

**Immigrants, Markets and Rights:  
The US as an Emerging Migration State\***

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### Abstract

With the gradual rollback of the national origins quota system in the 1950s and its eventual repeal in 1965, U.S. immigration policy became increasingly liberal and expansive. This liberalization continued throughout the 1980s and was reinforced by the passage of the Immigration Reform and Control Act (IRCA) of 1986 and the Immigration Act of 1990, both of which opened the door even wider to immigration. But shortly after the passage of the 1990 Act, the political and economic climate changed dramatically, ushering in a new era of restrictionism. What sustained the long period of expansion in U.S. immigration and refugee policy? And what has led to a rise in restrictionist policies, whether in the area of legal or illegal immigration in the 1990s and early 2000s?

One explanation is that immigration is closely tied to the business cycle and the performance of labor markets in the sending and receiving countries. What we have found is that economic (push-pull) forces explain much of the variation in levels of immigration (flows) *until the 1950s*. From the end of the 1950s, however, policy effects (on flows) have increased. We argue that these increasing effects and the break with the business cycle are linked to the rise of rights-based politics and an increasingly active federal judiciary, which moved away from the tradition of non-interference in immigration policy.

We are able to document the rise and decline of “rights-markets” coalitions through an analysis of roll-call voting in Congress. We demonstrate the impact of civil rights politics on immigration and refugee policy, from the 1965 Act through the 1986 and 1990 Acts. The coalitions which formed around issues of rights and markets (votes on trade and immigration in particular) create what can be called “strange bedfellows” coalitions, of left-liberals and libertarian-conservatives. These coalitions helped to sustain liberal immigration and refugee policies, until the end of the Cold War. But the end of the Cold War has led to the breakdown of these coalitions, leading to new isolationist and protectionist tendencies in foreign policy.

## Introduction

Politics and national states are assigned at best a marginal role in most theoretical scholarship on immigration flows (Hollifield 2000; Portes 1997). According to the economic logic of push-pull, changing economic conditions (demand-pull and supply-push) in sending and receiving countries by and large dictate levels of immigration in countries like the United States (Martin and Midgley 1994). Likewise the sociological literature on immigration stresses the growth of transnational, informational, and kinship networks, which facilitate cross-border movements (Massey 1987; Sassen 1996; Portes 1996).

Since there has been a virtually unlimited supply of migrants ready to cross international borders during the past century (a more or less constant supply-push), most adherents to the economic model contend that shifting economic demand for immigrant laborers in receiving countries primarily determine immigration flows (a variable economic pull). Major shifts in the volume of immigration are thereby driven by the labor market demands and the business cycles in receiving countries. At the same time, the economic model assumes that government actions designed to control immigration are of little or no explanatory importance. Either policy interventions by national states merely rubber-stamp labor market demands and the business cycle, or they have no effect because they defy these determining economic forces (Simon 1989).

Sociological theories of immigration to some extent replicate the basic microeconomic logic of push-pull, but with the major innovation that international migration is heavily

dependent on the development of informational and kinship networks between the sending and receiving communities (Massey, Alarcon and Durand 1987; Portes 1996; Massey, Durand and Malone 2002; Sassen 1988, 1996). Neither economic nor sociological arguments leave much room for the state or public policy as major factors affecting immigration flows.

Our research on immigration to the United States demonstrates the independent effects of policy change on immigration flows. Employing a time-series model that enables us to separate economic and political effects on immigration to the United States from 1891 to 2003, we find that **both** government policy interventions and changing U.S. economic conditions have a significant impact on immigration flows. In particular, our model suggests that shifts in unemployment and Gross Domestic Product (GDP) had a sizeable and significant effect on levels of immigration until 1945. During the postwar years of 1946-2003, however, the effects of unemployment and GDP on immigration flows weaken over time while the impact of government interventions significantly increase.

These findings, we argue, are supported by considerable evidence that federal policies, which significantly influenced immigration flows after the Second World War, won important support from national political officials whose goals reached well beyond the demands of the labor market or business cycle. Against the backdrop of Cold War competition, executive and congressional officials after 1945 came to view immigration control as an important instrument for advancing American foreign policy objectives (Tichenor 2002). Anti-communism animated contending immigration policy camps in the late 1940s and 1950s. Congressional isolationists successfully defended biased national origins quotas and established new ideological exclusions in the early 1950s, despite economic conditions that were conducive to large-scale immigration.

By contrast, internationalists in the White House and Congress expanded refugee admissions and ended Asian exclusion in order to enhance American power and prestige abroad.

By the 1960s, New Frontier and Great Society reformers dismantled restrictive national origins quotas in the name of advancing racial justice and equal rights. Immigration reform in 1965 expanded alien admissions to reunify families, provide haven for refugees fleeing communist regimes, and to offer new immigration opportunities for ethnic and racial groups long discriminated against in American immigration law. During the 1980s, new reforms more dramatically expanded immigration. They were propelled by an unlikely coalition of liberal lawmakers, who embraced human rights and ethnic fairness in national immigration policy, and free market conservatives in Congress and the executive branch, who saw immigration restriction as antithetical to “regulatory relief” and open markets. Finally, the federal courts became increasingly active after the 1960s in protecting the due process rights of aliens in admissions, asylum, and deportation proceedings (Schuck 1998). The development of American immigration policy in the postwar era, then, captures changing U.S. economic conditions as often less consequential than policy interventions by various actors of the national state. Indeed, as we shall see below, national officials at times have promoted immigration policies that run counter to economic trends in the United States.

The strong impact of changing U.S. economic conditions on immigration flows before 1945 and the larger significance of state actions in subsequent years underscore the need for greater theoretical balance in the scholarly literature on immigration. In the pages that follow, we first will examine U.S. immigration trends from the late nineteenth century up to 2003 in light of labor market dynamics and the business cycle. This discussion highlights the

inadequacy of economic and sociological factors alone in explaining U.S. immigration over the past century, especially during the postwar era. We then consider efforts by the American national state to regulate immigration, and speculate on their possible independent influence on American immigration.

Glaringly absent from the immigration literature, we argue, is a model of immigration flows to the United States that incorporates the effects of both economic change and policy interventions. The next section presents the findings of a time-series model we have constructed to separate economic and political effects on U.S. immigration. Finally, we argue that our model improves on the prevailing economic and sociological models in three respects: (1) it incorporates *economic and political/policy* effects in a manner that distinguishes their relative influence and provides a stronger overall account of immigration flows; (2) it is more useful for understanding the restrictionist turn in American politics in recent years and its potential to substantially curtail immigration in the future; and (3) it is far more promising in accounting for not only the volume of immigration, but its composition as well. We conclude by suggesting avenues for future research.

### **Immigration Trends, Labor Markets, and the Business Cycle**

Most immigration analysts simply presume or assert that immigration flows to advanced industrial democracies have long been a function of market forces, as defined by the economic supply-push of sending countries and the economic demand-pull of receiving countries (Martin and Midgley 1994:21; Simon 1989). While supply-push factors in sending countries undoubtedly influence immigration flows, an unflagging supply of migrants have been ready to

cross national borders when opportunities have presented themselves in receiving countries throughout the past century. As a result, changing economic conditions in receiving countries are assumed to have the greatest effect on immigration. Martin and Midgley, for instance, neatly capture these theoretical predilections and findings in much immigration research. Their work aims to show that the number of immigrants who have come to the United States over time has fluctuated largely with economic conditions. Such assumptions are not reserved to academic circles; they abound in popular discourse and in the media. Popular newspapers like *The Economist* and *The Wall Street Journal* have observed that immigration to the United States is best understood as a function of changing economic conditions.

But what specifically has been the relationship between immigration, labor markets, and the business cycle in the United States? Do the actions and policies of the American state have any independent influence on immigration? In particular, have interventions by the state had a significant effect on immigration flows, if we control for changing economic conditions? A good starting point for addressing these questions is to review immigration trends and economic demand-pull factors in American history from 1890 to 2003.

