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On Normative Effects of Immigration Law

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Emily Ryo

Abstract

Can laws shape and mold our attitudes, values, and social norms, and if so, how do immigration laws affect our attitudes or views toward minority groups? I explore these questions through a randomized laboratory experiment that examines whether and to what extent short-term exposures to anti-immigration and pro-immigration laws affect people's implicit and explicit attitudes toward Latinos. My analysis shows that exposure to an anti-immigration law is associated with increased perceptions among study participants that Latinos are unintelligent and law-breaking. In contrast, I find no evidence that exposure to pro-immigration laws promoted positive attitudes toward Latinos. Taken together, these results suggest that exposure to anti-immigration laws can easily trigger negative racial attitudes, but fostering positive racial attitudes through pro-immigration laws might be substantially more difficult. I argue that a fuller appreciation of the impacts of immigration laws requires an understanding of their normative effects. I conclude by discussing the directions for future research on law, racial attitudes, and intergroup relations, and the policy implications of my findings.

ON NORMATIVE EFFECTS OF IMMIGRATION LAW

Emily Ryo[†]

Can laws shape and mold our attitudes, values, and social norms, and if so, how do immigration laws affect our attitudes or views toward minority groups? I explore these questions through a randomized laboratory experiment that examines whether and to what extent short-term exposures to anti-immigration and pro-immigration laws affect people's implicit and explicit attitudes toward Latinos. My analysis shows that exposure to an anti-immigration law is associated with increased perceptions among study participants that Latinos are unintelligent and law-breaking. In contrast, I find no evidence that exposure to pro-immigration laws promotes positive attitudes toward Latinos. Taken together, these results suggest that exposure to anti-immigration laws can easily trigger negative racial attitudes, but fostering positive racial attitudes through pro-immigration laws might be substantially more difficult. I argue that a fuller appreciation of the impacts of immigration laws requires an understanding of their normative effects—the laws' impact on people's judgments about how they ought to view and treat certain social groups or conduct. I conclude by discussing the directions for future research on law, racial attitudes, and intergroup relations.

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“[T]he law can be a teacher.”¹

INTRODUCTION

In *Board of Trustees v. Garrett*, a case about the constitutionality of Title I of the Americans with Disabilities Act, Justice Kennedy wrote: “One of the undoubted achievements of statutes designed to assist those with impairments is that citizens have an incentive, flowing from a legal duty, to develop a better understanding, a more decent perspective, for accepting persons with impairments or disabilities into the larger society.”² He added, “The law works this way because the law can be a teacher.”³ Justice Kennedy’s vision of law as a teacher has deep roots. Writing about anti-discrimination laws in the 1950s, Gordon Allport—a prominent psychologist—called the law a “mentor” that would mold people’s outward habits of behavior as well as inward habits of the mind.⁴

Do immigration laws have such educative or normative effects that are consistent with the laws’ substantive content? By normative effects, I mean the laws’ impact on people’s judgments about how they ought to view and treat certain social groups or certain conduct.⁵ As a first step in thinking about these questions, the current study explores whether and to what extent short-term exposure to immigration laws affects non-Latinos’ implicit and explicit attitudes toward Latinos⁶—often the most visible and public targets of these

1. *Bd. of Trs. of the Univ. of Ala. v. Garrett*, 531 U.S. 356, 375 (2001) (Kennedy, J., concurring).
 2. *Id.*
 3. *Id.*
 4. GORDON W. ALLPORT, *THE NATURE OF PREJUDICE* 472 (3d ed. 1979).
 5. This definition follows philosophers’ use of the term “norm” to refer to “what people ought to do.” This understanding of “norm” is distinct from the other common understanding of the term (often used by social scientists) to refer to “average behavior” or “what people normally do.” Robert Cooter, *Normative Failure Theory of Law*, 82 *CORNELL L. REV.* 947, 954 (1997).
 6. I use the terms “Latino” and “Hispanic” interchangeably in this Article, recognizing



laws.⁷ In a randomized laboratory experiment, I exposed one group of study participants to an anti-immigration law and another group of study participants to a pro-immigration law. A third group of participants who were exposed to a non-immigration law (water safety law) served as the baseline condition. My analysis shows that exposure to an anti-immigration law is associated with increased perceptions among study participants that Latinos are unintelligent and law-breaking. In contrast, I find no evidence that exposure to pro-immigration laws promoted positive attitudes toward Latinos.

