



Internal Enforcement: The Political Economy of Immigration

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Abstract

Over the past several years, Americans have become more aware and more vocal regarding the number of illegal aliens who have taken up residence in the United States. While this issue—and a resolution of this issue—is still being debated, many have questioned why current enforcement efforts are so lax. The focus of this paper is on the government agency responsible for the enforcement of our immigration laws, and in particular how the actions of this agency are influenced by political interests. This paper fills a gap in the literature-to-date by examining the enforcement of immigration laws within the interior of the nation. While other studies put border enforcement efforts in a political framework, this analysis is the first, to the authors' knowledge, to place interior enforcement within the interest-group theory of government framework. Our findings indicate that pressure groups shape the pattern of enforcement that emerges. Despite polls that indicate a majority of Americans favoring stricter enforcement, government enforcement agencies charged with this responsibility apparently succumb to the wishes of those that matter most politically.

“So the people we are now admitting will, quite literally, determine what our homeland is about to become.”

(Karl Zinsmeister, *The American Enterprise*)

“Corporate America owns the country . . . what it wants, it gets.”

(Patrick Buchanan, *State of Emergency*, 242)

The *raison d'être* of any law enforcement agency is, quite literally, law enforcement, and immigration authorities—no matter what they are called or where they are housed—are no exception. That is why the onslaught of illegal aliens into America over the past few decades leaves many observers mystified. Despite the passage of numerous laws putatively designed to restrict illegal immigration, the unprecedented influx continues. The nation's laws regarding entry and deportation are simply not enforced.

The U.S.-Mexican border does present some unique challenges: “No other First World country has a land frontier with a Third World country—much less one of 2,000 miles. The income gap between Mexico and us [the U.S.] is the largest between any two contiguous countries in the world” (Huntington 2000, 12). Some suggest this is the reason for poor enforcement.

Thus, according to this line of reasoning, the failure to shore up the borders and to deport those that successfully enter is due to the sheer size of the number of illegals and the vast area to be patrolled. The onslaught of illegal aliens simply overwhelms enforcement efforts. Immigration authorities cannot do the job assigned to them without greater resources, namely, greater funds to purchase high-tech gadgets and to employ more workers.

Kessler and Holzer (2006, 8) suggest an alternative explanation: the government “has made the enforcement of federal immigration laws a backburner issue, and the appointment of

unqualified cronies to fill high-level immigration enforcement positions only underscores this point.” The authors continue: “The President must replace the leadership of our broken immigration enforcement infrastructure. And Congress should demand that DHS [Department of Homeland Security] clean up its act and focus much more intently on the primary mission of immigration enforcement—stopping the flow of illegal immigrants and cracking down on employers who break the law.” Thus, woeful enforcement of the law is a function of poor management, lack of focus, and the unwillingness of Congress to lay down the law to an apparently rogue agency.

Some instead point to still another, admittedly more cynical, explanation: the level of enforcement observed is largely a function of political considerations. In this case, the enforcement witnessed is exactly the level of enforcement desired by those given the responsibility of controlling our nation’s borders and reflects the wishes of Congress. Illegal immigration furnishes employers with a large supply of inexpensive, and likely obsequious, workers. Employers find lax enforcement beneficial. On the other hand, the downward pressure exerted on the wages of native workers due to illegal aliens competing for jobs and the social services utilized by illegal aliens but paid for by taxpayers makes a more restrictive level of enforcement desirable to these groups. Thus, illegal immigration fits nicely into the framework of the interest group theory of government (see Stigler 1971). The theory asserts that public policy is shaped by the influence of interest groups. Competition between these pressure groups results in the establishment of a “political equilibrium.”

Despite this observation, “the important question of the political determinants of immigration policy has surprisingly received very little attention in the economics literature”

(Chau 2003, 194). It is the purpose of this article to shed some additional light on the influence of politics on immigration enforcement efforts.

The paper is organized as follows. A brief introduction of immigration issues and the politics of immigration is presented in the next section. This is followed by a review of the relevant literature regarding the political economy of immigration. The model and the results are next presented. Finally, the paper concludes with some comments regarding immigration enforcement.

INTRODUCTION

As Peggy Noonan reports, “The past quarter-century an unprecedented wave of illegal immigration has crossed our borders. The flood is so great that no one—no one—can see or fully imagine all the many implications, all the country-changing facts of it. No one knows exactly what uncontrolled immigration is doing and will do to our country” (Noonan 2007). Uncontrolled immigration is not hyperbole—the floodgates are open and the numbers, both to those that favor more porous borders and to those that favor more restrictions, are shocking.

