

Immigration Bipartisanship:
Explaining The Senate Vote On The Border Security,
Economic Opportunity, and Immigration Modernization Act of 2013

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Abstract

The focus of this paper is in trying to understand why senators voted the way they did for the passage of the Border Security, Economic Opportunity, and Immigration Modernization Act. The votes were assessed on the basis of existing research which argues that members of Congress cast votes based on what their constituency wants, what their party demands, and what ideology they follow. Data was gathered on the party affiliation, immigrant population by state, and ideology of each senator in the 113th Congress who cast a vote on the bill. The data was then examined through a series of statistical analysis tests measuring the degree of influence the three variables had on the votes cast. It was determined that while all three variables had an effect, ideology had the most influence. Further research was conducted to understand why some Republican senators voted for the bill even though the party consensus was to vote against it. The results of the tests indicated that ideology and immigrant population had an influence over the Republican senators who voted in favor of the bill. The analysis of this paper concludes that senators who cast a vote for this bill were influenced by varying degrees on the three main factors that existing research indicates influences members of Congress in their decision making.

Introduction

The Immigration Controversy

Immigration reform has been a hotly contested issue in the past decade with campaign promises to fix it being made every presidential election cycle. There have been various attempts by the legislative branch, and even the executive branch, to find a solution to the immigration problem. In 2010, Congress took up the Development, Relief, and Education for Alien Minors

(DREAM) Act in order to help undocumented children. The bill would have provided a path to citizenship to undocumented children who had entered the US undocumented provided they were of good moral character, earned an education or served in the military, and had proof of having entered the US before the age of 16 (DREAM Act). The bill passed in the House of Representatives in 2010 but failed to pass a procedural vote in the Senate resulting in its subsequent demise (DREAM Act).

In 2012, President Obama issued an executive order for the creation and implementation of the Deferred Action for Childhood Arrivals (DACA) program in response to the inability of Congress to pass immigration reform. The program was similar to the DREAM Act but it differed in that it did not provide legal residency or a path to citizenship. Instead, it provided young undocumented immigrants with a work permit and the ability to apply for a social security number and a driver's licence (Anti-Defamation League). Recipients needed to show they were in school or had gotten their GED, had never been convicted of a felony, and had entered the US before their 16th birthday. The program sparked outrage because President Obama's action was seen as unconstitutional since it circumvented Congress.

A Possible Solution

In 2013, Congress took up the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) aimed at solving the immigration issue. The bill was a far more comprehensive approach to what the DREAM Act would have done since it would have allowed millions of undocumented immigrants to become residents with a potential path to citizenship (Schumer 2013). Border security was a top issue that the bill also addressed by adding up to 40,000 border patrol agents (Schumer 2013). An emphasis on talent-based migration would have

been implemented by the bill which would have been tracked by a points system (Schumer 2013). New visas were also introduced in order to meet the demand of qualified and specialized migrants (Schumer 2013). The bill also repealed the Diversity Visa Lottery program in order to put more emphasis on allowing current legal migrants living the US the ability to continue staying (Schumer 2013). Another important provision of the bill was a requirement for all employers to utilize the E-Verify system which checks whether a potential employee is legally allowed to work in the US (Schumer 2013). The bill received overwhelming support passing the Senate on a 68-32 vote with 14 Republicans supporting it (Silverleib 2013). The DREAM Act, on the other hand, saw five Democrats vote against it (US Senate). The bill would have also quelled concerns of DACA's constitutionality by providing a legislative pathway. The bill, however, was never introduced in the House leading to its demise. Speaker Boehner stated "Apparently some haven't gotten the message: the House is not going to take up and vote on whatever the Senate passes. We're going to do our own bill ... and move the legislation that reflects the will of our majority and the will of the American people" (Silverleib 2013). The focus of this paper then is to understand why senators voted the way they did on the bill given the highly polarized environment of the time. This is important to study because this was the first real bipartisan immigration bill that received overwhelming support from both the sides of the aisle. Its implementation would have had groundbreaking effects in many sectors thus it is important to analyze how such a potentially consequential bill received such support when others, like the Dream Act, failed.

