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U.S. immigration policy at the court: organized interests & asymmetric decisions

Seulah Choi ^a, Dino P. Christenson ^b and Janet M. Box-Steffensmeier ^c

^aPolitical Science, Northeastern University, Boston, MA, USA; ^bPolitical Science, Washington University in St. Louis, St. Louis, MO, USA; ^cPolitical Science and Sociology, The Ohio State University, Columbus, OH, USA

ABSTRACT

Do some interest groups fare better on immigration cases before the Supreme Court? We build on interest group power theory and extend the literature by focusing on the heterogeneity of signers to amicus curiae briefs. Specifically, we argue that the presence of organizations that collaborate with multiple communities sends stronger signals to the justices. We use network community detection methods to reveal the coalition behavior of amici that file briefs on immigration cases between 1947 and 2021. We find that immigration cases garner far more amici on the liberal than conservative side, and that amici coalition behavior varies from acting alone, to cliques, to multiple communities. The presence of an amicus that works in multiple communities has a significant and asymmetric effect on judicial decision-making, such that conservative amici move justices to decide in their favor, but there is no comparable effect for liberal groups. Moreover, the effect is conditional on justice ideology, with moderate justices moving to side with conservative amici. In the domain of immigration cases, the accent heard by justices is that of the conservative side.

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Immigration policy has always been a contentious issue in the United States (Gabaccia 2012; Masuoka and Junn 2013; Nagel and Ehrkamp 2016). It has also been a continually evolving issue, one with radical swings, since the country's founding. The Naturalization Act of 1790 laid down the first rules pertaining to national citizenship, limiting naturalization to white people of good character. Replacement laws over the next 12 years lengthened the period of residency and tightened requirements. While the Fourteenth Amendment in 1868 provided citizenship to former slaves and was later expanded to all black people, this expansion of national citizenship was short-lived. Soon thereafter, the Page Act of 1875 officially ended the open border policy, specifically prohibiting Chinese women from entry. The last century has seen numerous executive actions and

CONTACT Seulah Choi  s.choi@northeastern.edu  Political Science, Northeastern University, 918 Renaissance Park, 360 Huntington Avenue, Boston 02215, MA, USA

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congressional bills on, and amendments to, immigration policy. Immigration remains one of the most hotly contested policy debates, primarily because it affects cultural and demographic changes, economic and national security considerations, and complex legal and ethical issues (Tichenor 2002; Zolberg 2008).

Considering the polarized and gridlocked nature of the modern U.S. political system, the future of immigration policy is more likely to change with the executive than legislative branch, but will ultimately hinge on the Supreme Court. While the last several presidents have passed immigration policies unilaterally (e.g., President Obama's Deferred Action for Childhood Arrivals, or President Trump's family separation policy), Congress has not passed into law any significant immigration bill since the Immigration Reform and Control Act of 1986. Local and state governments have remained divided in terms of their willingness to cooperate with Immigration and Customs Enforcement (ICE) (Pierce, Bolter, and Selee 2018). Public opinion has also remained fragmented, with most Americans expressing a favorable attitude toward the current immigration level and a nontrivial, and vocal, minority supporting efforts to put more stringent immigration policies in place (Brader, Valentino, and Suhay 2008; Fetzer 2012). In such an environment, the debate over immigration policy has continued to play out among the courts.

Indeed, the federal courts delayed virtually every initiative that the Trump administration pursued on immigration policy. Faced with repeated failures, Trump stated that "we'll possibly get a bad ruling, and then we'll get another bad ruling, and then we'll end up in the Supreme Court, and hopefully we will get a fair shake."¹ President Trump's confidence and persistence were not totally unjustified, since after he tried to implement travel ban policies twice, the Supreme Court eventually upheld the third version. In addition, the Supreme Court allowed expedited removal of immigrants without the right to challenge the decision, rejected a request from environmental groups to stop the construction of the border wall, and allowed the administration leeway in how it could detain non-citizens without bail hearings. On the other hand, the Supreme Court sided in favor of less restrictive immigration policies in a number of cases in this period as well. In especially big blows to the Trump administration, it rejected the Department of Homeland Security's order to rescind DACA, and it upheld an injunction of a proclamation to suspend the right of asylum to migrants crossing outside of a lawful port of entry.

While Supreme Court decisions have had a significant impact on American immigration policy, there is a noticeable gap in systematic studies of the factors influencing justices' rulings on these cases. However, immigration interest groups have long been pointed to as a crucial factor in shaping the formation and evolution of immigration policy in the United States (Facchini, Maria Mayda, and Mishra 2011; Freeman and Tendler 2012; Ruark 2009; Statham and Geddes 2006; Tichenor 2002; Wong 2006). Some scholars have even argued that immigration policies in Western democracies have tended to be more liberal and expansive than public opinion would suggest, largely due to the influential advocacy efforts of liberal interest groups (Brader, Valentino, and Suhay 2008). And yet while large-scale empirical work has explored the influence of interest groups on the Court (Box-Steffensmeier, Christenson, and Hitt 2013; Collins 2004, 2008; Epstein and Knight 1999; Kearney and Merrill 2000; Spriggs and Wahlbeck 1997), it has rarely done so with attention to specific issue domains,

thereby providing an understanding of general behavior across issues, but leaving open the possibility of different behaviors within particular contexts.

In this article, we build upon and extend previous scholarship by delving into the coalition behavior of interest groups filing *amicus curiae* briefs in immigration cases. This area of study provides a unique perspective for understanding the influence of coalitions on the Court. Unlike many other policy areas, immigration coalitions do not fit neatly into the traditional left-right spectrum and are susceptible to fragmentation when their interests diverge (De Haas et al. 2019). Additionally, immigration cases typically involve legal battles against state or federal government entities, resulting in asymmetric power dynamics,² “the plaintiffs in the [immigration] cases are migrants, but the organizations running the cases have included coalitions of attorneys general in blue states, big-city legal departments, major universities, the American Civil Liberties Union and other public interest groups.” Considering that immigration interest coalitions often transcend conventional ideological boundaries and face challenges in maintaining cohesion (Freeman and Tandler 2012; Jacobson 2011; Wong 2006), we seek to explore whether the coalition strategies of these groups can convey unique signals to the Court. Specifically, we investigate whether the presence of groups that tend to collaborate with multiple communities of groups (as opposed to working alone or within a single clique) can counterbalance the resource dominance of government administrations and influence justices’ decision-making in immigration cases.

Looking at 74 years of immigration case decisions, we find evidence that interest groups with multiple community coalition strategies are more effective in influencing Supreme Court justices in immigration cases. Specifically, the presence of amici in multiple communities on the conservative side of cases tends to sway justices in their favor, while the presence of amici in similar communities on the liberal side does not produce comparable effects. This asymmetrical impact is particularly notable, considering that the immigration groups in *amicus* briefs fall predominantly on the liberal side. Moreover, justice ideology moderates the relationship, such that moderate justices respond to multiple community interests on the conservative side with lower probabilities of liberal votes. These findings offer insights into when and how groups before the Court are able to capture the attention of justices on immigration cases.