I tested whether this lack of evidence on the attitudinal effects of exposure to a pro-immigration law was due to that law's provisions affording public services and benefits to immigrants, which might have triggered backlash against Latinos. More specifically, exposure to the pro-immigration law might have induced hostility against Latinos by heightening the study participants' perceptions of resource scarcity and economic threat. To test this idea, I exposed another group of study participants to a pro-immigration law that did not contain any provisions relating to public services and benefits for immigrants. I found no evidence that exposure to this second type of pro-immigration law promoted positive attitudes toward Latinos.

Taken together, these results suggest that exposure to anti-immigration laws can easily trigger negative racial attitudes, but fostering positive racial attitudes through pro-immigration laws might be substantially more difficult. Why might this be? One possibility is that the attitudinal effects of immigration law likely involve more complex dynamics than what the law-as-a-teacher model posits. Evidence in other areas of law suggests that laws can act as a prime that makes certain types of social status highly salient, which in turn can trigger status-related beliefs and stereotypes.⁸ Similarly, immigration laws may facilitate or prime negative attitudes toward Latinos by making in-group/outgroup boundaries highly salient. This priming effect⁹ likely

that both terms encompass many different ethnic groups. I also recognize that Latino is a masculine noun; however, for the sake of brevity I use the term to refer to both genders.

7. See Kevin R. Johnson, *The Case Against Racial Profiling in Immigration Enforcement*, 78 WASH. U. L. REV. 675, 676-77 (2000) (analyzing racial profiling and other disparate treatment of Latinos under U.S. immigration law).

8. See Justine E. Tinkler et al., *Can Legal Interventions Change Beliefs? The Effect of Exposure to Sexual Harassment Policy on Men's Gender Beliefs*, 70 SOC. PSYCHOL. Q. 480, 482, 491 (2007) (confirming the hypothesis that exposure to sexual harassment policies would make gender salient, and that "when gender is salient, gender status beliefs will disadvantage women and advantage men, unless the context is one in which people tend to believe females perform better").

9. Priming generally refers to the effect that exposure to one stimulus, or a "prime," has on an individual's response to a subsequent stimulus. For example, in an early priming study, David Meyer and Roger Schvaneveldt found that people respond more quickly to words that are preceded by semantically or associatively related terms. David E. Meyer & Roger W. Schvaneveldt, *Facilitation in Recognizing Pairs of Words: Evidence of a Dependence Between Retrieval Operations*, 90 J. EXPERIMENTAL PSYCHOL. 227, 229-30 (1971). Other research has shown that priming may shape not only perceptions and cognition, but also behavior. See, e.g., John A. Bargh et al., *Automaticity of Social Behavior:*



implicates two processes. First, immigration laws—regardless of their pro- or anti-immigrant content—may activate ingroup/outgroup distinctions, given that immigration laws fundamentally concern the treatment of nonmembers.¹⁰ Second, increased salience of intergroup boundaries can foster ingroup favoritism and outgroup hostility, as studies have shown.¹¹ Thus, any immigration law, regardless of its specific content, may trigger outgroup derogation. In the case of anti-immigration laws, this priming effect will bolster the negative racial attitudes resulting from such laws' substantive content (i.e., exclusionary messages about immigrants). On the other hand, fostering positive racial attitudes through pro-immigration laws might be substantially more difficult, because the priming effect described above may negate any positive attitudinal effects resulting from such laws' substantive content (i.e., inclusionary messages about immigrants). The foregoing discussion highlights the need for future research on the possible priming effects of immigration law in addition to its normative effects.

Investigating immigration law's relationship to racial attitudes is a timely undertaking. At the federal level, immigration law is at the center of a political and legal firestorm once again. For more than a decade, legislative efforts to overhaul the U.S. immigration system have failed. Despite bipartisan consensus on the need for comprehensive immigration reform, major sets of legislation passed by the U.S. Senate in 2006 and 2013, respectively,¹² died in the House of Representatives. In the face of this intractable and seemingly interminable deadlock, President Obama announced in November 2014 his plan for executive action that would provide parents of U.S. citizens and lawful permanent residents temporary relief from deportation, establish new border security priorities, and modify the legal immigration system.¹³ But the U.S.