Figures 1-4 depict trends in legal immigration to the United States, percent change in real GDP, and fluctuations in the unemployment rate. Immigration decreased from about 600,000 per annum in 1892 to 250,000 by the end of the decade. This decline coincided with the 1893-97 recession, affirming the responsiveness of immigration flows to economic conditions.

(Figure 1 here)

Immigration rebounded strongly at the turn of the century, as did the economy, reflected in positive growth trends, and shorter and shallower economic cycles (excepting 1908). Meanwhile in the labor market, unemployment rates were historically well below the average. In short, demand-pull factors were especially conducive, and immigration flows reached record levels. Indeed the foreign-born population of the United States climbed to 15%, an all-time high. No major immigration legislation was passed during this period, except for literacy tests imposed by Congress in 1917, restrictions that were rendered moot by the effects of the First World War, which parenthetically abruptly ended the so-called third wave of American immigration.

In the interwar years, immigration revived but fluctuated markedly -- perhaps in reaction to the volatile economic conditions of the "Roaring '20s". The 1924 Immigration and Naturalization Act (also known as the Johnson-Reed Act) brought the nation's first permanent and sweeping numerical limits on immigration. These restrictive measures codified the national origins quota system, writing racial bias (in favor of northern and western Europeans) into law (King 2000). The new measures also introduced skill-based, human capital criteria into immigration policy for the first time. Nevertheless, countervailing economic forces, for example, low unemployment, apparently dampened the effects of the 1924 Act. The migration mix began to shift away from Europe and toward the Western Hemisphere, with Canadians and Mexicans comprising the largest number of newcomers.

The onset of the Great Depression in 1929-30 demonstrates quite clearly the powerful effect of business cycles on immigration flows in the pre-1945 period. Demand-pull forces ceased virtually overnight, as the economy shrank and unemployment soared (see Figure 1).



Annual immigration remained markedly low during the economic hard times of the 1930's.

The recovery of the American economy during the Second World War led to a rapid decline in unemployment rates and a surge in GDP, but no real increase in legal immigration. Adherents of the push-pull model can account for these outcomes by emphasizing the anomalous and exceptional effects of global warfare that cut the United States off from traditional sources of immigrant labor. Tellingly, various U.S. employers turned to Mexican and Central American guestworkers to address growing labor market demands -- a trend that was codified in the 1942 Bracero program that continued until 1963 (Calavita 1992).

As a way of further illustrating the relationship between immigration and the business cycle during the period from 1890 to 1945 bivariate correlations were calculated. These reveal no significant association between percent change in real GDP and immigration flows; however, there is a correlation ( $r = -0.425$ ; significant at .01 level) with changes in the unemployment rate. This suggests that immigration was sensitive to demand-pull forces, even though the overall performance of the American economy (in terms of national income) had less effect in this regard.

During the postwar years of 1945 to 2003, we see in Figure 2 that immigration has slowly trended upward for virtually the entire era, producing the so-called fourth wave in the 1970s and 1980s. The United States is now well into the fourth great wave of immigration in its history. Strikingly, immigration flows did not expand markedly in the early 1950's (1950 and 1952 witnessed declining immigration numbers) despite significant increases in GDP and new lows in unemployment -- economic conditions deemed conducive by the economic push-pull model to increased immigration. Just as intriguing is the gradual increase in immigration during the 1970s

and early 1980s, a time when unemployment levels were rising in connection with the two oil shocks and the steep recession that followed. U.S. immigration, however, began to soar in the late 1980s amid declining unemployment and fluctuating GDP; whereas sharply rising immigration continued unabated in the 1990s despite increased unemployment and substantial drops in GDP.

(Figures 2-4 here)

If we look at simple bivariate correlations for the postwar period (1946-2003), we again find no significant relationship between percent change in GDP and flows. Although there seems to be a significant relationship between labor market performance (as measured by the unemployment rate) and immigration flows, the correlation (0.27, significant at the .01 level) is the opposite of what we would expect. How can we account for U.S. immigration trends over the past century that defy or elude the predictions of the economic push-pull model?

The influence of policy interventions by the American government on immigration may help us fill in some of these theoretical gaps, a subject to which we now turn.

### **Immigration and the American State**

From the 1890's through the Second World War, levels of immigration to the United States correspond closely with the performance of the American economy. Indeed, the time-series model we present below suggests that shifts in levels of unemployment and real GDP were among the most significant influences on annual immigration totals before 1945. Yet even as the

traditional push-pull model goes far in helping us to explain U.S. immigration trends before mid-century, the unprecedented activism of the national state in these decades had a marked effect on the nature of immigration flows. The dramatic decline of immigration during American involvement in the First and Second World Wars highlights the extent to which the U.S. government's pursuit of foreign policy objectives may profoundly transform migration trends. Moreover, if changes in the American labor market and business cycle before mid-century go far in helping us to explain **how many** immigrants were admitted in these years (immigration volume), they do not help us understand significant shifts in **who** was granted entry during these decades (immigration composition).

For most of the nineteenth century, the U.S. federal government maintained an essentially **laissez-faire** immigration policy, with most regulatory authority devolving to states and localities (Hutchinson 1981; Neumann 1993; Schuck 1998; Hatton and Williamson 1998). When the national state first developed the legal and administrative means to regulate immigration in the late nineteenth century, its efforts to control immigration often were motivated as much by a devotion to ethnic and racial hierarchy as by a concern for the country's economic and national security interests (Smith 1997; King 2000). Against the backdrop of intense electoral competition during the post-Reconstruction period, congressional and executive officials of both parties clamored to curry favor with Sinophobic voters of the Far West by enacting the first Chinese exclusion laws in the 1880's (Sandmeyer 1972; Mink 1985; Daniels 1990; King 2000). During the interwar years, the economic impact of immigration figured prominently in the minds of national officials, and they wasted no time in slowing immigration to all but a trickle during the 1920's and '30's. But the centerpiece of this period's restrictive

immigration policies, a so-called national origins quota system, was deeply informed by a new scientific theory -- eugenics -- that reinvigorated old distinctions between desirable and unworthy immigrants on the basis of race, ethnicity, and religion (Higham 1974; Fuchs 1990; Smith 1997; King 2000).

The new quota system was explicitly planned to favor northern and western European immigrants, and to exclude Asians, Africans, as well as southern and eastern Europeans. At the same time, Mexican migrants were viewed by most officials as a returnable labor force -- due to a contiguous border -- which could meet the nation's shifting demands for low-skill labor without making any permanent claims for membership in U.S. society (Reisler 1976; Calavita 1992). Until the 1960s, U.S. immigration essentially reflected these policy goals; northern and western Europeans comprised most overseas immigration to the country, while Mexican and other Latin American newcomers were typically admitted as guestworkers subject to removal whenever their labor was not in demand (Garcia 1980; Ngai 2004). The American state's influence on immigration flows before 1945, then, captures not only its responsiveness to changing economic conditions but also its pursuit of foreign policy interests and ascriptive and hierarchic visions of racial order, which cannot be explained simply in economic terms.

Whereas shifts in the U.S. business cycle comport well with immigration trends before the Second World War, they have diverged sharply on several occasions during the past sixty years. Despite an impressive postwar economic recovery, underscored by low unemployment rates and surges in GDP during the 1950s, the modest levels of U.S. immigration remained relatively stable. Immigration flows not only failed to keep pace with the postwar economic expansion as predicted by the push-pull model, but they in fact declined in the early 1950s. To

understand declining immigration amidst economic growth requires knowledge of how government policies shaped immigrant admissions independently of postwar economic developments. Although both the Truman and Eisenhower administrations called for more expansive immigration policies, their efforts were derailed by restrictionist committee chairs in Congress who vigilantly defended national origins quotas. During the early 1950s, anticommunist isolationists in Congress secured legislation that reaffirmed national origins quotas while constructing new immigration barriers intended to tighten national security (Tichenor 1994, 2002). In short, McCarthyism overshadowed economic growth in the immigration realm. Later in the 1950s, the Eisenhower administration took autonomous executive action to grant admissions above the existing quota ceiling not in response to changing economic conditions but to offer refuge to Hungarians and others fleeing communism.