The paper is organized as follows: first, existing research is presented on what factors may influence the vote of a member of Congress. The three main factors discussed are the constituency, the party, and the ideology. Second, the methodology used to carry out the tests is

explained as well as the limitations of the paper. Third, results of the tests are presented and analyzed in relation to statistical analysis. The dissent of Republican senators is also assessed through the existing literature, the aftermath of the 2012 presidential election, and the release of a GOP report. Finally, the paper concludes by presenting how the results relate back to the literature and how the three main indicators do indeed have varying levels of influence over a vote. Future directions are also presented with an emphasis on what variable ought to be considered.

A Senator's Dilemma

The existing literature on the reasons why a member of Congress votes the way they do is explained through their constituency, their party, and their ideology. The people a Congress member represents is crucial in the decision making process for casting a vote because of reelection. Mayhew argues that Congress members are “single-minded seekers of reelection” and that every decision and action they make is for the sole purpose of getting re-elected when the time comes (Mayhew 15). He elaborates by claiming that advertising, credit claiming, and position taking are all ways for a member of Congress to distinguish themselves. The party is also important when weighing voting on a bill. Davidson argues “Party affiliation is the strongest single correlate of a member’s voting decisions” (Davidson 2018: 271). This is due because members are concerned with the party’s public image of being cohesive, to have the party command a majority, and to not be ostracized from the party. The ideology of a member is equally important when faced with a vote. Davidson makes the claim that members of Congress entered politics through ideological causes and that in the contemporary Congress, partisanship and ideology are closely linked. In fact, he contends “In today’s Congress, members’ party

affiliation and ideological views overlap almost perfectly” (Davidson 2018: 280). What these varied types of research seem to conclude is that a member of Congress has a fine line to walk when casting a vote because not only must they consider how their electorate will respond but also how the party might reprimand the legislator if they buck the party while also doing what they consider to be ideologically correct based on their own ideals and ideological positions. It may be best to not even vote on a bill simply to avoid having to deal with potentially grave consequences. No senator abstained from S. 744 however, which means that the bill carried enough weight to force members of Congress to vote on it.

Methods

This paper takes a quantitative approach on the roll call vote of S. 744 in order to assess the factors influencing senators’ vote on the bill. Four variables were taken into account with three of them being tested in relation to the remaining variable which is the dependent variable. The variables, with the first one being the dependent variable, are as follows: vote, party affiliation of senator, ideology of senator, and immigrant population by state. The three independent variables follow the criteria of what influences a Congress member when voting including party, ideology, and constituency. Data for the roll call vote and the party, was collected from the US Senate (US Senate). State populations came from the US Census Bureau (US Census Bureau). For the constituency, immigration populations were taken from the Migration Policy Institute and divided by total state population to obtain the percentage of migrants living in each state (Migration Policy Institute). For ideology, data was taken from the American Conservative Union (ACU) which tracks the votes of members of Congress to see if they align with conservative values. The scorecard ranges from 0 to 100 with 0 being the least

conservative and 100 being the most conservative. It is important to note that this paper only takes into account 98 senators instead of the actual 100 (ACU Ratings). This was done because the ACU did not publish scores for senators Jeffrey Chiesa and Mo Cowan. These senators were appointed by the governors of their respective states and were only in office for a couple of months while their states held senatorial elections. Their short tenure was not enough for the ACU to measure their ideology. The senators were present and voted for the bill hence the 100 total votes in the roll call (US Senate).

The data was then entered into STATA to conduct statistical analysis. For coding purposes, a vote in support was entered as a 1 while a vote against was entered as a 0. Republicans were entered as a 0 and Democrats as a 1. The two independents were coded as a 1 with the Democrats for two reasons. One, both senators caucus with the Democrats meaning that more often than not they vote with the party. Second, for the purposes of keeping the data as uniform as possible when running the tests, it made it made sense to code the independents with the Democrats and not as a whole other group. Correlation matrix tests were run in order to assess the relationship between variables. Multiple regression tests were conducted afterwards to look at how statistically significant the relationship between the variables really were. An ordinary least squares regression test was done as a final test in order to better understand how ideology played into the overall analysis. Furthermore, particular attention was placed on the break with party from Republicans who voted for the bill by looking at the mean and median values in the ACU and migrant population of all Republican senators who voted for or against the bill. This particular analysis also looked at the GOP “Growth and Opportunity Report” from 2013 to assess Republican sentiments on immigration reform during discussion of the bill.

