

PLSC 473: American Judicial Behavior

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Topic: Immigration

Central questions:

- Are Supreme Court justices' votes on immigration-related issues associated with their broader political ideology?
- Has that association changed over time?

Linkages:

- **Economic:** Effects on employment, social programs, etc.
- **Social/Cultural:** Assimilation, effects on “culture”
- **Security:** Borders, terrorism (post-9/11?)

From the Codebook: issue

20250	military: veteran
20260	immigration and naturalization: permanent residence
20270	immigration and naturalization: citizenship
20280	immigration and naturalization: loss of citizenship, denaturalization
20290	immigration and naturalization: access to public education
20300	immigration and naturalization: welfare benefits
20310	immigration and naturalization: miscellaneous
20320	indigents: appointment of counsel (cf. right to counsel)

A Little Bit Of Code

```
# Subset the data:
```

```
Immig<-Master[Master$issue>20259,]  
Immig<-Immig[Immig$issue<20311,]
```

```
# Create pro-immigrant vote indicator:
```

```
Immig$ProImmVote = Immig$direction-1
```

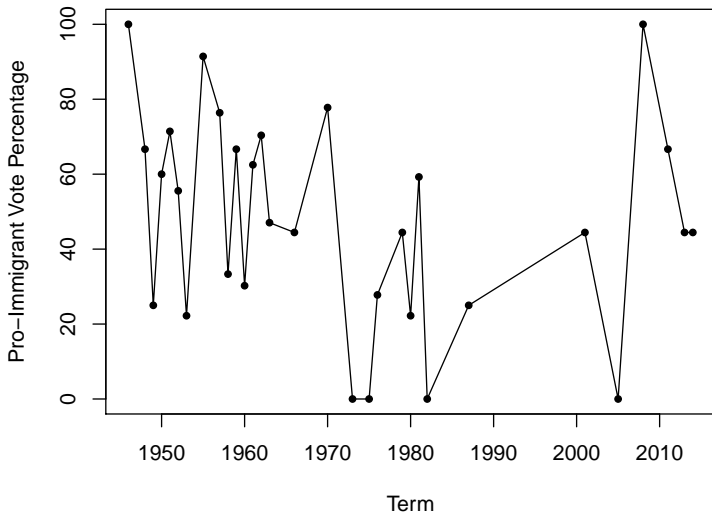
```
# Create annual immigration numbers:
```

```
AnnImm<-with(Immig, prop.table(xtabs(~term+ProImmVote),1))  
Term<-as.numeric(row.names(Annual))
```

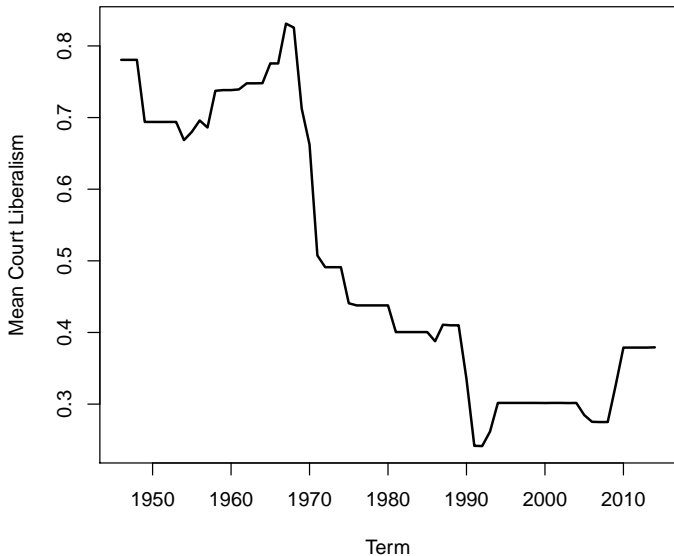
```
# And annual ideology / liberalism numbers:
```

```
AnnSC <- ddply(Master, .(term), summarize,  
               SCAvg = mean(ideology))
```