The demise of the national origins quota system finally came with the enactment of the Hart-Celler Act of 1965, an event that was undoubtedly fortified by national prosperity. But reformers in the executive and legislative branches had far more than the economic utility of immigration in mind when they embraced a new visa preference system. In making immigration reform an important feature of the Great Society juggernaut, the White House and its congressional allies argued that discriminatory national origins quotas -- like domestic racial barriers -- undermined American global prestige and influence amidst urgent Cold War competition. Civil rights and foreign policy interests loomed large in immigration policy-making of the 1960s. The 1965 law replaced national origin quotas with a new emphasis on uniting families, providing an unlimited number of immigrant visas to immediate family members of U.S. citizens and most numerically-limited visas to other close relatives of citizens

and the immediate family of permanent resident aliens. Remaining visa slots were allocated to refugees and skilled workers. Policy-makers were careful to stipulate that the 1965 immigration reform was strictly designed to remove ethnic, racial, and religious biases from the immigration code -- **not** to expand the volume of annual legal admissions (Reimers 1992).

Although expected by its architects primarily to benefit European migrants, the family-based system established in 1965 would spur unprecedented Third World immigration to the United States as a result of unanticipated chain migration during the next quarter-century. Whereas the Hart-Celler Act contributed to a dramatic shift in the composition of U.S. immigration, it did not substantially expand legal immigration; annual admissions increased only incrementally during the decade following its passage (see Figure 2).

Against the backdrop of economic stagnation in the 1970s, characterized by high levels of inflation and unemployment, mass opinion strongly supported significant decreases in legal immigration (Fetzer 2000). Illegal immigration also drew attention as a prominent public policy problem. New calls for immigration restriction and stronger border control were perfectly consistent with the economic logic of the push-pull model. Economic stagnation and decline in receiving countries builds pressure for lower levels of immigration. Yet the push-pull model could not anticipate formidable political resistance from a number of strategically-situated lawmakers and special interests, like the growers in California and the Southwest, who supported large-scale immigration and who postponed policy action during economic hard times by brokering support for a bipartisan commission to study immigration (Cose 1992; Tichenor 2002; Freeman 1995; Joppke 1997).

After several years of political stalemate, Congress finally enacted the Immigration

Reform and Control Act (IRCA) in 1986 to address illegal immigration. Initially designed to discourage unlawful entries by severely penalizing U.S. employers who knowingly hired undocumented aliens, the law's final employer sanctions provision lacked sufficient teeth to meet its purposes. IRCA's most significant legacy was an amnesty program that granted legal status to record numbers of undocumented aliens residing in the country. Troubled by the civil liberties violations and discriminatory effect of past deportation campaigns, national officials embraced amnesty as a more palatable policy solution (Tichenor 1994).

Even as illegal immigration continued unchecked and unemployment levels swelled in 1990, national policy-makers passed a measure, the Immigration Act of 1990, which expanded immigration admissions. Increasing annual visas for immigrants with family ties to U.S. citizens and permanent resident aliens, those with needed job skills, and those from countries disadvantaged under the 1965 preference system, policy-makers defied the push-pull model in 1990 by substantially expanding legal immigration opportunities despite an important economic downturn (Schuck 1992). Increased public concern regarding both legal and illegal immigration did prompt national policymakers to consider restrictive immigration measures. In 1996, Congress came close to passing a bill that would have significantly scaled back annual legal immigration against the backdrop of robust economic growth and scant unemployment. In the end, however, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) targeted immigrants (both legal and illegal) through the mechanism of welfare reform. Thanks to the intense lobbying efforts of high-tech industries, such as Intel and Microsoft, legal immigration levels were left unchanged, while new measures were adopted to curtail illegal immigration. Apart from increased border controls and a small pilot program to

force employers to check the legal status of workers before hiring them, the main impact of the IIRAIRA was to cut AFDC and SSI for legal immigrant residents--cutbacks that were, at the insistence of the Clinton administration, eventually restored for certain groups of resident aliens.

The consequential interests and actions of the American state concerning immigration more than occasionally have transcended the economic predictors of the push-pull model, as well as straight interest-based explanations à la Freeman (1995). Reducing U.S. immigration levels to a basic economic causality or to a strict interest group dynamic is inadequate in both explanatory and predictive terms. We gain little, however, by denying the powerful influence of changing domestic economic conditions over immigration. Rather, it is far more promising to consider the relative importance of economic and political forces. To understand and distinguish the influence of economic forces and government actions on U.S. immigration requires us to develop a preliminary (multivariate) model that incorporates the two.

### **A New Immigration Model**

Toward this end we constructed a time-series model that enables us to separate economic and political effects. The results of the analyses are presented in Tables 1-3. We used the log of immigration flows (the dependent variable) in our models in order to meet the model requirements of linearity and stationarity. We then calculate an impact range from the coefficients of each predictor variable by multiplying the coefficient by the highest and lowest value of that variable. This impact range allows for a greater ease of interpretation and discussion of the model results. Both the coefficients and the impact range are reported in the tables.



The first thing to note is that, conforming to the conventional wisdom, economic conditions in the receiving country, in this case the United States, have an impact on legal immigration flows. Specifically **demand-pull** forces, as measured by unemployment rates have a modest impact on flows in the U.S. for the period 1891-2003. The coefficients, which assess the influence of a unit change (here 1%) in unemployment on immigration flows (logged annual legal immigration), is -.03 and significant at the .05 level. In the model, we control for a variety of policy interventions (specified as the five most important immigration acts passed during this time-span), as well as the effect of World War I and World War II. Note that labor market conditions have almost twice the impact of changes in real GDP, which again conforms to the economic literature.

(Tables 1-3 here)

Recalling our argument developed in the first sections of this paper, we predicted a weakening of economic effects over time, as immigration policies changed to reflect the rise of rights-based politics, a new legal culture, and more expansive definitions of citizenship and membership (Cornelius, Martin and Hollifield 2004; Schuck 1998), especially during the 1950s and 1960s. Accordingly, we segmented the data into two (pre- and postwar) periods. Table 2 reports the effects of political and economic change on flows from 1891-1945. Once again, we find a highly significant labor market effect while real GDP registers no statistically significant effect. Percent change in unemployment has a strong, inverse relationship with legal immigration flows, ( $\omega = -.03$ , significant at the .05 level). The corresponding impact range tells us that for every one percent change in unemployment there is a decrease in the logged values of

immigration ranging from -.04 to -.75 of a one point change. When we refer back to the actual annual immigration levels, this corresponds to the level range of a low of 23068 immigrants in this period to a high of 1,285,349 immigrants. In the pre-war period, percent change in real GDP has no statistical significance.

We also controlled for the effects of World War I and World War II and the 1924 National Origins Act (the Johnson-Reed Act), which wrote into law the principle of racial/ethnic exclusivity. The First World War had an obvious and highly significant effect on immigration flows, as did the 1924 policy intervention. We measure policy interventions as dummy variables (0,1) so that the calculation of the minimum value will always be zero. The ranges for both the War and for the 1924 Johnson-Reed Act reflect our expectations. World War I curtailed flows during this period (as evidenced by the negative sign), the 1924 Act also reduced immigration dramatically (with a coefficient of -.46), showing the power of the state to restrict immigration flows during this period, marked by isolationism (in foreign policy), protectionism (in trade policy), and restriction of immigration. World War II, however, does not have a statistically significant impact on flows. This meets our expectations that as policies and World War II curtailed immigration flows, these interventions decreased the capacity of prior immigration streams to draw more immigrants into the country. Mean immigration for the entire period averaged 4.3 percent per annum. Thus, even when controlling for policy interventions and both world wars, labor market conditions had a sizeable and significant impact on immigration flows in the prewar period.