Pat Buchanan (2006, 244) puts them in historical context: “There are almost as many immigrants and their children in the United States in 2006—36 million—as all the immigrants who came in 350 previous years of American history.” And the number of illegal immigrants is likewise staggering: “In 2006, we have as many illegal aliens inside our borders, 12 to 20 million, as all the Germans and Italians, our two largest immigrant groups, who ever came in two centuries” (Buchanan 2006, 243).

Increasingly, Americans have simply lost confidence in the government’s ability, and frankly even its willingness, to control the nation’s borders. And increasingly, the public’s

confidence in the agency charged with enforcing immigration laws has eroded. Perhaps the low-point was reached when it was discovered that two of the 9/11 terrorists, Mohammed Atta and Marwan Al-Shehhi, were granted change of status visas six months after they flew planes into the World Trade Center.

The failure to stop the flow of illegal immigrants and to secure the borders led to the establishment of the Minuteman Project. The Minutemen—harkening back to the nation’s origins and the day of citizen-soldiers—adopted the slogan, “Doing the job Congress won’t do,” and its members volunteered to patrol the Mexican-U.S. boundary. When the Minuteman spotted an illegal attempting to cross, the proper authorities were contacted.

Prior to 2002, the Immigration and Naturalization Service (INS) was assigned the task of enforcing the nation’s immigration laws. The INS devoted a portion of its resources toward so-called “linewatch” duties which consists chiefly of border patrol and policing points of entry and the remainder of its resources toward internal enforcement which consists, for the most part, of worksite raids, deportations, and interior patrols (Hanson and Spilimbergo 2001).

After the terrorist attack, the INS was abolished and its responsibilities were reassigned to two new agencies—the U.S. Customs and Border Protection (CBP), which conducts border enforcement activities, and the U.S. Immigration and Customs Enforcement (ICE), which is responsible for enforcing immigration laws in the interior of the country. Both these agencies are currently housed within the Department of Homeland Security (DHS).

In a subsequent paper, Hanson (2006) points out that DHS officials have discretion in how border patrol and ICE agents “are deployed, allowing them to vary the intensity of . . . enforcement against illegal immigration at the local, regional and national level” (Hanson

2006, 910). He continues, “discretion creates an opportunity for political pressure to influence enforcement activities over short time horizons (as well as through the more-protracted congressional appropriations process)” (Hanson 2006, 910).

Immigration policy, as Chau (2003, 193) points out, “creates income redistribution consequences that divorce the interests of native workers and native employers.” Native workers, who do not want to face competition for jobs nor experience the concomitant reduction in wages from greater supply, desire a more restrictive policy. Native employers, on the other hand, want a large supply of inexpensive workers and therefore favor more open borders.

Business firms have come to depend on illegal immigrants as an inexpensive source of labor. As Hedges and Hawkins (1996, 17) explain: “Illegal immigrants are flocking to the United States to take the dangerous, low-paying jobs most Americans won’t. There’s a system that keeps the illegals coming and industry humming—and the plants have come to rely on it.”

An April 7, 2006 survey conducted by the Pew Hispanic Center titled “Where they work: A breakdown on illegal immigrants” showed that the vast majority of illegal immigrants work in fields that require little education and training. Table 1 summarizes the occupational breakdown of undocumented workers in 2006.

Table 1: Occupations of Undocumented Workers

Occupation	Undocumented Workers
Service occupations	31.00%
Construction	19.00%
Production, installation, repair	15.00%
Sales and administration	12.00%
Management, business and professional	10.00%
Transportation, moving	8.00%
Farming, other	4.00%

Source: Adapted from Figure 9 in Passel, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.*

And the business firms that use the labor are thought to lobby Congress for lax enforcement. Anecdotal evidence supporting this notion exists. While politicians talk tough about immigration, behind the scenes they work to keep the spigot turned on. In 1998, workers in the onion fields of Georgia were largely illegals. INS officials conducted raids and numerous undocumented workers were arrested, but most of them fled. The farmers, who had knowingly hired the illegal aliens, were stuck with onions in the field with no one to harvest them. Soon, the farmers contacted their Congressmen and shortly thereafter, a letter from both of Georgia’s senators and three Georgia congressmen arrived at the U.S. Attorney General’s office demanding an explanation. The politicians asserted that the INS did not understand the needs of American farmers.

