 1.2, this means that a lawmaker does not view a single reelection constituency, as Fenno suggests, but rather, deconstructs this group to consider the needs and preferences of both short-term and long-term supporters.

When considering long-term goals however, a lawmaker must act strategically. In working to gain the support of future voters, she cannot ignore her immediate chances of reelection. Because it is risky in the short-term to pursue policies to benefit future

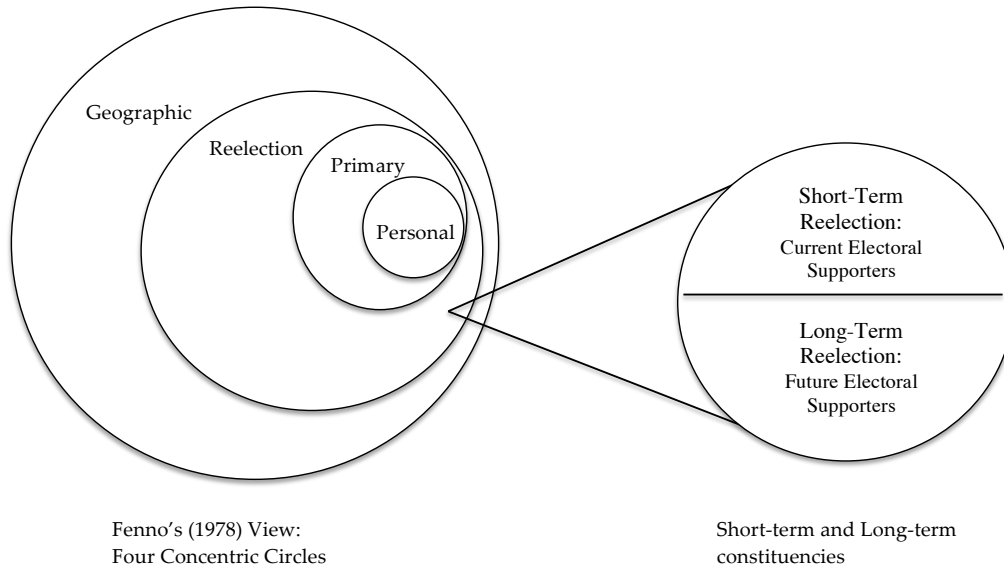


FIGURE 1.2: Expanded View of the Constituency

voting populations, I contend that lawmakers will only pursue long-term reelection goals if 1) doing so also meets short-term reelection goals or; 2) they have a significant degree of electoral security. If lawmakers are constantly “running scared” as Jacobson (1987) claims, then they will only work to meet long-term electoral goals if in doing so they incur no short-term electoral costs. Under Jacobson’s assumption, long-term goals will only be pursued when they are in tandem with short-term electoral goals, i.e. in addition to appeasing future voters, a lawmaker will also be meeting the needs of her immediate reelection constituency. On the other hand, if lawmakers are not “running scared,” they may be willing to incur some immediate costs. Particularly when a legislator enjoys a comfortable degree of electoral security she will be more likely to accept some short-term electoral losses in order to appease prospective voters and enhance the chance of continuing her legislative career beyond the most immediate electoral cycle.<sup>14</sup>

<sup>14</sup> It is important to recognize that this short-term/long-term argument is similar to one presented by Monogan (2012), who examines party competition in a dynamic environment of multiple elections. However, my approach looks specifically at the behavior of individual lawmakers, as opposed to parties. The individual, unlike the party, has more freedom to shift their position on a particular

In thinking about these two reelection goals, it is not only important to consider the motivating factors themselves, but also how these factors transpire in legislative behavior. Throughout this project, I argue that because lawmakers working to meet reelection goals are primarily concerned with gaining votes, whether it be in an upcoming November election or future elections, they will primarily be engaged in position-taking as opposed to policy-making behaviors (Mayhew, 1974). While these lawmakers may never sponsor or co-sponsor relevant legislation they will, at the very least, work to publicize their roll-call activity in order to appeal to their voters (be they current or future), even if they know a policy has no chance of passing. This being the case, I claim that both short-term and long-term reelection goals will be most clearly reflected in a legislator's voting behavior.

Figure 1.3 provides a simple, visual representation of my reelection theory in its entirety.