1. The multiple dimensions of immigration politics

Immigration policies are multidimensional in that they simultaneously influence several key dimensions of society, including economics, culture, human rights, and national security (Freeman and Tandler 2012; Rosenblum and Cornelius 2012). They address controlling the number of immigrants, selecting immigrant type, offering amnesty or legal protection for illegal immigrants, sanctioning employers of undocumented workers, providing welfare benefits for immigrants, and allocating resources for border control, among others. Because immigration policy affects all of these dimensions simultaneously, interest groups that organize and represent their interests around immigration policy tend to be broad and heterogenous (Freeman and Tandler 2012). Indeed, scholars have identified as core immigration interest groups labor unions, business groups, ethnic minorities, environmental activists, humanitarian advocacy groups, patriotic

groups, population-control advocates, and religious groups (Freeman and Tendler 2012; Gimpel and Edwards 1999; Ruark 2009; Wong 2006).

The multifaceted nature of immigration policy complicates the formation of immigration group coalitions. Immigration groups do not form the standard ideological coalitions that are usually found in other issue areas (Haus 1995; Tichenor 2002; Zolberg 1990). On the right, immigration policy divides businesses and cultural conservatives. Business groups tend to advocate expansive immigration policies to increase labor supply, whereas cultural conservatives tend to advocate restrictive policies professing to uphold American values. On the left, immigration policy splits liberal ethnic groups and labor. Ethnic minority groups tend to favor expansionism to allow transnational families to unite, whereas labor groups tend to favor restrictions to limit the labor supply and secure job opportunities. As such, immigration interest groups often form so-called “odd-couple” coalitions between business and liberal ethnic groups and between labor and cultural conservatives (Haus 1995, 291; De Haas et al. 2019).

Similarly, Tichenor (2002) recognizes that interest groups tend to form coalitions that cut across common partisan and ideological lines in order to maximize their chances of achieving policy goals. He suggests two alternative criteria – organizations’ preferences on immigration admission and preferences on immigration rights – and then categorizes interest groups into four distinct sets: “cosmopolitans” who want to expand both admission and rights, “free market expansionists” who want to expand admission and restrict rights, “nationalist egalitarians” who want to expand rights and restrict admission, and “classic exclusionists” who want to restrict both rights and admission. This typology reflects the multifaceted nature and the complicated composition of immigrant interest group coalitions.

Immigration coalitions become more complicated as interest group preference is not always static nor simply categorized as for or against immigration (Freeman and Tendler 2012; Jacobson 2011; Wong 2006). For instance, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) lobbied Congress to pass sanctions against employers who hired illegal immigrants in the 1960s, but it abandoned this position in the 2000s. After that, the AFL-CIO actively established a coalition with ethnic minority groups to advocate for immigrants’ rights. Similarly, ethnic minority groups are generally likely to advocate for new immigration, but that does not mean that they support all policies that increase the number of immigrants. Ethnic minority groups generally do not support expansive immigration policies that do not also enhance immigrants’ rights (Wong 2006).

We contribute to existing research on immigration groups by investigating the impact of coalition behavior among groups filing *amicus curiae* briefs before the Court. Given the propensity of immigration groups to deviate from conventional ideological divisions and the increased risk of dissolution when their interests diverge (Freeman and Tendler 2012; Jacobson 2011; Wong 2006), we suppose that the coalition behavior of these amici may convey distinct signals to the Court.

2. Judicial decision-making on immigration

There has been a dramatic increase in the number of interest groups serving as *amicus curiae* before the Supreme Court since the 1960s: Collins (2007) and other scholars

have even suggested that nearly every case heard by the current U.S. Supreme Court today involves amicus curiae briefs (Epstein and Knight 1999; Hazelton and Hinkle 2022). Given this trend, scholars have dedicated a great deal of research to uncover whether and how interest groups as amici are effective before the Court (Box-Steffensmeier, Christenson, and Hitt 2013; Collins 2007, 2008; Kearney and Merrill 2000). We have identified three mechanisms through which the literature understands organized interests to influence judicial voting behavior: the information, affected groups, and power hypotheses.

First, the information hypothesis posits that amicus curiae briefs are effective because they provide justices with unique and valuable information that would otherwise be unavailable (Collins 2004). Given the overwhelming workload of judges and their inability to specialize in all areas, they often rely on amici to fill in the gaps in their knowledge (Epstein and Knight 1999; Spriggs and Wahlbeck 1997). In contrast to litigants' briefs that often focus solely on the case outcome, amicus curiae briefs encompass a wide range of social, scientific, technical, and political backgrounds, different legal perspectives, and the broader policy implications of potential decisions (Collins 2004; Epstein and Knight 1998). For instance, Collins, Corley, and Hamner (2015), Hazelton and Hinkle (2022) have emphasized the importance of the quality of amicus briefs. They both focus on attributes of the briefs themselves by using various measures related to writing quality and content. This line of scholarship finds that justices are more inclined to borrow language from high-quality amicus briefs, considering them as credible sources of information. Consequently, the information hypothesis suggests that the greater the number of filed briefs, the higher the likelihood that judges will receive supplementary information and alternative arguments. This hypothesis concludes that justices are more likely to vote in favor of a litigant supported by a larger number of amicus briefs (Collins 2008).

Second, the affected groups hypothesis posits that amicus briefs serve as a proxy for public opinion, with the volume of cosigners signaling broad public support. These cosigners represent subpopulations most likely to be impacted by and responsive to the Court's decisions. Justices are concerned about how the public and the elected branches will receive their decisions. They have a strong incentive to avoid deviating too far from public opinion as it could lead to potential legislative overrides and undermine the Court's institutional legitimacy (Epstein and Knight 1998). Noncompliance can erode the Court's future ability to inspire adherence (Friedman 2009; Hazelton, Hinkle, and Spriggs 2019). Consequently, the Court seeks information on public opinion regarding the issues at hand, and amicus curiae briefs offer the Court such information. The number of groups supporting a brief serves as a rough measure of public opinion, signaling to the Court the magnitude of the case's impact.

Third, the power hypothesis posits that an amicus brief is effective when it is filed by a well-connected and powerful interest group (Box-Steffensmeier, Christenson, and Hitt 2013). It claims that the number of briefs or the number of interest groups cannot fully capture the impact of amici before the Court, because each brief and group is not equal in sending a credible signal to the Court. Powerful groups are more likely to have "the experience, name recognition, and resources necessary to be recognized as experts in a given policy area by the Court" (Box-Steffensmeier, Christenson, and Hitt 2013, 448). Accordingly, if one litigant is supported by a more powerful group than

the other, particularly when the number of briefs is balanced on both sides, that litigant is more likely to prevail in the Court.

Our work uses the insights from each hypothesis and extends the literature by focusing more deeply on a group's cosigning behavior. We primarily build our argument on the power hypothesis that amici are not equal in terms of their ability to send credible signals to the Court and thus influence the final decision. However, we differ from the extant scholarship by focusing more explicitly on the heterogeneity of amici, particularly as to whether or not they tend to collaborate within multiple different communities of organized interests. If the information hypothesis is correct that the number of briefs signals the wide range of implications, or if the affected group hypothesis is correct that the number of amici signals the affected groups, then the *diverse communities* in which amici work may also signal that those implications are widespread and affect different populations. Justices may view arguments made by a group that tends to work in different communities (e.g., a group that tends to file briefs with law, education, human rights, business, and labor groups) as more persuasive than those put forward by a single-minded actor (e.g., a group that tends to file briefs only with educational groups). If a litigant is supported by a mixed community group, then that brief can garner more attention from justices and send a stronger signal to the Court that actors with broad connections agree with that side.