The agency changed tactics and “tried out a kinder, gentler means of enforcing the law” (Krikorian, 24). The personnel records of all the meatpacking plants in Nebraska were obtained, social security numbers were checked, and INS officials returned to the plants with lists of individuals deemed likely to be illegal. The operation was a huge success in terms of finding and deporting illegal immigrants.

The meatpackers and the ranchers—outraged at the INS—hired former governor Ben Nelson to lobby for them. Senator Chuck Hagel used his influence to see that this was never

repeated again. In fact, the senior INS official who thought up the strategy was encouraged to retire (Krikorian 2006).

Likewise, INS inspectors at Portland International Airport were criticized “for barring an unusually high percentage of foreigners”—a result that won the city the disparaging title ‘Deportland.’” Business leaders and airport managers were furious at the conduct of the INS—two Delta Airlines flights were canceled as a result of enforcement activity worth millions of dollars to the region.

The problem led Senator Slade Gorton to demand “consistent and fair enforcement of immigration laws” (Read 2000). Nevertheless, local INS officials “refused to budge from their position of literal application of the law” but INS regional officials promised consistent enforcement in the West Coast (Read 2000).

Economist Thomas Sowell (1981, 249) acknowledges the role of politics but expands the players: “Employers of low-paid labor have pressed for a national policy of more open access to the United States . . . while groups concerned with crime, welfare dependency, or other social problems . . . have pressed for more restrictive policies. Shifts in political strength among the contending groups of Americans are reflected in changing immigration policies and changing levels of enforcement (Sowell 1981, 249).¹

In the next section, the literature that examines the role of politics and interest group behavior in shaping immigration policy is examined.

LITERATURE REVIEW

Shughart, Tollison and Kimenyi (1986) were the first to offer a political explanation for immigration enforcement. The researchers assert that a regulator, in this case the INS,

attempts to balance the interests of two competing interest groups. In particular, the INS alters the flow of immigrants in an effort to impact the domestic wage rate, of interest to labor, and the wealth of producers,' of interest to business firms. Their analysis is limited to legal immigrants. Examining the flow of immigrants to America from 1900 to 1982, the authors found that "immigration enforcement activities vary predictably, abating during economic expansions when output and wages are rising, and becoming more vigorous during economic downturns when output and wages are falling" (Shughart, Tollison and Kimenyi 1986, 97). Claudia Golden (1994) investigated the support for a literacy test for immigrants of members of the House of Representatives. A vote in favor of the test was associated with a relatively smaller increase in wages between 1907 and 1915 in the representative's district. Timmer and Williamson (1998, 739–71) found that the nation adopted a more restrictive policy toward immigrants across time when the ratio of unskilled labor wage rate to average per capita income level declined.

Noting that "there is little systematic analysis of the factors that influence the intensity of enforcement efforts," Hanson and Spilimbergo (2001) investigated "linewatch" activity (border patrol apprehensions of illegal immigrants). The researchers assert that "firms privately lobby the government to maintain lax border enforcement" (Hanson and Spilimbergo 2001, 614) while labor unions press to keep illegal immigrants from entering. Their results suggest that "enforcement softens when the specific sectors that use undocumented workers intensively expand" (Hanson and Spilimbergo 2001, 636). Thus, Hanson and Spilimbergo were the first to find empirical support for the notion that the enormous influx of illegals into America and the perceived inability of immigration authorities to halt the onslaught is politically motivated. The authors note the dearth of

research on this topic and assert, “the gap in the literature is unfortunate, given the importance of border enforcement . . .” (Hanson and Spilimbergo 2001, 614).

Finally, Facchini, Mayda and Mishra (2007) likewise point to the role of interest groups in influencing immigration policy and acknowledge the lack of “systematic empirical evidence on this issue” (Facchini et al. 2007, 29). The researchers “take advantage of a novel dataset developed by the Center for Responsive Politics, that allows us to identify lobbying expenditures, by targeted policy area, for the period between 1998 and 2005” (Facchini et al. 2007, 4). The rich dataset enabled the authors to extract business lobbying expenditures specifically aimed at immigration policy. Anti-immigration lobbying efforts were proxied by union membership across sectors. Pressure group activities at the industry level were combined with data from the Current Population Survey and H1B visas to obtain industry-specific immigration levels. The results of their investigation “suggest that a 10% increase in the size of lobbying expenditures by business groups is associated with a 1.8% larger number of immigrants while a one-percentage point increase in union density . . . reduces it by 1.3%” (Facchini et al. 2007, 5).