#### *1.4.2 The Good Public Policy Motive*

In assessing reelection goals, I begin by focusing on position-taking and most notably, the voting behavior of legislators. I am concerned with this aspect of position-taking primarily because by voting, a legislator is engaging in a relatively costless form of substantive representation. Lawmakers who actually sponsor legislation, on the other hand, are taking substantive representation a step further. While sponsorship may continue to be viewed as a form of position-taking (and would likely be classified as such by Mayhew (1974)),<sup>15</sup> it is possible that those who work to sponsor

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issue depending on the context within their own reelection constituency. In addition, and different from Monogan's argument, I do not claim that there is necessarily a trade-off between the present and the future, as appeasing a future constituency may also be in the best interest of current voters.

<sup>15</sup> This would especially be the case if bills never make it to the House or Senate floor for a vote, either because of institutional constraints or because the majority in the chamber does not consider them a priority. If this is the case, lawmakers may view sponsorship as a form of position-taking and thus may develop legislation to demonstrate to their electorate that although bills are not coming to the floor, there is still an effort being made to put these issues on the agenda.



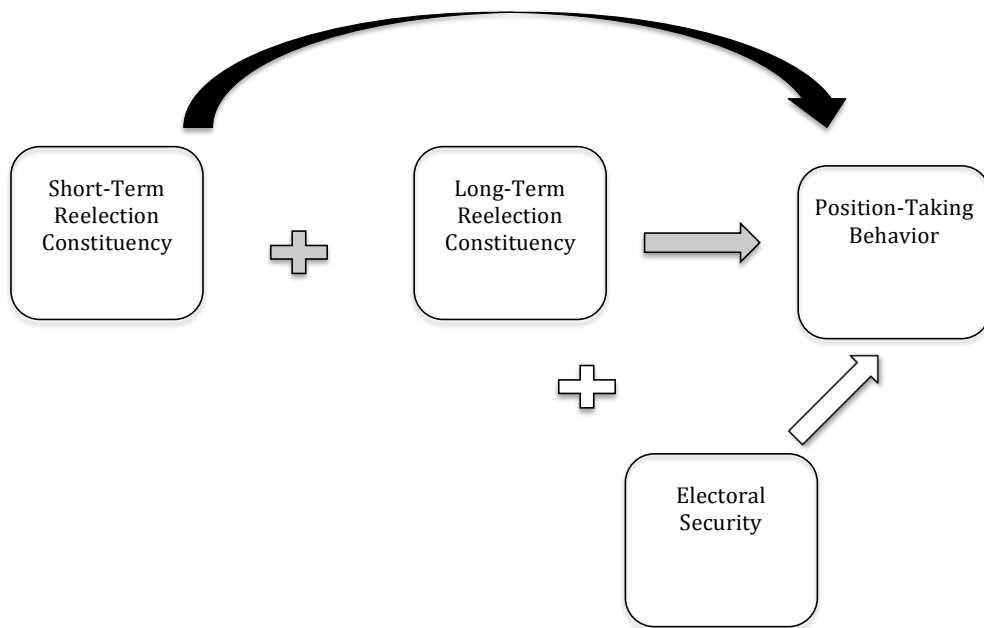


FIGURE 1.3: Short-Term and Long-Term Reelection Motives

legislation to benefit a certain group are actually concerned with *more* than their reelection prospects. This means that while short-term and long-term reelection goals may continue to drive sponsorship, it is possible that lawmakers who take the time, energy, and effort to write legislation may hold a deeper concern with policy outcomes, and are thus driven by factors beyond their electorate. This being the case, I claim that sponsorship may also be reflective of an additional legislative goal: the goal to generate “good public policy” (Fenno, 1973). Richard Fenno was the first to propose the good public policy motivation, claiming that those working to create good public policy have a strong personal interest in, and concern with, the content of legislative outputs and as a result, are willing to engage in issues that are “interesting,” “exciting,” “controversial,” and “important,” even if doing so will have an adverse effect on their chances of reelection (Fenno, 1973, 9).

In his exploration of congressional participation, Richard Hall (1996) directly explores how personal policy interests contribute to legislative behavior. Among a

variety of factors driving policy interests, one key factor Hall identifies is the group identification of the lawmaker; specifically racial, ethnic, and gender identification. The argument he makes is that lawmakers who identify with an underrepresented group in society will be more likely to hold a personal interest in policy affecting that group, regardless of the make-up of their district constituency.