Table 3 reports the results for the period 1946-2003. Several interesting and counterintuitive findings stand out. Tellingly, economic **demand-pull** effects in the United

States continue to weaken over time, despite a more highly integrated global labor market, associated improvements in transportation and communication, and more efficient migration networks much in evidence (Massey 1987, Massey et al. 2002; Sassen 1996). Indeed, the coefficients for unemployment and real GDP change show no significant effect for the postwar period. The McCarran-Walter Act of 1952 is not statistically significant. The contours of the act corroborate the statistical evidence. The McCarran-Walter Act resulted in only marginal changes to key restrictionist quota provisions the 1924 National Origins Quota Act.

A number of policy interventions, by contrast, are significant. Surprisingly the Immigration and Nationality Act of 1965, which often is cited as the most important immigration reform since the 1924 Act (Reimers 1985), has less of an empirical effect than the other acts on immigration flows. The caveat, of course, is that the 1965 Act led to a gradual change in the composition of these flows, by stimulating family unification (which was after all the purpose of the Act) and encouraging larger flows from non-European sources (which was an unintended consequence of the Act). Two major immigration reforms of the late twentieth century, the Immigration Reform and Control Act of 1986 (IRCA) and the 1990 Immigration Act, however, combined to have an influence on immigration that simply dwarfed all others modeled here. In sum, our model shows the significant influence of economic factors on immigration until 1946 and the growing impact of government actions on flows in the postwar period. Our time-series analysis fundamentally challenges presumptions of much of the economic and sociological literature on immigration, that policy interventions of the American state have had at best a marginal effect on immigration levels. It underscores the influence of both changing economic conditions and government actions on U.S. immigration during the past century.

### **Rights-Markets Coalitions**

Policy interventions (by themselves) are perhaps not the best measures of the rise of rights-based politics. As a proxy measure of rights-based politics and its impact on immigration flows, we incorporated an electoral (left v. right) effect into our time series model, using democratic and republican administrations. Not surprisingly, we found no significant association between the two. Looking at the history of immigration politics and policy, it is hard to find a clear partisan split, with both parties lurching from one consensus to another—for restriction or admission—depending upon the historical context (Tichenor 1994, 1996, 2002). Indeed as noted by Zolberg, immigration politics in the United States often creates strange bedfellows of the (economically liberal) Republican right, and the (politically liberal) Democratic left (Zolberg 1994).

As a way of exploring this rights-markets dynamic, we looked at the history of voting on civil rights, immigration and trade in the Congress, from the 1964 Civil Rights Act through various trade and immigration measures in the 1990s, including NAFTA, Fast-Track authorization, as well as the 1990 and 1996 immigration acts. What we expect to find is a great deal of consistency in voting on these issues over roughly a thirty-year period, but with a breakdown of the coalition starting in 1990 with the end of the Cold War. To this end we looked dyadically at voting on eight bills in the Senate and the House: (1) the 1964 Civil Rights Act and the 1965 Immigration and Nationality Act; (2) the 1986 Immigration Reform and Control Act and the 1988 Canadian American Free Trade Agreement (CAFTA); (3) the Immigration Act of 1990 and the North American Free Trade Agreement (NAFTA); and (4) the 1994 General

Agreements on Tariffs and Trade enactment (GATT) and the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA).

(Table 4 here)

Table 4 displays the comparisons of roll call voting on the bills in the Senate. By dyad and starting with the Senate, we found that the Civil Rights Act and the '65 INA passed by exactly the same vote (76 aye and 18 nay), with the principal opposition coming from Southern Democrats, who voted (4 to 18) against Civil Rights and (9-13) against the INA. Eighty two percent (N=75) voted the same way on the two bills, indicative of a growing rights coalition and a close affinity between issues of civil rights and immigration, with the bowl weevils in the minority. Over twenty years later, the rights-markets coalition, including left-liberal Democrats and right-liberal or libertarian (free market) Republicans, is still intact. When we look at voting on the next dyad, IRCA and CAFTA, the vote was 75-21 for the former and 83-9 for the latter. Here we see more dissent on the immigration issue and less on trade, perhaps because trade with Canada is not viewed as terribly threatening for any major interest or constituency. Still the coalition is not as strong as it was in the 1960s, with only sixty eight percent of the senators voting the same way on the two bills (N=54). If we break out seven high immigration states (California, Texas, Florida, New York, Illinois, New Jersey, and Massachusetts), we find overwhelming support for both measures, with only one dissenting vote (on IRCA) among senators from these states.

Voting on the third dyad (the '90 Act and NAFTA) in the Senate shows the continued

strength of the rights-markets coalition, even well into the post-Cold War period. The vote was 81-17 in favor of the '90 Act and 61-38 for the NAFTA. In this case seventy one percent of the senators (N=45) voted the same way. In the seven high immigration states (see above), the vote was more nuanced, 7-5 in favor of NAFTA and 10-2 for the '90 Act. In the last dyad (GATT and the '96 Immigration Act), we see a reversal in policy direction in regards to the immigration act, but a maintenance in the strength of the right-markets coalition. The votes for the two acts are 76-24 for GATT and 97-3 for the new restrictive immigration act, which was supposed to focus on illegal immigration but included provisions for limiting legal immigrant access to social service benefits. The Republican vote on IIRAIRA was 53-0 and 35-11 for the enactment of the GATT agreements, compared to the Democratic tally of 44-3 for the '96 immigration act and 41-13 for GATT. Seventy-three percent of the Senators voted the same way on the two measures (N=88). Thus, at least in the Senate, the rights-markets coalition has remained relatively strong throughout the period, with two thirds to three fourths of the members voting the same way on issues of rights, markets, and immigration.

(Table 5 here)

However, this pattern does not hold in the House, the body which has a history of being more protectionist on trade issues (Destler 2005) and more nativist/restrictionist on immigration (Tichenor 2002). Table 5 shows House roll-call voting on these issues. With the first dyad ('64 Civil Rights Act and '65 INA) the House votes were 289-126 for Civil Rights and 320-69 for immigration, again with chief opposition on both bills coming from the bowl weevils. Southern

Democrats voted 12-88 against civil rights and 36-52 against immigration. On this dyad in the House, voting consistency was sixty five percent (N=222), not nearly as high as in the Senate.

On the second dyad (IRCA and CAFTA), the tallies in the House were 230-166 on the immigration issue (note that IRCA was designed to deal primarily with the problem of *illegal* immigration) and 366-40 on the issue of freer trade with Canada. Unlike the Senate, we do not find strong bi-partisan support for these measures. Republicans in the House opposed the IRCA by a vote of 62-105, and votes in our seven high immigration states were much closer: 91-61 on NAFTA, compared to 136-9 on CAFTA. This is almost certainly an interest/constituency driven vote, in the sense that freer trade with Mexico is viewed as much more threatening than freer trade with Canada. Fifty two percent of the representatives (N=153) voted the same way on IRCA and CAFTA. We can see more volatility in the coalition and the beginning of the breakdown of bipartisan, rights-markets (or strange bedfellow) coalitions.

On the third dyad (the '90 Act and NAFTA), the vote on reforming legal immigration was opposed by Republicans (45-127), as was the case with the IRCA; but it passed anyway by a vote of 231-192; whereas the vote on NAFTA was a bit closer (234-200), with Democrats leading the opposition to this trade agreement. They voted 102-156 against it. If we break out the major immigration states, we can see that on balance they favored the immigration bill (101-57), as well as the trade agreement (93-76). Overall, only thirty four percent of the House members (N=92) voted the same way on the '90 Immigration Act and NAFTA.