The current literature, albeit limited, does point toward a political motivation to immigration policy. The so-called interest-group theory of government is consistently supported. However, such research examines legal immigration across time or focuses on linewatch activities, leaving the enforcement of immigration laws within the interior of the nation largely ignored.

One explanation for the lack of analysis of interior enforcement is that so little interior enforcement actually takes place. In a 2007 report issued by *Third Way*, Earls and Kessler note, “in 1999, 417 employers received fines for employing illegal aliens—a number that

dropped to three by 2004. Indeed, in 2004, a person was more likely to be eaten by an alligator than to be prosecuted for hiring an illegal alien” (Earls and Kessler 2007, 8). A second reason for the lack of work on interior enforcement is data limitations. Hanson (2006) explains, “For interior enforcement, measures of policy inputs are more difficult to obtain” (Hanson 2006, 910).

MODEL AND RESULTS

Fortunately, a data source yielding information concerning interior enforcement exists but has not, to the authors’ knowledge, been sufficiently mined. This data is produced by the Transactional Records Access Clearinghouse (TRAC) housed at Syracuse University. TRAC data includes referrals for prosecution by immigration authorities by state. The data point out that referrals vary widely from state to state. TRAC reports, “There often are variations that raise a preliminary question of fairness. Further exploration may turn up good explanations for the differences, but the differences on their face are worth probing” (TRAC, Regional Patterns in INS Enforcement).

Because more recent interior enforcement activities are negligible (recall the alligator attack quote), referrals for prosecution by state for the years 1996 and 1997 are used to create the dependent variable. Also, because population varies widely from state to state, the data is standardized by the estimated number of illegals residing in each state. The Immigration and Naturalization Service produced estimates of the number of illegals residing in each state for the year 1996 (see Federation for American Immigration Reform). Thus, INS criminal referrals in 1996 divided by the estimated number of illegals in 1996, and INS criminal

referrals in 1997 divided, once again, by the estimated number of illegals in 1996 for each state serves as the dependent variable.

In a 1994 document, the INS claims it “will concentrate resources in areas where the work load, or vulnerability to the integrity of our nation’s immigration policies is greatest. This requires allocating resources on the basis of risk assessment” (INS Toward 2000, 1994). Thus, an explanatory variable in the model is the number of INS employees assigned to each state in 1996 and 1997. A priori, more agents in a state is thought to be associated with more referrals.

State unemployment rates are included in the model to determine if the agency is more active in states with high rates of unemployment. On the one hand, the agency might be pressured to find illegals and to refer them for prosecution where natives have more difficulty finding jobs. Rounding up illegal aliens in states with high unemployment rates would improve the chances of a native obtaining a job.

On the other hand, Richard Vedder, along with Lowell Gallaway and Stephen Moore, examined the relationship between immigration and unemployment across the states and determined, “if any correlation, it would appear to be negative: Higher immigration is associated with lower unemployment” (Vedder 1994). Thus, immigrants are drawn to regions where the unemployment rate is low. A negative coefficient on unemployment in the model would be consistent with bureaucratic incentives to produce output identified by Cotton M. Lindsey (1976). The INS can find immigrants more easily and with less effort in tight labor markets where illegals are likely to be employed. If more active in areas where unemployment rates are low, then immigration authorities ascribe to the wisdom of Willie Sutton who explained why he robbed banks—“because that’s where the money is.”

The percentage of the workforce unionized in each state in 1996 and 1997 also serves as an independent variable. In the past, increased unionization would likely be thought to be associated with stricter enforcement—less legal and illegal immigrants that increase the supply of labor and thus likely depress wages. Declining membership, however, has led unions to reconsider their position. Eliseo Medding, Vice President of the Service Employees Union declares, “I am . . . convinced that as the labor movement is the best hope for immigrants so are immigrants the best hope for the labor movement” (McElroy 2000, 31). Buchanan concurs, “By making illegal aliens legal, unions hope to organize them and restore lost union power” (Buchanan 2006, 81).

The percentage of each states’ population living below the poverty threshold is included in the analysis to determine if poorer economic conditions exert an influence on enforcement. Also, the percentage of the population residing in more urban settings serves as an independent variable. Some cities are so-called sanctuary cities for illegal aliens and city officials might press for lax enforcement of immigration laws. In addition, larger cities might be more tolerant of illegals because metropolitan areas are typically less homogenous. The primary beneficiaries of lax enforcement are the business firms that utilize the inexpensive labor provided by immigrants. Sowell pointed out that “shifts in political strength among the contending groups of Americans are reflected in changing immigration policies and changing levels of enforcement” (Sowell 1981, 249). These same political forces that shift and change across time are likely to differ in their relative strength from state to state. Thus, this analysis seeks a cross-sectional political motivation to INS enforcement patterns.