While group identity may also be influencing the vote choices of lawmakers, I argue that it will be most clearly reflected in sponsorship behavior. Roll call voting may reflect a member's personal preferences on legislation, but the preferences revealed by vote choice are only those over a "censored sample" of legislative issues (King, 1989, 208-213). And perhaps more importantly, roll call votes do not reflect the intensity of member preferences over a given issue nor the lawmaker's dedication to that issue.<sup>16</sup> This suggests that, in terms of roll call voting, lawmakers with deeply seated policy concerns may not look that different from those who do not hold these concerns. Thus, for example, a White member seeking reelection in a district of Latino constituents may vote the same as a Latino member from a similar district. However, a White member lacks an "identification with, and hence a commitment to the interests of, the larger group from which the constituents come" (Hall, 1996, 192). It is this identification with, and commitment to the broader political interests of the Latino community that predisposes Latino lawmakers to not only to vote in favor of Latino interests, but also to be active in putting issues concerning this group on the legislative agenda. In this instance, identity is driving conceptions of good public policy, and bill sponsorship is a reflection of a member's effort to bring that conception into being.<sup>17</sup>

Overall, this theory of sponsorship behavior links to literature on the effects of de-

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<sup>16</sup> This has been a criticism of roll call vote analysis brought forth by many scholars of minority representation (See for example, Canon (1999) and Haynie (2001))

<sup>17</sup> This point is emphasized by Kingdon (1981).

scriptive representation (Hero and Tolbert, 1995; Canon, 1999; Haynie and Bratton, 1999; Haynie, 2001; Mansbridge, 1999; Casellas, 2007; Gamble, 2007; Minta, 2009; Rouse, 2011). If group identity is key in predicting bill sponsorship, as I suggest it is, this will ultimately support the argument that descriptive representation leads to greater substantive representation of certain minorities in society. In this dissertation, I argue that lawmakers who ‘stand for’ the interests of non-citizen Latinos will be more likely to work to provide substantive benefits to this group.

## 1.5 The Puzzle of Non-Citizen Representation

In the subsequent chapters of this dissertation, I apply the above outlined theory of legislative ambition in an effort to understand why lawmakers represent non-citizen Latinos. Before doing so, however, I must address a number of questions that this framework brings forth in regard to my question. To begin, I consider a legislator’s short-term reelection motives. In relation to my question, this part of my theory would lead me to predict that if lawmakers are representing non-citizen Latinos, then they are doing so in order to gain support from their immediate reelection constituency or current voters. However, this leaves me with a puzzle, as non-citizens are not included in the pool of current voters. If lawmakers representing non-citizen Latinos are motivated by short-term reelection goals, then who are they appealing to? By representing the preferences of non-citizens are they also supporting the interests of a broader current voting population, which perhaps includes Whites, Blacks and Latinos? Or are they representing the preferences of just Latino voters? Or perhaps a subgroup of this community?

In my next chapter, I explore these possibilities in more detail. I begin by defining non-citizen Latino interests and then work to uncover who among the broader population may share these interests. Results from public opinion data collected from numerous sources (including the American National Election Studies (ANES), the

Cooperative Congressional Election Study (CCES), the National Survey of Latinos (NSL) and the Latino National Survey (LNS)) help in answering the above questions on short-term motivations and overall, aid in tying my broader reelection argument directly to the question of non-citizen Latino representation. Through analysis in this chapter, I show that policies to benefit non-citizen Latinos are not only in the interest of non-citizen Latinos themselves (a future voting population) but are also in the interest of a specific subgroup of the current Latino voting population: first-generation citizens.

After discussing population distributions and case selections in chapter 3, in chapter 4, I begin my analysis of legislative behavior, primarily using original data on the roll-call voting activity of state lawmakers. First, in testing my short-term reelection argument, I assess whether indirect representation of non-citizen Latinos occurs as lawmakers respond to the preferences of current voters in their districts. Drawing from public opinion results presented in chapter 2, I examine whether not only the size of the Latino voting population but specifically, the first-generation Latino citizen population in a lawmaker's district, increases her probability of voting in favor of non-citizen interests. Next, I test the long-term reelection argument, assessing whether lawmakers are directly appealing to potential future voters. In particular, I examine whether the size of the non-citizen Latino population in a member's district affects her propensity to vote in favor of non-citizen preferences. In doing so, I also account for the short-term risk calculations a lawmaker makes when deciding whether or not to court these individuals.

Finally, in chapter 5, I move to explain bill sponsorship of non-citizen Latino interest legislation. First, I examine whether short-term and long-term reelection incentives continue to explain sponsorship behavior (i.e. whether this can be viewed as a form of legislative position-taking). Next, I test whether goals beyond reelection are motivating this activity. Specially, I examine the good public policy portion of

my theory, seeking to determine whether group identity and specifically, the Latino identity of a lawmaker, matters. Key to this analysis is testing whether group identity continues to motivate sponsorship *in spite* of electoral concerns or whether electoral and policy motivations work in tandem to heighten the substantive representation of non-citizen Latinos in society.

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