Direct Effects of Trait Construct and Stereotype Activation on Action, 71 J. PERSONALITY & SOC. PSYCHOL. 230, 235 (1996) (finding that participants who had been primed with words related to rudeness tended to interrupt the experimenter more quickly and frequently than those who had been primed with words related to politeness).

10. See Kevin R. Johnson, *The Intersection of Race and Class in U.S. Immigration Law and Enforcement*, 72 L. & CONTEMP. PROB. 1, 4 (2009) ("Immigration law helps determine who is admitted to the United States and, to a certain extent, who, once here, possesses full membership in U.S. society.").

11. See, e.g., Natalie R. Hall et al., *Reducing Implicit Prejudice by Blurring Intergroup Boundaries*, 31 BASIC & APPLIED SOC. PSYCHOL. 244, 245-46 (2009) (summarizing research on intergroup relations that "suggests that reducing category differentiation can decrease explicit bias"); John F. Dovidio & Samuel L. Gaertner, *Intergroup Bias*, in 2 HANDBOOK SOC. PSYCHOL. 1084, 1087 (Susan Fiske, Daniel T. Gilbert & Gardner Lindzey, eds., 2010) ("Although simply increasing the salience of intergroup boundaries does not necessarily create greater levels of bias in evaluations or in stereotyping of the ingroup relative to the outgroup, both relative (ingroup-outgroup bias) and outgroup derogations are more likely to occur when intergroup comparisons are salient.").

12. See Comprehensive Immigration Reform Act of 2006, S. 2611, 109th Cong. (2006); Border Security, Economic Opportunity, and Immigration Modernization Act, S. 744, 113th Cong. (2013).

13. See THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY, FACT SHEET: IMMIGRATION ACCOUNTABILITY EXECUTIVE ACTION (Nov. 20, 2014),

District Court for the Southern District of Texas issued a preliminary injunction against this executive action, which the Fifth Circuit Court of Appeals upheld.¹⁴ In June 2016, the U.S. Supreme Court, in an equally-divided vote, affirmed the appellate court's decision.¹⁵ This legislative stalemate and judicial deadlock placed immigration at the forefront of the 2016 presidential election and national politics.

By contrast, local and state governments across the United States have enacted a dizzying array of immigration-related laws over the past few years. In 2015 alone, 49 states and Puerto Rico enacted 216 laws and adopted 274 resolutions related to immigration.¹⁶ Some of these laws are enforcement-focused laws designed to control and deter the influx of unauthorized immigrants within a particular state or jurisdiction; other laws are intended to neutralize federal enforcement and integrate immigrants into local communities.¹⁷ These laws have particular salience for Latinos given that they now constitute the largest segment of the foreign-born population in the United States,¹⁸ as well as the largest segment of the unauthorized population in the United States.¹⁹ A growing body of evidence shows that the U.S. public often

<http://www.whitehouse.gov/the-press-office/2014/11/20/fact-sheet-immigration-accountability-executive-action>.

14. *Texas v. United States*, 86 F. Supp. 3d 591, 677 (S.D. Tex. 2015) (granting preliminary injunction against Deferred Action for Parents of Americans and Lawful Permanent Residents program), *aff'd*, 809 F.3d 1304 (5th Cir. 2015), *aff'd*, 136 S. Ct. 2271 (2016).

15. *United States v. Texas*, 136 S. Ct. 2271 (2016); see Adam Liptak & Michael D. Shear, *Split Court Stifles Obama on Immigration*, N.Y. TIMES, June 23, 2016, at A1.

16. See IMMIGRANT POLICY PROJECT, NAT'L CONFERENCE OF STATE LEGISLATURES, REPORT ON 2015 STATE IMMIGRATION LAWS (2016).

17. See HIROSHI MOTOMURA, IMMIGRATION OUTSIDE THE LAW 85 (2014) (describing the two objectives of state immigration laws).