In the fourth and final dyad, we can see significant division between Republicans and Democrats on the '96 immigration act (IIRAIRA) but more coalition cohesion on the passage of the GATT agreement. IIRAIRA passed the House with a 305-123 vote. The vote count for

GATT was much closer; 288 members supported while 146 members opposed the measure. Democrats opposed the immigration measure by a vote of 76 to 117, but Republicans overwhelming favored the bill (229-5). Democratic opposition to GATT was less severe than their opposition to the immigration act. Both Democrats and Republicans favored GATT. The enactment had Democratic support of 167-89 and Republican support of 121-56 votes. Fifty-eight percent (N=340) of members voted the same way on these two measures.

We can see a distinct difference between the two legislative bodies on trade and migration issues. The rights-markets coalition held together much better in the Senate, even with the end of the Cold War, whereas it has fallen apart in the House. How can we explain this divergence? At least three explanations are possible. First is that the Senate is simply less partisan (more bipartisan) than the House. The second explanation, which is closely linked to the first, is that the Senate is capable of taking a longer term (less driven by an electoral dynamic) view of trade and migration, both of which have important foreign policy ramifications. Finally, as noted above, the House is driven more directly by the interests of much smaller districts/constituencies, and is therefore more sensitive to any distributional (or allocational) consequences of trade and migration policies (Destler 2005; Tichenor 2002). Moreover, in the House, Democrats seem to form rights-markets coalitions in support of trade and migration issues, but the Republicans, who continue to support freer trade, have lost their attachment to rights, especially in the immigration area. This is born out in congressional votes on welfare reform legislation, particularly the Personal Responsibility Act of 1996, as the Republican-controlled House pushed for eliminating welfare benefits for legal as well as illegal immigrants.



### **Toward a More Powerful Immigration Model**

The emphasis our model places on markets and states improves on the prevailing economic and sociological theories of immigration in three significant ways. First, it incorporates economic and *political/policy* effects in a manner that distinguishes their relative influence and provides a stronger overall account of immigration flows. Economic forces alone clearly are insufficient for this task. Second, bringing the state and public policy into immigration analysis offers greater promise for understanding the restrictionist turn in American politics in recent years and its potential to curtail immigration despite economic prosperity. Electoral and national security interests of government officials figure prominently in today's restrictive politics, while low levels of unemployment and increases in real GDP offer few clues.

Finally, an immigration model that integrates both markets and states is far more promising than push-pull or transnational models alone in accounting for the volume and composition of immigration flows. These findings are consistent with other studies of the political economy of immigration in Europe (Hollifield 1992). While they do not contradict the emerging literature in political economy that focuses on interest-based explanations for changes in immigration policy (Freeman 1995; Kessler 1998), they do offer us an alternative, rights-based and institutional explanation for the rapid rise in immigration among industrial democracies in the late twentieth century (Brettell and Hollifield 2000). The liberal state has played and will continue to play a vital role in regulating levels of immigration.

## TABLES

<b>Table 1.</b>				
<b>Labor Market and Policy Effects on Immigration, 1891-2003</b>				
	<b>Impact</b>	<b>T</b>	<b>Impact Range</b>	
			(low-high)	
<b>Labor Market</b> (% Unemployed)	-.03 (.01)	-4.8**	-.40	-8.22
<b>Real GDP</b> (% change)	-.01 (.01)	-1.5	.12	-.17
<b>WWI</b>	-.56 (.15)	-3.8**	0.0	-.56
<b>WWII</b>	-.40 (.15)	-2.6**	0.0	-.50
<b>1924 Johnson-Reed Act</b>	-.39 (.12)	-3.4**	0.0	-.4
<b>1952 McCarran-Walter Act</b>	.10 (.12)	.9	0.0	.11
<b>1965 Hart-Celler Act</b>	-.07 (.09)	-.8	0.0	-.07
<b>1986 IRCA/ 1990 Imm. Act</b>	.15 (.10)	1.4	0.0	.15
<b>Lagged Logged Immigration</b>	.69 (.05)	12.7**	6.93	9.95
N=113 $r^2=.90$ D-W=1.8 F=125.7 Sig.=.00 DV=logged annual legal immigration				
* Significant at the .05 level, one directional test (standard errors in parentheses)				
** Significant at the .10 level				

<b>Table 2.</b>				
<b>Labor Market and Policy Effects on Immigration, 1891-1945</b>				
	<b>Impact</b>	<b>T</b>	<b>Impact Range</b>	
			(low-high)	
<b>Labor Market</b> (% Unemployed)	-03 (.01)	-2.8*	-04	-.75
<b>Real GDP</b> (% change)	-01 (.00)	-.76	.09	-.13
<b>WWI</b>	-.56 (.18)	-2.9*	0.0	-.56
<b>WWII</b>	-.32 (.21)	-1.5	0.0	-.32
<b>1924 Johnson-Reed Act</b>	-.46 (.17)	-2.5*	0.0	-.46
<b>Lagged Logged Immigration</b>	.71 (.08)	8.8*	7.1	9.93
N=55 r2=.90 D-W=1.8 F=82.4 Sig=.00 Dependent Variable: logged annual immigration				
* Significant at the .05 level, one directional test (standard errors in parentheses)				
** Significant at the .10 level				

<b>Table 3.</b> <b>Labor Market and Policy Effects on Immigration, 1946-2003</b>				
	<b>Impact</b>	<b>T</b>	<b>Impact Range</b> (low-high)	
<b>Labor Market</b> (% Unemployed)	.02 (.02)	.9	.06	.18
<b>Real GDP</b> (% change)	-.01 (.01)	-.7	.08	-.06
<b>1952 McCarran-Walter Act</b>	.00 (.09)	.0	0.0	.00
<b>1965 Hart-Celler Act</b>	.24 (.11)	2.2*	0.0	.24
<b>1986 IRCA/ 1990 Imm. Act</b>	.30 (.10)	3.1*	0.0	.3
<b>Lagged Logged Immigration</b>	.55 (.09)	5.8*	5.73	7.86
N=58 r <sup>2</sup> =.90 D-W=1.78 F=93.56 Sig=.00 Dependent variable: logged annual legal immigration				
* Significant at the .05 level, one directional test (standard errors in parentheses)				
** Significant at the .10 level				

Table 4. Roll Call Voting on Rights, Markets, and Immigration Issues, U.S. Senate		
<i>1964 Civil Rights and 1965 Immigration and National Acts</i>		
	Rights	INA
	76-18	76-18
D	46-18	52-15
R	30-0	24-3
SD+	4-18	9-19
Same-way voting: 82% (N=75)		
<i>Canadian-American Free Trade Agreement and the Immigration Reform and Control Acts</i>		
	Markets	IRCA
	83-9	75-21
D	43-7	41-4
R	40-2	34-17
SD+	10-0	11-1
Same-way voting 68% (N=54)		
<i>North American Free Trade Agreement and Visa Quota Restriction Acts</i>		
	Markets	VQR
	61-38	81-17
D	27-18	40-14
R	23-10	41-3
M*	7-5	10-2
Same-way voting: 71% (N=45)		
<i>General Agreements on Tariffs and Trade and Illegal Immigration Reform and Immigrant Responsibility Acts</i>		
	Markets	IIRAIRA
	76-24	97-3
D	41-13	44-3
R	35-11	53-0
SD+	10-2	10-2
M*		
Same-way voting: 74% (N=88)		

**Notes:** +Southern Democrat.

\*Major immigration state.