This paper is limited by just looking at the roll call vote and why senators voted the way they did. It does not take into account the multiple ethnicities from immigrants living in the US but rather includes all of them. The paper also only focuses on the Senate and not the House meaning that the reasoning for why the bill was not taken up is not discussed in this paper as thoroughly.

Results

Decision Making in Action

Table 1. Correlation matrix on factors influencing roll call vote

	Vote	Party	Ideology	Immigrant P~e
Vote	1.0000			
Party	0.7557	1.000		
Ideology	-0.8225	-0.9402	1.000	
Immigrant P~e	0.3309	0.2750	-0.2809	1.000

Source: STATA

For the first set of tests, a correlation matrix was used with three tests assessing each individual variable and a final one taking all variables into account. The party variable was tested which resulted in a value of 0.76 meaning that there was a strong positive relationship between party affiliation and the vote cast. A Democrat was more likely to vote for the bill than a Republican was. The ideology variable was tested next and that resulted in a value of -0.82 indicating a strong negative relationship. Since ideology came from the ACU, the data confirms that the more conservative a senator was the less likely it was for them to vote in favor of the bill. The final variable tested was the immigrant population resulting in a value of 0.33 which

shows a moderately weak positive relationship. Based on the data, it seems that a higher immigrant population did not necessarily translate to a vote in affirmation of the bill. Table 1 above summarizes the results of each variable when paired with the vote cast.

Table 2. Multiple regression for confidence level on variables influencing roll call vote

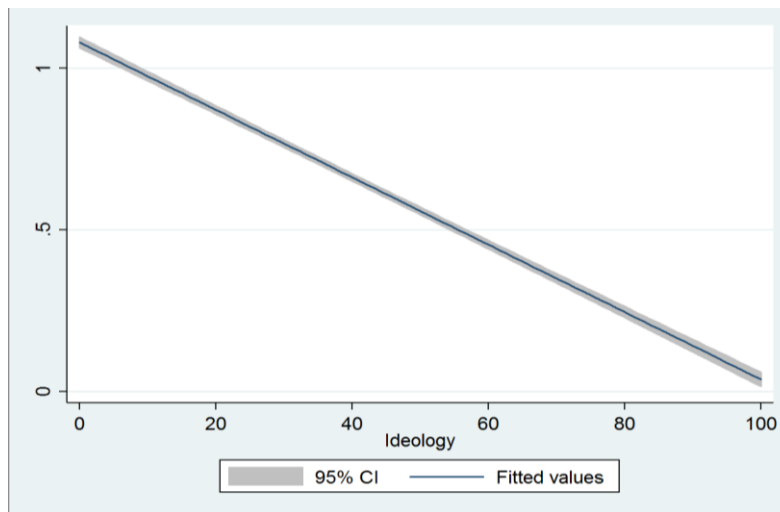
Vote	Coef.	Std. Err.	t	P> t
Party	-.0707707	.1205592	-0.59	0.559
Ideology	-.0109766	.0017723	-6.19	0.000
Immigrants	.0080523	.0045825	1.76	0.082
_cons	1.067813	.1475413	7.24	0.000

Source: STATA

The following set of tests included regression in order to determine the statistical significance of each relationship. As with the correlation matrix, four tests were conducted to assess each individual variable and a final one to put into perspective all variables in relation to each other. For party, the statistical significance was 0.59 meaning that there is only a 60 percent chance that the null hypothesis is correct when it comes to party affiliation influencing a senator's vote on the bill. Thus, it cannot be concluded that the relationship did not happen by chance. When testing ideology, the value was 0.00 meaning that there is a 99 percent confidence level that ideology influences the roll call vote. This is not surprising since the correlation matrix showed a strong negative relationship. Thus, it can be concluded that the relationship did not occur by chance. Immigration population by state resulted in 0.08 meaning that there is a 91 percent chance that immigrant population is influencing the vote. Multiple regression was conducted as a the final test to show how all the variables were in relation to one another. Table

2 above summarizes the results which seem to indicate that ideology is driving the vote more than any other variable.

Figure 1. Ordinary least squares regression on ideology and roll call vote



Source: STATA

Seeing as how ideology seems to be having the main influence on the senator's vote, a final test was conducted to see the probability of casting a vote based on ideology. An ordinary least squares regression test was used and figure 1 above illustrates the findings. The graph shows that the more conservative a senator is the less likely it is they will vote in support of the bill. The graph illustrates a downward trend bolstering the findings of the correlation matrix which was that there exists a strong negative relationship between the vote and ideology. The more liberal senators are on the left and the lower it gets the more moderate the senators become until reaching the most conservative of senators based on the ACU scorecard.