Consider, for example, the amici composition in *Plyler v. Doe* (1982), in which both sides received approximately the same amount of attention from interest groups. The central question in that case was whether or not states can constitutionally deny students a free public education based on their immigration status. Nine groups filed amicus curiae briefs supporting the appellant's claim that denying public education for undocumented children aligns with Texas's interests in preventing a wave of undocumented immigration. On the other hand, eight groups filed briefs supporting the appellee, who was arguing for the rights of undocumented immigrants to receive a public education. The Court ruled 5–4 for Doe, the appellee. While the number of amici supporting each side was roughly equal, the composition of amici was somewhat contrary. The appellant side consisted of all homogenous amici, specifically school districts (e.g., Harlingen Consolidated Independent School District, Mission Independent School District, Brownsville Independent School District, McAllen Independent School District, and San Benito Independent School District). Meanwhile, the amici supporting the appellee consisted of groups with heterogeneous coalition natures, such as the American Immigration Lawyers Association. This example illustrates the idea that justices responded to the presence of amici that work in multiple communities, which signaled that a wide set of actors agreed with the appellee's argument and would be affected by the ruling.

We expect that, compared to briefs supported by a homogenous community group, a brief filed by a heterogenous community group can send a richer signal to the Court and thus influence justices' decisions. This leads to our first hypothesis, which we have broken down according to the ideological side of the litigant:

H1.A: The presence of a group with multiple community membership on the liberal side of a case increases the likelihood that justices will rule in that group's favor.

H1.B: The presence of a group with multiple community membership on the conservative side of a case increases the likelihood that justices will rule in that group's favor.

Consistent with previous scholarship, we expect an asymmetric effect. Namely, we allow and test for justice ideology to mediate the impact of amici coalition behavior. Box-Steffensmeier, Christenson, and Hitt (2013) find that liberal and conservative justices respond differently to the appearance of a pivotal amici from the opposing side of the ideological spectrum. When a powerful liberal group files a brief, conservative justices are more likely to cast a conservative vote; however, when faced with highly powerful conservative interest groups, liberal justices support liberal litigants less frequently. Similarly, Collins and Martinek (2015) find that amicus curiae briefs have a conditional effect depending on the U.S. Court of Appeals judge's ideology. However, their findings suggest the opposite direction: conservative judges tend to be influenced by amicus briefs, whereas liberal ones tend to remain unmoved. They suspect that conservative judges have a strong psychological desire to find quick and decisive answers, and thereby use amicus curiae briefs as decision-making shortcuts, while liberal judges tend to engage in more cognitively complicated information processing with briefs, and thereby are less likely to take it as a simple heuristic.³

We similarly expect that a justice's ideology mediates the impact of amici behavior. However, given the varied findings in the literature, the particular form of the interaction is less obvious a priori. There are a number of reasonable expectations: justices may simply move in line with interest group pressure regardless of their ideology (i.e., no interaction effect), or justices may repel from interest groups on the opposing ideological side (i.e., a general *backlash* effect). In addition, justices of different ideologies may respond differently to interest group pressure from each ideological side (i.e., an asymmetric effect). In line with the particular asymmetric findings at the Court from Box-Steffensmeier, Christenson, and Hitt (2013), we expect that when a heterogenous group files a brief on the liberal side, it will do little to push conservative justices to the left, perhaps even resulting in a backlash effect. However, for liberal justices, the presence of a heterogenous conservative group increases the chances of casting a conservative vote. This logic leads to a hypothesis on asymmetric interactive effects, which we have broken down according to the ideological side of the litigant:

H2.A: The presence of a group with multiple community membership on the liberal side of the case decreases the likelihood that conservative justices will rule in that group's favor.

H2.B: The presence of a group with multiple community membership on the conservative side of the case increases the likelihood that liberal justices will rule in that group's favor.

3. Supreme court immigration cases, 1946–2021

To test our hypotheses, we comprehensively examine the Supreme Court cases that are concerned with immigration issues between 1946 and 2021. The immigration issue cases include: (1) criminal statutes regarding immigration; (2) deportation; (3) employment of immigrants; (4) permanent residence; (5) citizenship; (6) loss of citizenship and denaturalization; (7) access to public education; (8) welfare benefits; and (9) miscellaneous issues related to immigration.⁴ There were 183 United States Supreme Court cases dealing with these issues between 1946 and 2021. The majority of immigration cases concerned immigrants' deportation (98 cases) and loss of citizenship and denaturalization (28 cases). The cases regarding employment of immigrants (13 cases) and citizenship achievement (10 cases) follow. Three cases each dealt with access to public education and welfare benefits.

We identify three noteworthy descriptive findings regarding immigration cases and amici. First, not every immigration case has amici: interest groups filed briefs on 86 out of 183 immigration cases. Until the 1960s, the number of organizations filing briefs on each immigration case was limited, with usually only one or two, and a maximum of 11 organizations involved. However, since then, the number of amici filing briefs on immigration cases has significantly increased.

Second, interest groups filing briefs in support of the liberal side demonstrate higher activity compared to those supporting the conservative side in a given case, resulting in a noticeable imbalance in the presence of liberal briefs and amici, as illustrated in [Figure 1](#) (b). Among the 86 cases featuring amicus curiae briefs, 45 exclusively featured amici on the liberal side without any conservative counterparts. In contrast, only 7 cases exclusively involved groups on the conservative side without any liberal presence. In the remaining cases that included a mix of both liberal and conservative amici, the number of liberal amici typically exceeded that of conservative amici.

Third, a notable difference exists in the coalition behavior of groups filing briefs on the liberal and conservative sides. Conservative groups tend to exhibit more homogenous coalition behavior, filing briefs alone or forming cliques (such as schools filing briefs with other schools, or Jewish groups filing briefs with other Jewish groups, etc.). On the other hand, when liberal groups file briefs, they tend to form coalitions across multiple communities (for example, the American Immigration Lawyers Association filing briefs with the American Civil Liberties Union, the American Jewish Committee, and the Indian Law Resource Center, among others). These findings suggest the contrasting dynamics of liberal and conservative groups' involvement in immigration cases, highlighting the different approaches they take in forming coalitions.