18. U.S. CENSUS BUREAU, THE FOREIGN-BORN POPULATION IN THE UNITED STATES: 2010 2 (2012), <https://www.census.gov/prod/2012pubs/acs-19.pdf>; see ANNA BROWN & RENEE STEPLER, PEW RESEARCH CENTER, STATISTICAL PORTRAIT OF THE FOREIGN-BORN POPULATION IN THE UNITED STATES (2016), <http://www.pewhispanic.org/2016/04/19/statistical-portrait-of-the-foreign-born-population-in-the-united-states/>.

19. BRYAN BAKER & NANCY RYTINA, U.S. DEPARTMENT OF HOMELAND SECURITY, ESTIMATES OF THE UNAUTHORIZED IMMIGRANT POPULATION RESIDING IN THE UNITED STATES: JANUARY 2012 5 (2013), <http://www.dhs.gov/publication/estimates-unauthorized-immigrant-population-residing-united-states-january-2012>; see JENS MANUEL KROGSTAD & MARK HUGO LOPEZ, PEW RESEARCH CENTER, HISPANIC NATIVITY SHIFT: U.S. BIRTHS DRIVE POPULATION GROWTH AS IMMIGRATION STALLS (2014), <http://www.pewhispanic.org/2014/04/29/hispanic-nativity-shift/>. Notably, Latinos also constitute the largest minority group and are among the fastest growing populations in the United States. According to the U.S. Census Bureau, the Latino population in 2012 was 53 million, making up 17% of the total U.S. population. ANNA BROWN & MARK HUGO LOPEZ, PEW RESEARCH CENTER, MAPPING THE LATINO POPULATION, BY STATE, COUNTY AND CITY (2013), <http://www.pewhispanic.org/2013/08/29/mapping-the-latino-population-by-state-county-and-city>.



equates or conflates Latinos with immigrants,²⁰ particularly immigrants who will not assimilate.²¹ Research also suggests that people's judgments about U.S. immigration policy are directly colored by their implicit attitudes toward Latinos.²² But researchers have yet to address the converse question of whether and to what extent exposure to various types of immigration laws might be shaping people's attitudes toward Latinos. This Article begins to explore that question, and in doing so, makes a number of contributions to research on law and racial attitudes.

The first contribution is methodological and empirical. In natural settings, exposure to immigration laws—indeed, any law—most likely involves multiple informational sources and varying learning environments over a period of time. For some people, some laws may never be directly encountered or become the focus of explicit consideration, but exist only as background knowledge.²³ In natural settings, feedback loops—in which societal attitudes lead to the enactment of laws, which then leads to shifts in behavior and attitudes, and so on—are also possible and likely.²⁴ Experiments cannot and do not seek to replicate and disentangle all of these complex and interrelated dynamics that exist in natural settings. Instead, experiments enable researchers to isolate discrete factors to be analyzed and randomly assigned to study participants, which allows for direct causal inferences about the effects of those factors on outcomes of interest. Thus, I build on experimental methods developed in

20. See, e.g., Justin Allen Berg, *White Public Opinion Toward Undocumented Immigrants: Threat and Interpersonal Environment*, 52 SOC. PERSP. 39, 52 (2009) (“[T]he result that Latino residents influence white immigration opinions suggests that whites may associate this ethnic group with immigration, or the term *immigrant* with members of this ethnic group.”) (emphasis in original).

21. See LEO R. CHAVEZ, *THE LATINO THREAT: CONSTRUING IMMIGRANTS, CITIZENS, AND THE NATION* 16 (2d ed. 2013) (“Latinos, according to [popular] discourse, are unable, or unwilling, to learn English and generally integrate into U.S. society.”).

22. See Peter Burns & James G. Gimpel, *Economic Insecurity, Prejudicial Stereotypes, and Public Opinion on Immigration Policy*, 115 POL. SCI. Q. 201, 224 (2000) (“By 1996, the immigrant concept was given specific content, and respondents’ prejudices toward Latinos could be more precisely linked to attitudes on immigration policy.”); Efrén O. Pérez, *Explicit Evidence on the Import of Implicit Attitudes: The IAT and Immigration Policy Judgments*, 32 POL. BEHAV. 517, 519 (2010) (“The evidence . . . suggests that individual support for immigration policies is influenced by implicit attitude toward Latino immigrants, even though these policies potentially affect more than just this group.”).