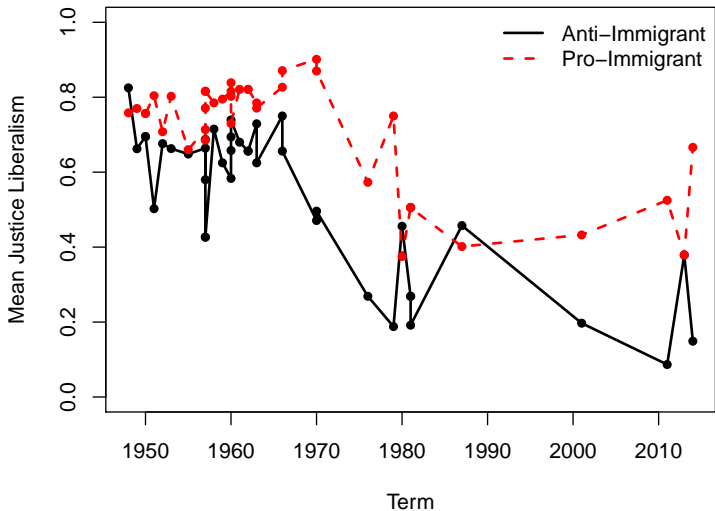
Pro-Immigrant Votes, 1946–2014



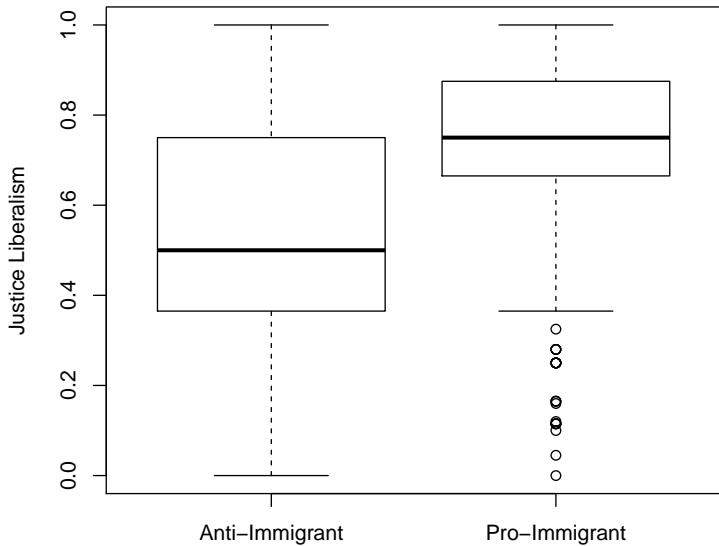
Mean Court Liberalism By Year



Mean Segal-Cover Scores by Pro/Anti-Immigrant Vote

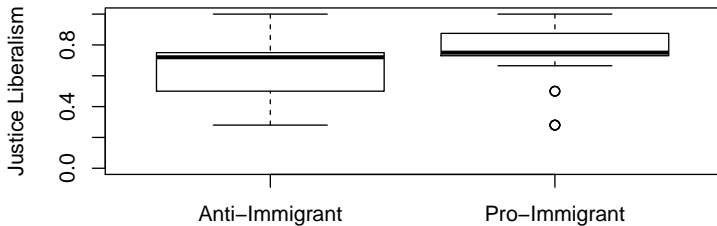


Liberalism of Pro- and Anti-Immigrant Judges

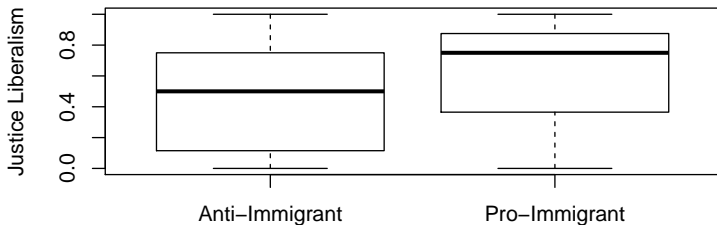


Liberalism and Votes, Pre- and Post-1960

1946–1960



1961–2014



Liberalism t -Tests, All Years

```
> with(Immig, t.test(ideology~ProImmVote))
```

Welch Two Sample t-test

data: ideology by ProImmVote

t = -7.0184, df = 459.24, p-value = 8.106e-12

alternative hypothesis: true difference in means is not equal to 0

95 percent confidence interval:

-0.2270173 -0.1276971

sample estimates:

mean in group 0 mean in group 1

0.5100213 0.6873785

Liberalism t -Tests, Split Samples

```
> with(Immig[Immig$term<1961,], t.test(ideology~ProImmVote))

data:  ideology by ProImmVote
t = -2.7214, df = 176.55, p-value = 0.007152
alternative hypothesis: true difference in means is not equal to 0
95 percent confidence interval:
 -0.12216577 -0.01946104
sample estimates:
mean in group 0 mean in group 1
    0.6629121    0.7337255

> with(Immig[Immig$term>1960,], t.test(ideology~ProImmVote))

data:  ideology by ProImmVote
t = -5.7665, df = 276.47, p-value = 2.162e-08
alternative hypothesis: true difference in means is not equal to 0
95 percent confidence interval:
 -0.2970478 -0.1458503
sample estimates:
mean in group 0 mean in group 1
    0.4134028    0.6348519
```

Immigration cases appear to have become more “ideological” after 1960.

Why?

- **Unanimity:** Earlier Courts heard “easier” cases.
- **Issue:** Changes in the “mix” of case issues.

Unanimity

```
# Make case-level data frame:
```

```
Immig$Unanimous <- ifelse(Immig$minVotes==0,1,0)
ImmCases<-ddply(Immig, .(docketId,Unanimous,term),summarize,
               ProImmPct=mean(ProImmVote*100,na.rm=TRUE),
               MeanSC=mean(ideology,na.rm=TRUE))
ImmCases$Post1960<-ifelse(ImmCases$term>1960,1,0)
```

```
# Were there more non-unanimous cases after 1960?
```

```
> with(ImmCases, prop.table(xtabs(~Unanimous+Post1960),2))*100
      Post1960
Unanimous      0      1
0 67.85714 64.70588
1 32.14286 35.29412
```

Issue Composition

Percent of All Cases Heard

Issue	Pre-1960	Post-1960
Permanent residence	0.0	17.6
Citizenship	14.3	17.6
Denaturalization	78.6	29.4
Access to education	0.0	11.8
Welfare benefits	0.0	8.8
Miscellaneous	7.1	14.7

Some Conclusions

- The Justices' votes in immigration cases are related to their political ideology.
- Liberal justices vote in a pro-immigrant fashion more than conservatives.
- Immigration cases became more “ideological” after about 1960.
- The reasons for this change lie (in part) in the nature of the cases decided by the Court before and after that point.