3.1. The immigration network

We assembled a network of immigration interest groups that filed briefs in immigration cases from 1947 to 2021 by combining data from the Supreme Court Amicus Curiae Briefs database (Box-Steffensmeier and Christenson 2012), which extends until 2012, with additional data collected through 2021. In our immigration interest group networks,

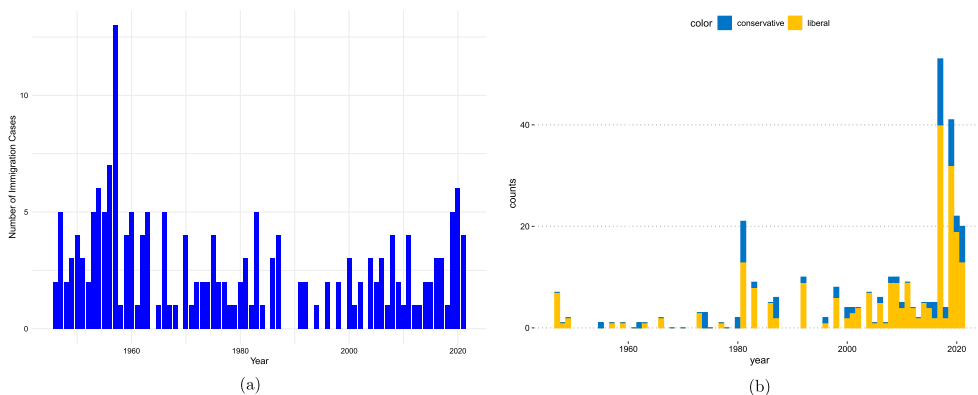


Figure 1. (a) The number of immigration cases (b) The number of immigration briefs.

a node refers to each immigration interest group that files a brief and an edge refers to the co-signing of a brief between interest groups.

We construct the immigration network from 1947 to 2021, considering its temporal evolution for two primary reasons. First, not every interest group consistently appeared between 1947 and 2021. Some groups appeared, while others disappeared over the period of our data; only the AILA has consistently remained active before the Court. Second, we need to consider the possibility that coalition behavior may evolve over time; interest groups tend to work independently in one period but not in the next.

To capture the evolving presence of groups and their coalition patterns, we structured our immigration network into four distinct temporal windows, which align with significant shifts in American immigration policy. Based on Ewing's categorization of historical waves in American immigration policies (Ewing 2012), we organized the immigration networks into four distinct periods: 1947–1964, 1965–1985, 1986–2000, and 2001–2012. According to Ewing (2012), the first wave (1947–1964) entails a discriminatory national-origins quota immigration system. The system imposed numerical limits on the number of immigrants, which favored the Western hemisphere. The second wave (1965–1985) starts with the ending of national-origins quota. The 1965 Immigration and Nationality Act set the new standard for immigration policy, which expanded the number of immigrants overall and allowed many Latin American and Asian people to migrate to the United States. The third wave (1986–2000) is characterized as the rise of immigration control. Starting with the Immigration Reform and Control Act of 1986, immigration rights and welfare benefits were more and more restrained. The final wave, which we defined as 2001–2021, started with the 9/11 attacks, which caused immigration issues to be increasingly framed as national security matters.

To identify immigration groups' coalition patterns, such as whether they tend to act alone, work in cliques, or span multiple communities, we employ a network analytic technique: community detection methods. Community detection methods enable researchers to identify latent communities of closely connected nodes, without needing to incorporate any exogenous characteristics about nodes. As a result, they provide a more empirically precise picture of the nodes' interdependence patterns (e.g., Greenhill and Lupu 2017; Kim and Kunisky 2021; Porter et al. 2007).

In particular, we employ the link communities detection method developed by Ahn, Bagrow, and Lehmann (2010). This method partitions a network by clustering *links* between nodes rather than clustering the nodes themselves. While many existing community methods (e.g., stochastic block model or greedy modularity optimization) tend to partition a network by clustering nodes, a major drawback to this approach is that a node can only belong to one community (Ahn, Bagrow, and Lehmann 2010; Kalinka and Tomancak 2011; Kim and Kunisky 2021). However, in densely connected real-world networks, nodes often simultaneously belong to multiple communities and their communities often overlap.

To overcome this limitation, the link communities method clusters links among nodes, allowing each node to inherit all memberships of its links and, as a result, belong to multiple link communities simultaneously. This approach reveals overlapping and nested communities in the network, where nodes can belong to more than one

community (Ahn, Bagrow, and Lehmann 2010; Kalinka and Tomancak 2011; Kim and Kunisky 2021). This method is essential for our study because groups belonging to multiple, distinct communities indicate heterogeneous coalition behavior, while groups in a single community suggest a more homogeneous one.

Figure 2 shows the link communities of the immigration network. A node pie chart represents the fraction of the total number of edges that the node has in each community. Thus, the more pieces of the pie an interest group has, the more multiple, distinct communities it belongs to. Conversely, the fewer pie pieces an interest group has, the fewer distinct communities it belongs to (i.e., it belongs to more overlapping, nested communities).

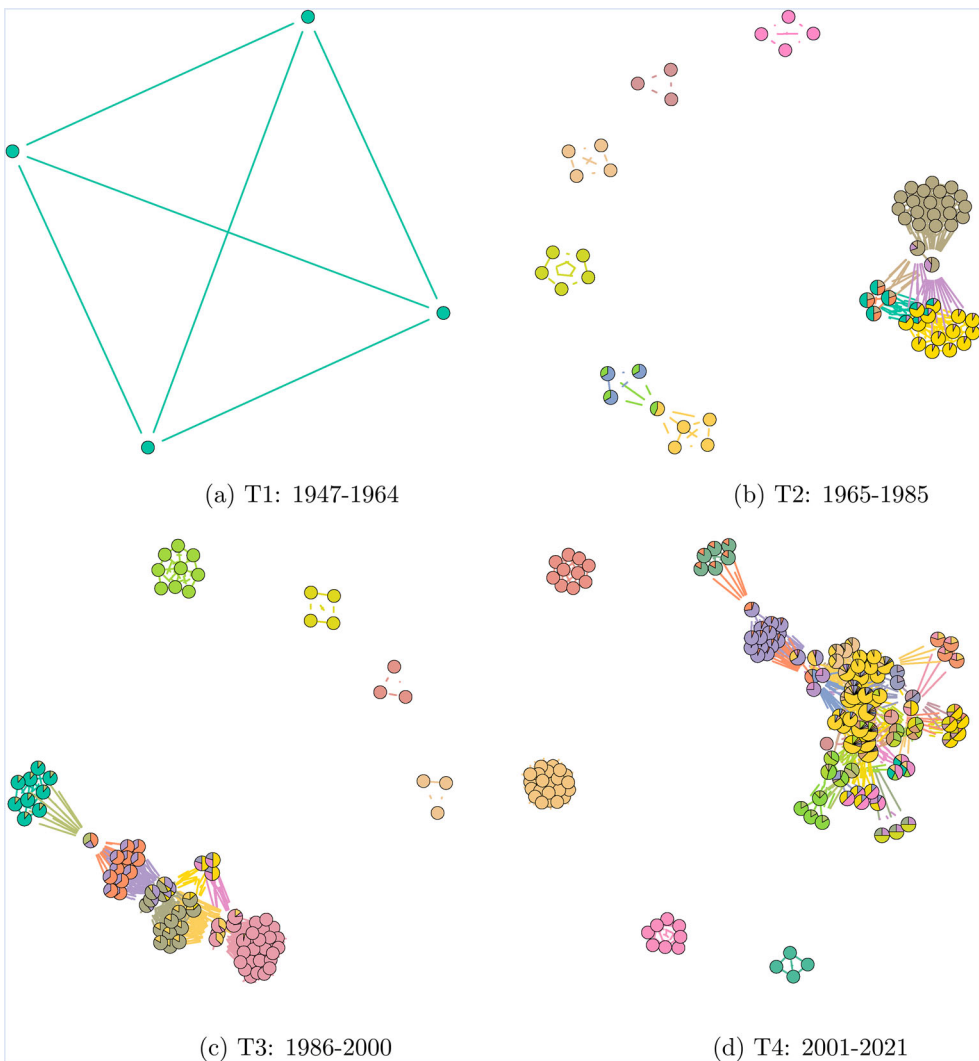


Figure 2. Link communities in immigration amici networks. (a) T1: 1947–1964 (b) T2: 1965–1985 (c) T3: 1986–2000 (d) T4: 2001–2021.