**Source:** *The Congressional Record*.

Table 5. Roll Call Voting on Rights, Markets, and Immigration Issues, U.S. House		
<i>1964 Civil Rights and 1965 Immigration and National Acts</i>		
	Rights	INA
	289-126	320-69
D	159-91	202-59
R	136-35	118-10
SD+	12-88	36-52
Same-way voting: 65% (N=222)		
<i>Canadian-American Free Trade Agreement and the Immigration Reform and Control Acts</i>		
	Markets	IRCA
	336-40	230-166
D	215-30	168-61
R	151-10	62-105
SD+	136-9	91-61
Same-way voting: 52% (N=153)		
<i>North American Free Trade Agreement and Visa Quota Restriction Acts</i>		
	Markets	VQR
	234-200	231-192
D	102-156	186-65
R	132-43	45-127
M*	93-76	101-57
Same-way voting: 34% (N=92)		
<i>General Agreements on Tariffs and Trade and Illegal Immigration Reform and Immigrant Responsibility Acts</i>		
	Markets	IIRAIRA
	288-146	305-123
D	167-89	76-117
R	121-56	229-5
Same-way voting: 58% (N=340)		

**Notes:** +Southern Democrat.

\*Major immigration state.

**Source:** *The Congressional Record.*

Figure 1. Unemployment, Real GDP and U.S. Legal Immigration, 1891-2003

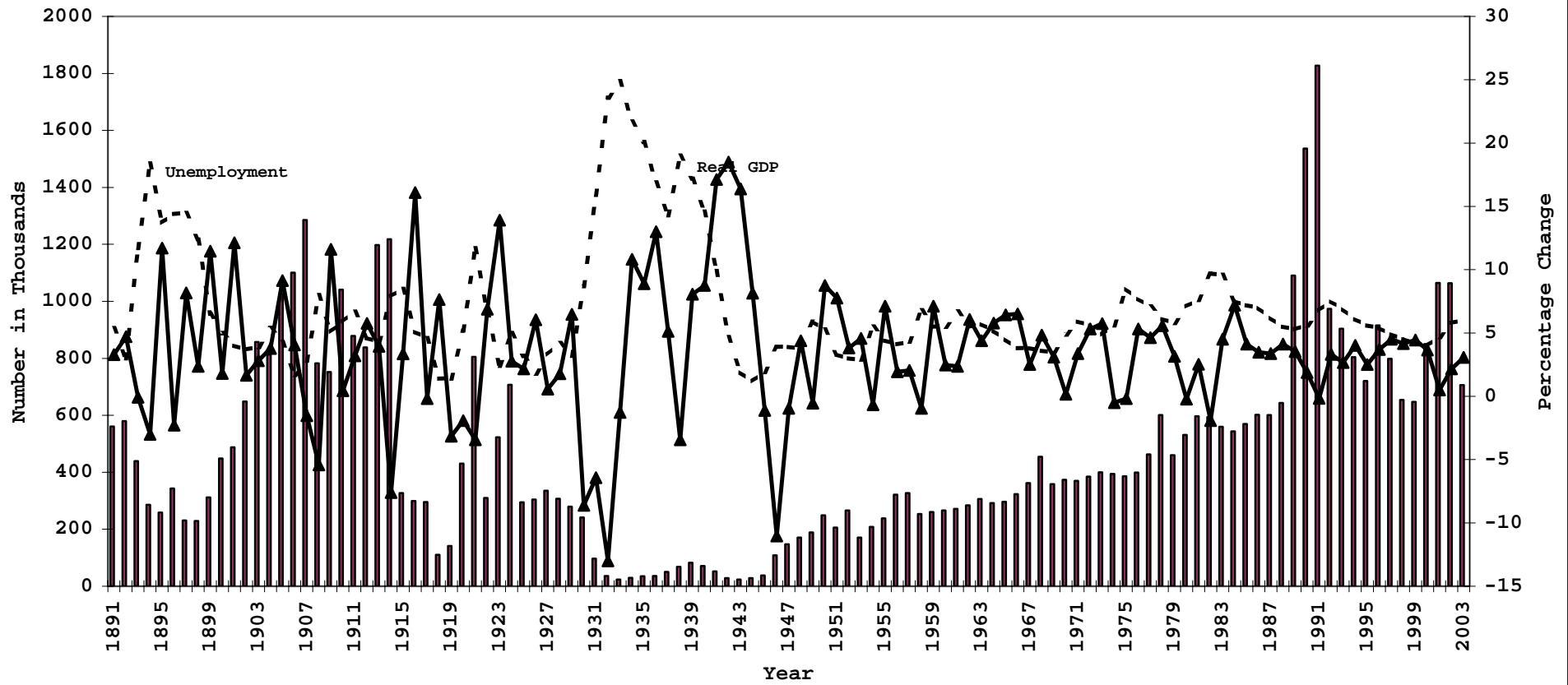


Figure 2. Legal Immigration to the United States, FY1946-2003

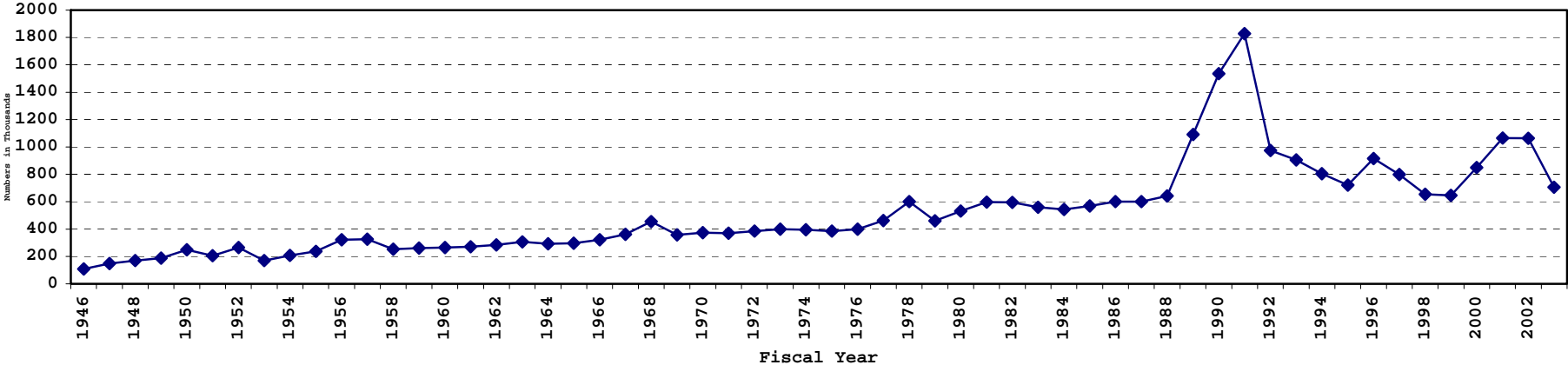




Figure 3. Unemployment Rate in the United States, 1946-2003

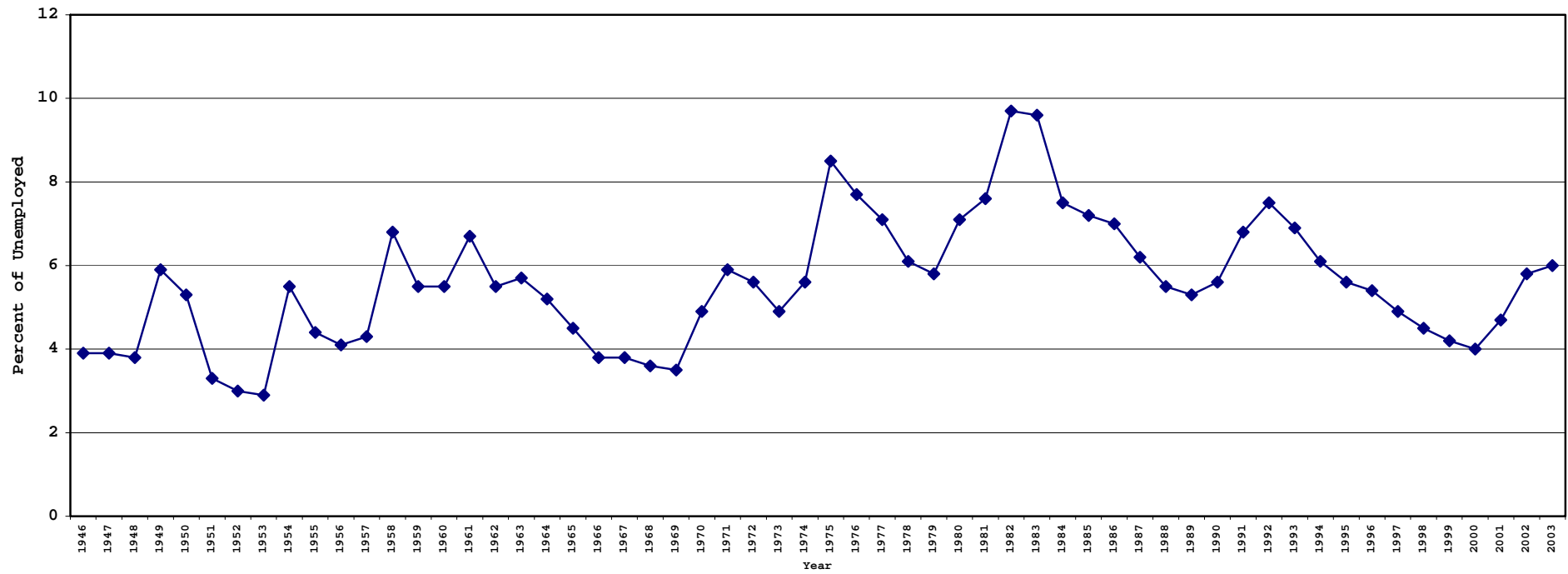
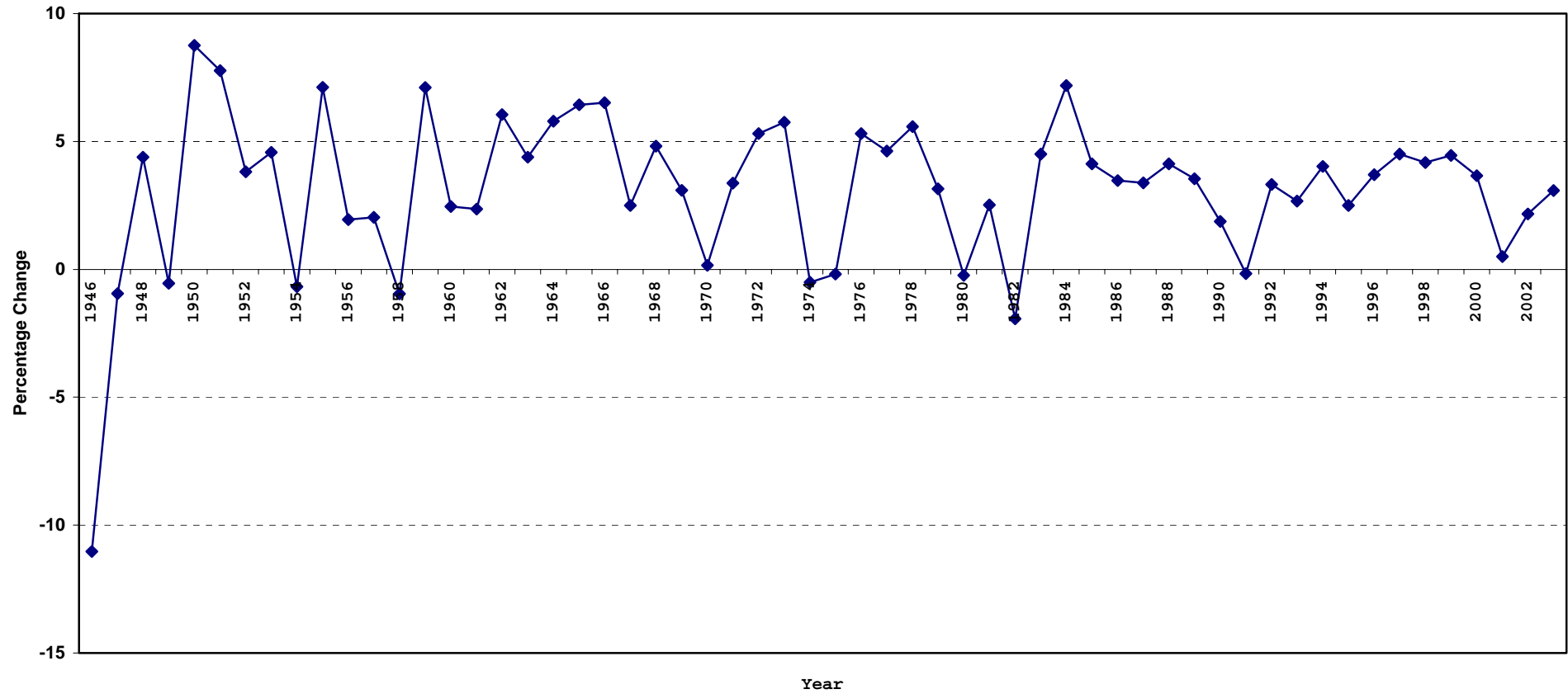


Figure 4. Annual Growth Rate of U.S. National Economy (Percentage Change of Real GDP), 1946-2003



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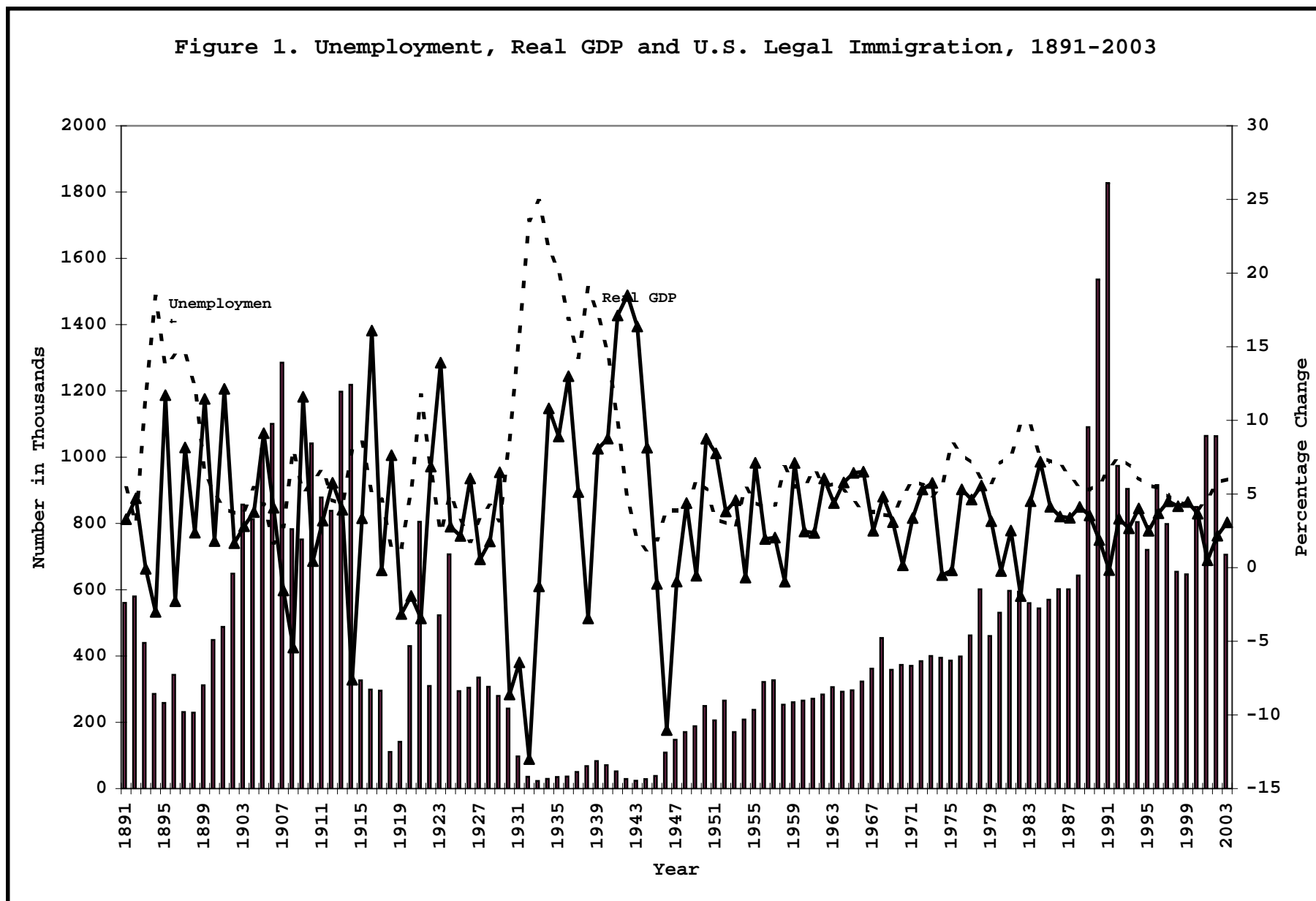