Crossing Party Lines

While the data seems to support the literature that the constituency, party, and ideology are the main factors affecting a senator's vote, it did not explicitly explain the reasons for why 14 Republicans voted for the bill when the party consensus was to vote against it. A more in-depth analysis was conducted to understand the motivation behind the Republican senators vote. The first thing done was to run tests comparing Republicans who voted "yes" and those who voted "no". The overall mean and median for the immigration population as it related to Republicans was found to be 9.08 and 7 respectively. When broken up by who voted for what, the results for mean are 9.92 for "yes" and 6.16 for "no". For median it was 8 for "yes" and 5 for "no". These results indicate that immigration population did indeed factor into a Republican senators vote since those who supported it had a higher immigrant population in their states than those voting against it who had significantly less immigrant populations. This supports Davidson's claim that the constituency is paramount in the decision making of a senator's vote. The second variable used ideology with the mean and median for all Republican senators being 77 and 80 respectively. The mean for it was 82 for "no" votes and 62 for "yes" votes. This shows that moderate Republicans vote for the bill while more conservative ones voted against it. The median for "no" and 64 for "yes". The results only bolster the claim that ideology is driving the vote since there is a great disparity between the mean and median for the "yes" and "no" votes when compared with the migrant population. They also support the argument that ideology greatly impacts decision making.

The GOP "Autopsy Report"

Another indicator that shows why so many Republicans voted for the bill lies in the results of the 2012 presidential election and the GOP response. In 2012, Mitt Romney received only 27 percent of the hispanic vote which is significantly less than what past GOP nominees

have garnered. In contrast to the Republican Party, the Democratic Party saw an increase in hispanic turnout for their candidates (Lopez 2012). Due to this egregious loss, the GOP released a report in March of 2013 title “Growth and Opportunity Report” or, as the media called it, “The 2012 Autopsy Report” in order explain the reasons for why the party was doing so poorly with minority groups particularly hispanic voters (Cillizza 2013). The report indicates that hispanic voters associate the GOP with candidates who do not want them in the country citing Romney’s infamous “self-deportation” idea of making life for an undocumented immigrant near impossible to live leading them to self deport back to their countries (Walshe 2013). The report concludes that if the party wants to continue being viable, it needs to “embrace comprehensive immigration reform” and be more inclusive with minority groups (Walshe 2013). The report came out one month before S. 744 was introduced in the Senate. It is also important to note that this bill was bipartisan from the onset. The bill was dubbed “The Gang of Eight Bill” since the authors consisted of four Democrats and four Republicans. The fact that four Republican senators helped create the bill and a total of 14 Republicans voted in favor of it seems to indicate that the election results and publication of the GOP report had some influence in getting Republicans to try and fix the immigration issue.

Conclusion

In this paper, the reasoning behind a senator’s vote on S. 744 is examined by analyzing the constituency, party affiliation, and ideology of said senators. Analysis of the data indicates that the existing literature dealing with what drives a member of Congress to cast a vote was largely correct. Party affiliation and constituency both had some degree of influence over the senators. Thus Mayhew is correct in his claim that members of Congress vote based on whether

the vote help or hinder them at getting reelected. Davidson's claim that party is intricately related to ideology is also correct given what the data shows. The most compelling piece of evidence, however, is that ideology is the main force influencing the votes. While this paper does a large overview of what may influence a roll call vote, more specific variables can be tested in future research. This paper is limited on the immigrant population variable in that the entire immigrant population of the US was taken into account. This included undocumented and legal migrants as well as refugees and other resident migrants on different types of visas. A more nuanced understanding of how this variable fits into the roll call vote can be done by narrowing down the population to undocumented migrants per state, the ethnicity of the migrants, and whether a state is closer or farther from the border. Another direction that the paper can take in the future is looking at why the bill was never introduced in the House of Representative. This paper does not dive into why Speaker Boehner did not introduce the bill besides stating his opposition to it. A more in-depth analysis can include looking at the polarization within the House of Representatives and assessing it in relation to the bill. These other directions would provide a more comprehensive look at S. 744 and its ultimate demise.

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