3.2. Community centrality

We use community centrality to examine the extent to which an interest group belongs to multiple, distinct communities within the immigration network (Kalinka and Tomancak 2011). Community centrality is a community-based node centrality measure, which calculates the importance of a node based on the number of communities to which it belongs. It weighs the membership of a node in a community by considering how distinct that community is from the other communities to which the same node belongs (Kalinka and Tomancak 2011).⁵ That is, a group that belongs to multiple, distinct communities has high community centrality, whereas a group that belongs to overlapping, nested, or just a few distinct communities has low community centrality.

We calculate the community centrality of each amicus assigned to link communities in four immigration networks. As shown in Figure 3, the community centralities of amici substantially vary over the course of the study. A limited number of groups belong to a large number of heterogeneous communities, while many others engage in overlapping, nested, or just a few distinct communities by closely collaborating with like-minded groups.

For instance, during the fourth temporal period (2001–2021), 455 interest groups in link communities have a community centrality of 1, meaning that they belong to

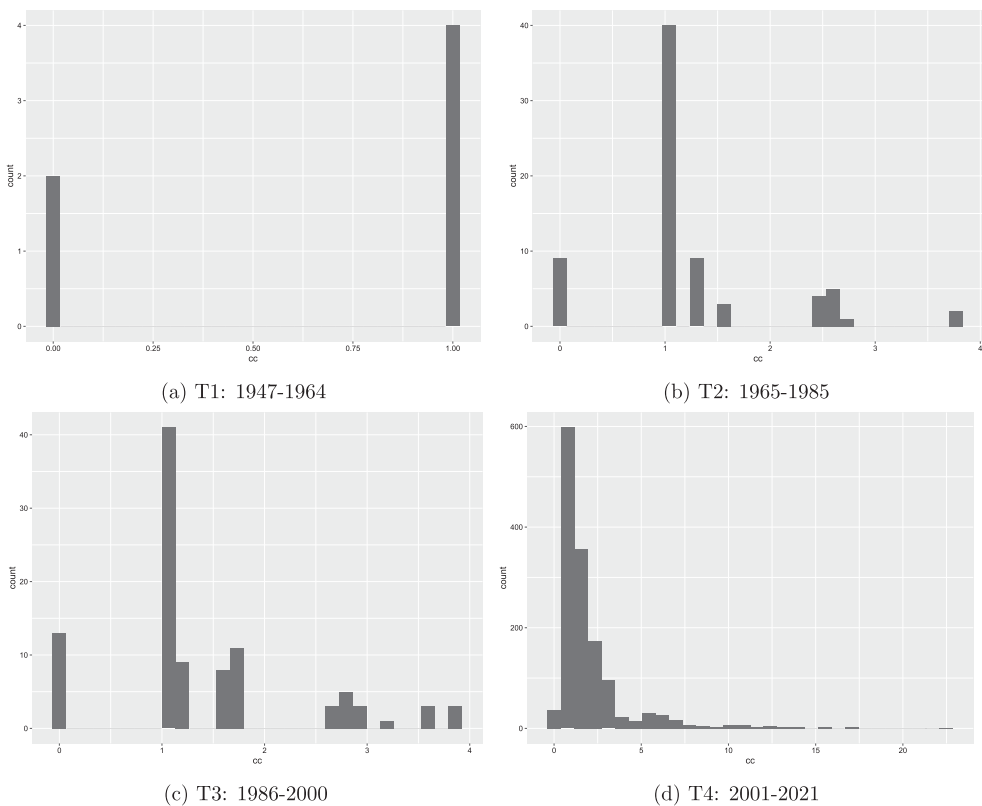


Figure 3. Distribution of community centralities. (a) T1: 1947–1964 (b) T2: 1965–1985 (c) T3: 1986–2000 (d) T4: 2001–2021.

approximately one community in the network, or, have single community membership. Their coalition behavior can be described as limited, in that they tend to work with a relatively small number of groups. For example, the egocentric network of Human Rights Watch in Figure 4 exemplifies the coalition behavior of a single membership group, which forms a relatively tight cluster of like-minded groups, such as human rights advocacy and women's rights organizations. Other interest groups with single membership include some business groups (e.g., Americans Watch), agriculture groups (e.g., National Council of Agricultural Employees, American Farm Bureau Federation), education groups (e.g., American Council on Education, Mission Independent School District), and media groups (e.g., Newspaper Guild, Committee to Protect Journalists).

On the more extreme end of the spectrum, 37 immigration interest groups have zero community centrality. We define these groups as having isolated community