Figure 2. Legal Immigration to the United States, FY1946-2003

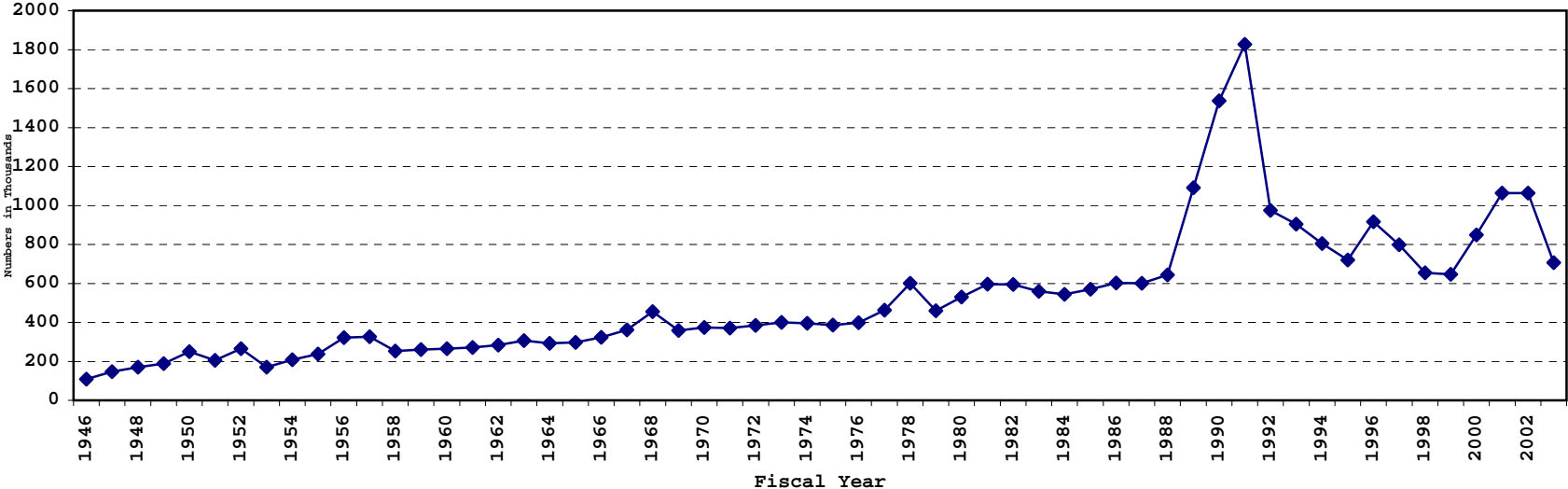


Figure 3. Unemployment Rate in the United States, 1946-2003

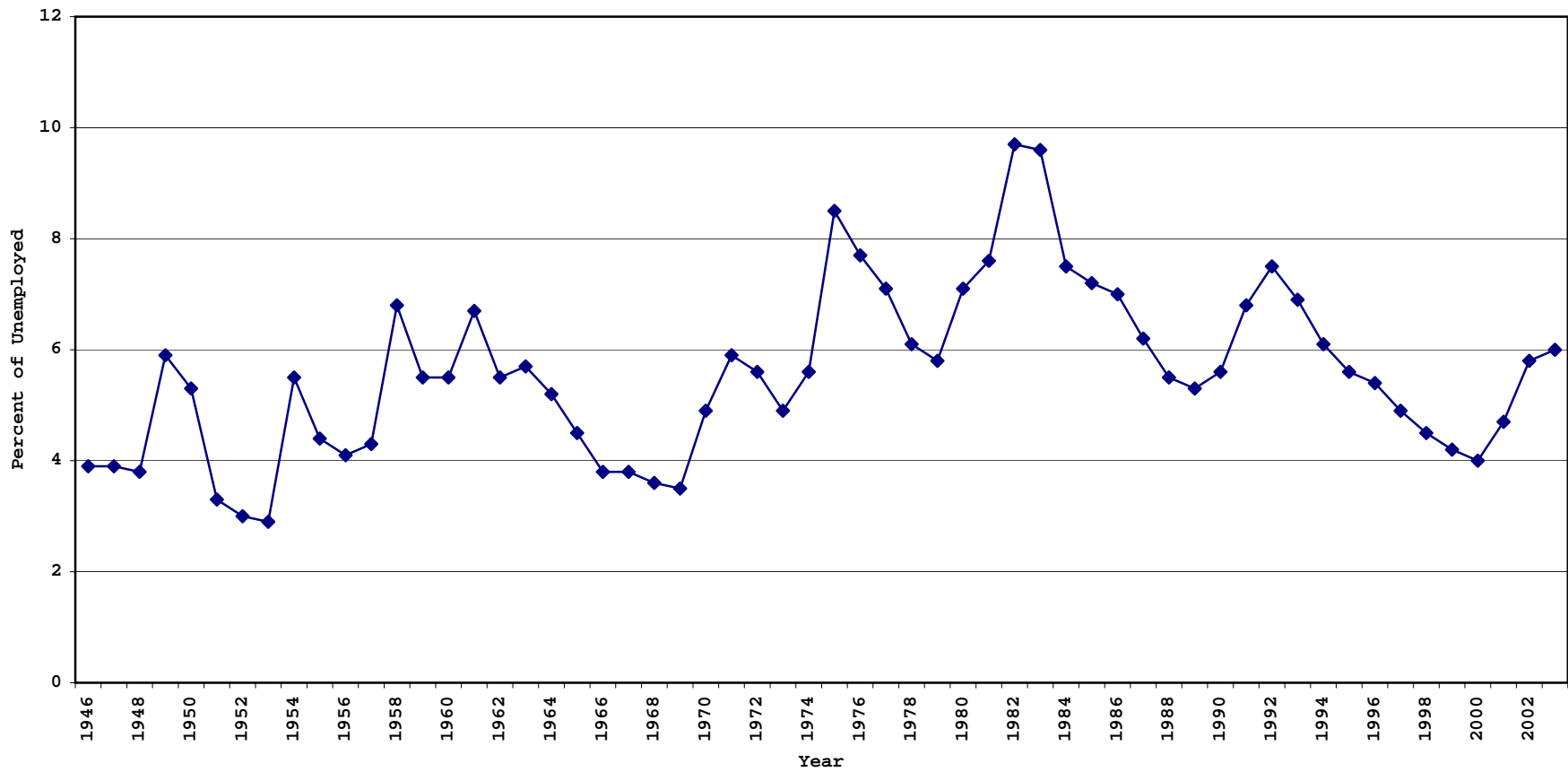


Figure 4. Annual Growth Rate of U.S. National Economy (Percentage Change of Real GDP), 1946-2003