As a proxy for business firm lobbying power, the percentage of the nation’s workforce engaged in manufacturing, the service industry, and construction within each state is entered

into the model (recall from Table 1 that the service sector, the manufacturing industry, and the construction industry accounted for 65 percent of the jobs of illegals in 2006). These are the employers most likely to exert political pressure on the INS to ease their enforcement efforts. A positive relationship is predicted indicating that as these particular type businesses play a larger role in a state's economy, the INS will be pressured to look the other way. Table 2 provides results.

Table 2: Results

	Model 1	Model 2	Model 3
Intercept	13.424 (4.68***)	12.58 (4.19***)	13.30 (4.76***)
Unemployment	-1.421 (2.83***)	-1.456 (2.86***)	-1.6 (3.21***)
Agents	0.002 (2.69***)	0.002 (2.50***)	0.002 (3.23***)
Union	0.157 (1.54)	0.218 (2.03***)	0.231 (2.27***)
Poverty	0.217 (1.46)	0.230 (1.52)	0.24 (1.68)
Urban	-0.105 (3.61***)	-0.112 (3.93***)	-0.112 (4.48***)
Construction	-1.029 (2.05***)	-	-
Service	-	-0.79 (1.81*)	-
Manufacturing	-	-	-0.96 (2.99***)
R ² =	0.34	0.333	0.37

T-stats are in parenthesis and ***, ** and * denote significance at the 1%, 5% and 10% level respectively.

The results of ordinary least square regression support the notion that the Immigration and Naturalization Service was more active where unemployment rates were higher—an indication that the ease of finding and capturing illegal aliens impacts the patterns of

enforcement that emerge. Based on the analysis, agents have positive marginal products with more referrals for prosecution coming from districts with more INS agents.

Union membership is significantly related to more vigorous enforcement in two of the three specifications. While union opinion about immigration is most likely changing, our results indicate that the transformation is far from complete.²

The variable measuring the extent of poverty within each state was not significantly related to INS activity. However, states with a larger urban population had less enforcement activity. If city officials press for limited enforcement, this result contributes to the interest-group theory of government explanation for INS activity.

The variables that measure the extent of employment in the manufacturing, service, and construction industry in each state were all significantly related to INS enforcement as well. As these sectors comprise a larger portion of a state's economy, the INS engages in less vigorous enforcement activity (the three variables are significantly correlated so each is entered in a separate specification). The results strongly support an interest-group theory of immigration enforcement. Instead of a rogue agency that needs to be brought under the control of Congress, empirical evidence points to an agency compliant to the wishes of its sponsor, that is, Congress. And politicians want to keep their constituents—particularly those that are well-organized—happy.

CONCLUSIONS

This paper fills a gap in the literature by examining the enforcement of immigration laws by the government agency charged with this responsibility in the interior of the nation. While other studies put border enforcement efforts in a political framework, this analysis is the first,

to the author's knowledge, to place interior enforcement within the interest-group theory of government framework.

The results indicate that pressure groups shape the pattern of enforcement that emerges. Despite polls that indicate a majority of Americans favoring stricter enforcement, the INS works to please those that matter most politically. While on the surface, the lack of enforcement seems to indicate that the agency is mismanaged, simply has not been given the resources to adequately do its job, or suffers from some other unknown malady that thwarts its efforts, the interest-group model renders the perhaps inscrutable behavior of the INS clear, and even predictable. Immigration enforcement agencies, like any other government regulatory body, succumb to pressure from various interest groups.

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¹ More, recently, at a time in which many legal U.S. citizens are calling for increased enforcement against those who reside in the U.S. illegally, immigration enforcement conducted a widely publicized raid in the latter part of 2008. On August 26, 2008, U.S. Immigration officials arrested 595 people at a Laurel, Mississippi, electrical equipment plant in what was described as “the largest targeted workplace enforcement operation we have carried out in the United States to date.” (Gaynor, 2008)

² To examine why union effects in model 1 were negligible, we also tested the interaction of union and construction, as well as a right-to-work states variable. This was done to see if the degree to which unions were organized had an effect. Including these variables did not significantly affect the models.