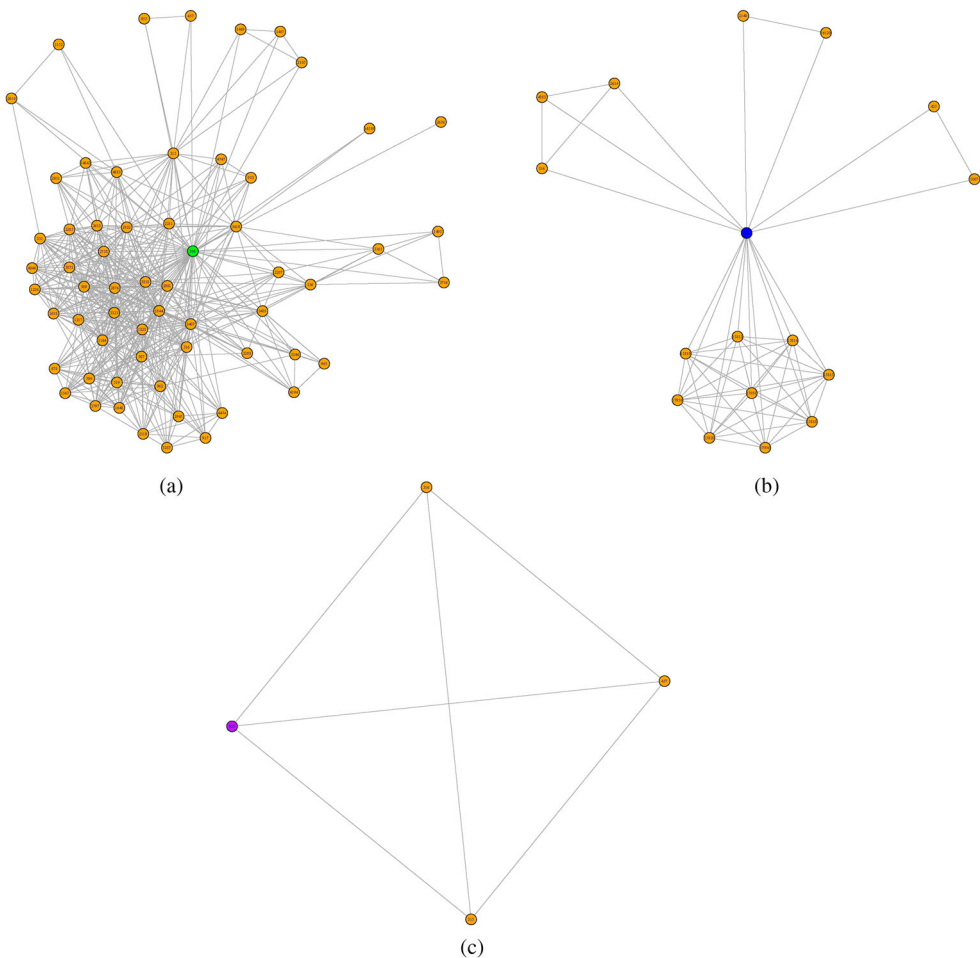


Figure 4. Egocentric Networks for the American Immigration Lawyers Association, Human Rights Watch & Catholic Charities Community Services (a) Multiple community membership: American Immigration Lawyers Association (b) Single community membership: Human Rights Watch (c) Isolated community membership: Catholic Charities Community Services.

membership in the network. The egocentric network of the Catholic Charities Community Service (CCCS) (purple node) in [Figure 4](#) exemplifies the coalition behavior of isolated community membership. Its coalition behavior is even more limited, in that it belongs to overlapping and nested communities (i.e., working only with the mother branch of its groups or as part of larger homogeneous coalitions). Other isolated community membership groups include local branches of immigration groups (e.g., the New York Civil Liberties Union), or some university law schools (e.g., Boston College Law School).

921 interest groups in link communities have a community centrality greater than 1, simultaneously belonging to more than one community in the network. The American Immigration Lawyers Association (AILA) has the highest community centrality at 22.489, followed by the Asian Americans Advancing Justice at 17.378, and the Florence Immigrant & Refugee Rights Project at 16.720. Interest groups with high community centrality are mainly immigration law professionals or ethnic groups (e.g., the National Council of La Raza, the Mexican American Legal Defense and Education Fund, and the Asian Law Caucus INC, etc).

Interest groups with multiple community membership tend to file briefs on a wide range of immigration issues, including deportation, welfare benefits, or employment, with a broad range of groups that cross the lines of business, location or organization size. The egocentric network of the AILA (green node) in [Figure 4](#) demonstrates such a pattern: it belongs to numerous distinct communities in the network, filing briefs with human rights advocacy groups (e.g., Human Rights, Human Rights First, and American Civil Liberties Union), ethnic minority groups (e.g., Asian American Institute, Asian Law Caucus, Asian American justice Center, Mexican American Legal Defense and Educational Fund, National Council of La Raza, and Cambodian Association of America), and religious groups (e.g., Catholic Legal Immigration Network, Catholic Legal Services, and Christian Legal Defense), as well as many other types of groups.

Our key independent variable is thus the presence of an interest group that has multiple community membership, which reflects a group's heterogenous coalition nature. We code it as 1 if the community centrality of an immigration interest group is greater than 1, and 0 otherwise. Since community centrality is a weighted version of the number of communities to which a group belongs, if it is larger than 1, then the group belongs to more than one latent community in the immigration network.

3.3. Covariates

To examine other factors that influence justice votes, we use the Spaeth database (Spaeth et al. 2022), in particular the justice-centered data format that shows how each justice casts a vote in a case.⁶ We control for several factors that have been shown to correlate with justice voting behavior. First of all, justice's ideology has been one of the well-known covariates that influences judicial decision-making (Segal and Spaeth 2002). We use the Martin and Quinn (2002) estimates of justices' median ideology where the higher the number of this estimate, the more conservative the justice's ideology, and the lower the number, the more liberal the justice's ideology. As we estimate a justice's propensity to rule in the liberal direction, the sign of this variable is expected to be negative. Second, scholars have demonstrated that the Supreme Court disproportionately sides with the

Table 1. Summary statistics.

	N	Mean	Std.Dev.	Min.	Max.
Justice Vote	1573	0.500	0.500	0	1
Justice Ideology	1639	-0.101	2.128	-7.923	4.511
Lower Court Direction	1630	0.434	0.496	0	1
Number of Liberal Briefs	1639	1.326	3.266	0	30
Number of Conservative Briefs	1639	0.388	1.345	0	13
Liberal Solicitor General	1639	0.048	0.214	0	1
Conservative Solicitor General	1639	0.836	0.370	0	1
Liberal Attorney Experience	1639	21.029	74.423	0	373
Conservative Attorney Experience	1639	32.312	83.897	0	436
Liberal Group's Multiple Community Membership	1639	0.290	0.454	0	1
Conservative Group's Multiple Community Membership	1639	0.049	0.216	0	1

position of solicitor general when they argue a case as a party (Bailey, Kamoie, and Maltzman 2005). Thus, we also control for the presence of the solicitor general as either a liberal or conservative litigant. Third, scholars have pointed out that the Court is more likely to accept cases that it intends to overturn (Collins 2004; Segal and Spaeth 2002). Thus, we include the ideological direction of the lower court decision as a control variable, which is coded as 1 if the lower court ruled in a liberal direction and 0 otherwise. We expect a negative sign for this variable, as the Court is expected to decide in a liberal direction if it accepts a case that was ruled in a conservative direction in the lower courts. Fourth, scholars have shown that attorneys with extensive experience tend to produce more comprehensive briefs, both in terms of quantity and the quality of information presented, thereby influencing the decisions of justices. We utilize Hazelton and Hinkle's data (2022) to include attorney experience, which is quantified as the number of prior briefs signed by the attorney who possesses the most significant experience in terms of brief writing. We suspect that, when a highly experienced attorney submits a brief for the liberal side, justices are more likely to vote in favor of the liberal position. Conversely, if a highly experienced attorney submits a brief for the conservative side, justices are less likely to vote in favor of the liberal side. Finally, we include the number of briefs in our model to test the information hypothesis (Collins 2008).⁷ The results are consistent and are presented in the appendix. Table 1 presents summary statistics of the key independent variables.⁸

4. The asymmetry of immigration politics

To test the impact of amici's coalition behavior on a justice's decision, we estimate a probit model of a justice's propensity to support a liberal litigant in a case. To account for the potential correlation of votes within the same justices, we cluster observations by justices and calculate robust standard errors.⁹

Before looking at the results of our specific hypothesis, we note that the traditional covariates of judicial decision-making turn out as expected, given the aforementioned literature. Table 2 column 1 shows the results of the probit regression model with the standard covariates of judicial decision-making. To account for time-specific factors that may influence the dependent variable, we include year fixed effects. Justice ideology and lower court direction are negative and statistically significant. The more conservative a justice is, the less likely the justice is to vote for the liberal side. Justices are more likely to vote

Table 2. Probit estimates of justice probability of supporting liberal litigant.

	(1)	(2)	(3)
Liberal Group with Multiple Membership		-0.122 (0.155)	-0.120 (0.155)
Conservative Group with Multiple Membership		-0.703* (0.278)	-0.977* (0.406)
Liberal Group with Multiple Membership x Justice Ideology			0.031 (0.063)
Conservative Group with Multiple Membership x Justice Ideology			-0.230 (0.118)
Justice Ideology	-0.410*** (0.036)	-0.412*** (0.036)	-0.414*** (0.048)
Lower Court Direction	-0.424** (0.145)	-0.432** (0.148)	-0.435** (0.150)
Number of Liberal Briefs	-0.102*** (0.030)	-0.091** (0.034)	-0.095** (0.032)
Number of Conservative Briefs	0.177** (0.055)	0.218*** (0.060)	0.250*** (0.065)
Liberal Solicitor General	-0.393 (0.428)	-0.488 (0.433)	-0.523 (0.429)
Conservative Solicitor General	-0.432 (0.265)	-0.511 (0.263)	-0.534* (0.262)
Liberal Attorney Experience	0.002*** (0.0005)	0.002*** (0.0005)	0.002*** (0.0005)
Conservative Attorney Experience	-0.002** (0.001)	-0.002* (0.001)	-0.002* (0.001)
N	1478	1478	1478
AIC	1463.131	1460.426	1456.89
BIC	1664.472	1661.767	1658.23

^a * p<0.05, ** p<0.01, *** p<0.001. ^b Robust standard errors clustered on justices in parentheses. ^c All the models include year fixed effects.

against a liberal direction when the case received a liberal ruling in the lower courts. Additionally, the presence of a conservative solicitor general reduces the likelihood of justices voting in favor of the liberal side. The number of liberal briefs is significant, but substantively small, and, contrary to expectations, negative.

In order to test our key hypotheses (H1.A and H1.B), in Table 2 column 2 we add the community centrality variables to the covariates in the previous model (column 1). The results strongly support our core proposition: the presence of a group with multiple community membership increases a justice's tendency to support that side. However, and consistent with previous literature, the impact of multiple community membership is only meaningful when groups are on the conservative side. The presence of a liberal group – whether it tends to collaborate in multiple communities or not – does not have a significant impact on a justice's decision to vote for the liberal side. The findings suggest that, for a conservative group, filing briefs with a group that tends to work in multiple communities is a better strategy than merely acting alone or solely within a single clique. In terms of the magnitude of effects, Figure 5 shows that when a conservative multiple community membership group files a brief on an immigration case, the probability of a justice's decision to support the liberal party decreases by 22.11%.

4.1. Ideological conditioning of group influence

The impact of interest groups on justices' decisions on immigration is asymmetric. On average and across all the immigration cases and decisions, the conservative multiple

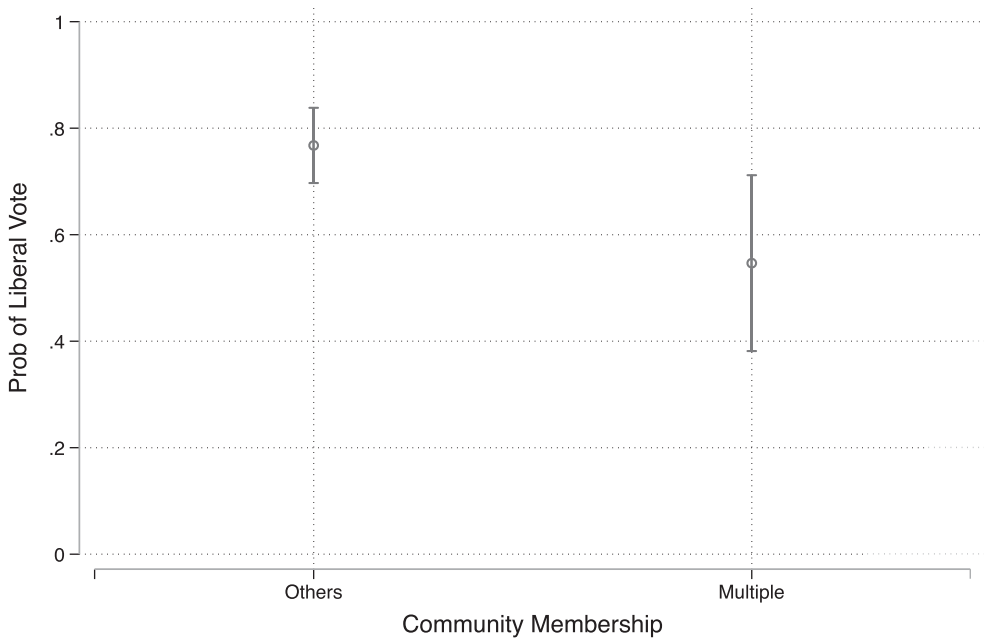


Figure 5. Conservative groups with multiple memberships decrease probability of liberal vote.

community membership groups are the only ones to influence the justices. These results suggest one of two possible explanations. First, justices find conservative group's amicus briefs submitted with heterogeneous coalitions more persuasive. Second – in line with the literature and our second set of hypotheses on asymmetric effects (H2.A and H2.B) – ideological subsets of justices are more responsive to interest group signals than others. In this section, we explore whether there is support in the data for these rival explanations of asymmetric effects, by testing the moderating effect of justice ideology.

To examine whether the impact of a group's coalition behavior depends on justice ideology, we interact coalition behavior with justice ideology in column 3 of Table 2. The probit regression model is otherwise identically specified as the previous model. In both cases the coefficient directions are in line with our expectations. While the standard errors of the interaction terms do not show statistical significance in our analyses, such tests are known to be misleading in the context of nonlinear models (Ai and Norton 2003; Berry, DeMeritt, and Esarey 2010). Thus, to more appropriately explore these results we plot predicted probabilities from the interactions.

The left plot in Figure 6 shows the impact of multiple membership for groups on the liberal side across values of justice ideology on the X axis, where a higher number means a more conservative justice, and a lower number means more liberal. We see that both liberal and conservative justices are likely to vote accordingly, regardless of group coalition behavior on the liberal side. The small gap in lines and overall similar trajectory suggests that neither liberal nor conservative justices respond all that differently to groups when they have multiple memberships or otherwise on the liberal side. Indeed, the predicted probability lines are well within each subset's confidence intervals, suggesting little in the way of substantively meaningful findings for the impact of

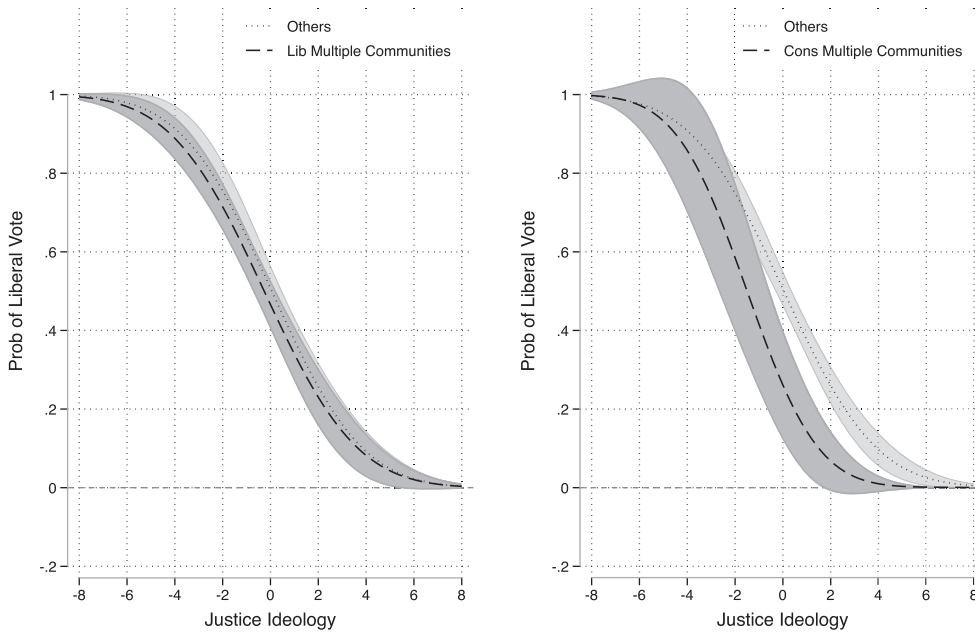


Figure 6. Impact of multiple membership on liberal and conservative groups across justices' ideology.

liberal groups from multiple communities. There is no evidence of justice ideology moderating the effect of multiple community amici on the liberal side.

The right plot in [Figure 6](#) shows the impact of groups on the conservative side, for both those with multiple community memberships and those without, across the justice's ideology on the X axis. This time, however, the plot shows a meaningful difference between the presence and absence of multiple community groups on a justice's decision to cast a liberal vote. Justices, regardless of ideology, are less likely to vote liberal when groups from multiple communities are present on a brief on the conservative side.¹⁰ In other words, the presence of conservative groups sends a strong signal to justices. However, the multiple community impact is felt primarily among moderate justices. Extremely liberal and extremely conservative justices are both almost guaranteed to vote in accord with their ideology regardless of amici. Around a liberal score of -4 the degree of the multiple community score begins to diverge becoming steeper, such that by a moderate score of -1.5 , there is a statistical and substantive difference between groups in and out of multiple communities, which dissolves around the more conservative score of 2. For moderate justices a group in multiple communities on the conservative side of the case drops the predicted probability of a liberal vote by a half to one and a half points.

The results suggest that justices receive signals from interest groups differently on immigration policy depending on their ideology and the amicus's side of the case.¹¹ A justice's ideology plays no role in how they respond to interest groups on the liberal side of the case. Perhaps due to their frequent appearance on that side and expected positions, groups on the liberal side appear largely ineffectual before the Court on this issue. Likewise, ideologically extreme justices are less likely to get swayed by the presence of

interest groups, be they liberal or conservative, be they part of multiple distinct communities or not. However, we find that moderate justices are more likely to consider the argument of conservative siding groups when they are part of multiple membership communities. That is, moderate justices are less likely to vote for the liberal side when these groups sign onto briefs. In sum, our findings suggest that the presence of multiple community membership groups have negligible effects on the liberal side, whereas the presence of multiple community membership groups on the conservative side has a big impact on moderate justices' decisions to vote more conservatively.

5. Asymmetric and conditional immigration policy

The fundamental motivation of our work is to understand why some groups appear to be more successful than others in influencing justices' decisions on immigration cases. Much can be learned about changes in advocacy by studying it from a network perspective. Our focused analyzes of interest groups and their coalition strategies in over 74 years of U.S. immigration cases before the Supreme Court clearly show the distinct coalition behavior of interest groups with isolated, single or multiple membership. Legal professional groups (e.g., AILA) tend to have multiple memberships working with diverse sets of groups across lines of business, thereby having an inclusive nature. Human rights groups (e.g., HRW) tend to have single memberships, working with similar-minded groups on limited issues, thereby having a specialist nature.

Our work reveals that the coalition behavior of interest groups matters in influencing judicial outcomes on the enduringly contentious issue of immigration. Compared to working alone or having single community membership amici, the presence of at least one amicus with multiple community membership on the conservative side sends a powerful signal to justices to vote for that side. That is, we find asymmetric effects of immigration groups. Conservative siding groups are considerably more effective at influencing judicial outcomes compared to liberal groups in the immigration domain. The asymmetric impact of amici is particularly notable, given that the bulk of active immigration interest groups appearing on immigration cases support liberal arguments. Interestingly, they are not as influential as their active participation might imply.

Moving from general patterns about interest group behavior in the Court to an examination centered around the important policy issue of immigration further illuminates central political debates about the nature of interest group influence. We see fundamental connections to the debates begun in foundational documents such as the *Federalist Papers* and seminal works by Truman (1951), Schattschneider (1960), and Dahl (1961). The kind of coalition behavior of interest groups has a meaningful impact on justices' decisions and, importantly, it is asymmetrical. Liberal immigration groups tend to use the Courts more often than they use the other branches, yet they have less impact – again raising the specter of the mischief of factions before the Court.

Notes

1. Donald Trump, "Rose Garden News Conference" (speech, Washington DC, February 15, 2019).
2. As highlighted by Fred Barbash in the *Washington Post* (Barbash 2019).

3. In addition to such asymmetric findings among justices, considerable scholarship has revealed meaningful differences between liberals and conservatives in many other public policy areas, including accepting the legitimacy of a government (Morisi, Jost, and Singh 2019) or taking a stance on a culturally controversial issues, like immigration (Day et al. 2014; Graham, Haidt, and Nosek 2009; Haidt 2013; Koleva et al. 2012).
4. They correspond to the Supreme Court Database's case issue categorization numbers: 10480, 20110, 20120, 20260, 20270, 20280, 20290, 20300, and 20310, respectively (Spaeth et al. 2022).
5. Further discussion on community centrality is presented in the appendix.
6. We specifically utilize the dataset that comprises a single set of justice votes for each dispute. Consolidated cases, which involve multiple dockets, and cases encompassing various issues or legal provisions are counted as single instances.
7. We also included the number of organizations in order to test the affected hypothesis (Collins 2004; Spriggs and Wahlbeck 1997).
8. We note that the mean values for conservative groups' multiple community memberships are skewed towards 0. There are 9 immigration cases involving conservative groups with multiple memberships, and, with the exception of one case (*Fedorenko v. United States*), these cases are mainly observed during the t4 period, particularly after 2015.
9. We calculate standard errors and cluster observations by case and by term, as detailed in the Appendix. Additionally, we present the GEE (Generalized Estimating Equation) (Zorn 2001) model and the probit model without year fixed effects, both of which are included in the Appendix. The results for the main independent variables are significant at $p < .01$ when excluding fixed effects..
10. The larger confidence intervals for the multiple community groups on the conservative side reflects the smaller number of these groups, as discussed above.
11. Given the unique nature of immigration cases, we note that these results are unlikely to hold across other issue areas, such as environment, health care or civil rights, which suggests avenues for future research.

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ORCID

Seulah Choi  <http://orcid.org/0000-0002-9896-8161>

Dino P. Christenson  <http://orcid.org/0000-0003-4072-5391>

Janet M. Box-Steffensmeier  <http://orcid.org/0000-0002-0878-6269>

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