23. See Susan S. Silbey, *After Legal Consciousness*, 1 ANN. REV. L. & SOC. SCI. 323, 332 (2005) (“Although law operates as an assembly for making things public and mediating matters of concern, most of the time it does so without fanfare, without argument, without notice.”).

24. For example, in certain situations, laws may produce behavioral changes that become behavioral regularities, which then induce attitudinal changes. See Kenworthy Bilz & Janice Nadler, *Law, Moral Attitudes, and Behavioral Change*, in *THE OXFORD HANDBOOK OF BEHAVIORAL ECONOMICS AND THE LAW* 241, 248 (Eyal Zamir & Doron Teichman eds., 2014) (describing the link between law and behavior). This dynamic, while important, is beyond the scope of the current study.

earlier studies in other areas of law²⁵ to explore the law-racial attitudes linkage in immigration. The current study arguably represents a particularly stringent test of the possible attitudinal effects of exposure to immigration laws, given the simple, direct, and short-term nature of exposure to the legal contents used as stimuli.

The second contribution of this Article is theoretical. While there is much debate in academic literature on whether laws can shape or change individual beliefs, values, and social norms,²⁶ there is a dearth of empirical evidence on this question.²⁷ In contrast, research on racial/ethnic bias and prejudice has a long history of empirical focus,²⁸ but that literature has largely overlooked the question of whether an exposure to certain laws targeting outgroup members can mitigate or promote racial/ethnic bias and prejudice. This Article brings together these two bodies of research to lay the foundation for systematic future research on the relationship between immigration laws and racial attitudes. More generally, this Article opens up broader inquiries about the possible attitudinal impacts of a diverse array of other types of laws that target minority groups, such as gay marriage laws, special education laws, anti-discrimination laws, and welfare laws, to name only a few.

Finally, this study raises important policy questions. As I discuss in greater

25. See, e.g., Catherine R. Albiston & Shelley Correll, *Law, Norms, and the Caretaker Penalty* (Mar. 1, 2012) (unpublished manuscript) (on file with author) (examining whether knowledge of workplace legal protection for family leave affects employee evaluations); Laura Barron, *Promoting the Underlying Principle of Acceptance: The Effectiveness of Sexual Orientation Employment Antidiscrimination Legislation*, 14 J. WORKPLACE RTS. 251 (2009) (measuring the impact of anti-discrimination laws on discriminatory behavior against LGBT individuals in hiring decisions); Cody B. Cox & Laura Barron, *The Effects of Changing Anti-Discrimination Legal Standards on the Evaluation of Older Workers*, 42 J. APPLIED SOC. PSYCHOL. E198 (2012) (evaluating the impact of weaker age discrimination standards on attitudes towards older workers); Tinkler et al., *supra* note 8 (studying the effect of exposure to sexual harassment laws on male beliefs on gender roles); Justine E. Tinkler, *How Do Sexual Harassment Policies Shape Gender Beliefs? An Exploration of the Moderating Effects of Norm Adherence and Gender*, 42 SOC. SCI. RES. 1269 (2013) (testing the mechanisms through which sexual harassment policies impact gender beliefs); Justine E. Tinkler et al., *Perceptions of Legitimacy: The Sex of the Legal Messenger and Reactions to Sexual Harassment Training*, 40 L. & SOC. INQUIRY 152 (2015) (examining whether the legal messenger's gender moderates the effect of sexual harassment policy on gender beliefs).

26. I adopt Robert Cooter's definition of social norm as "effective consensus obligation," whereby "a norm exists when almost everyone in a community agrees that they ought to behave in a particular way in specific circumstances, and this agreement affects what people actually do." Robert Cooter, *Expressive Law and Economics*, 27 J. LEGAL STUD. 585, 587 (1998).

27. See Kenworthy Bilz & Janice Nadler, *Law, Psychology, and Morality*, in 50 PSYCHOL. LEARNING & MOTIVATION 101, 107 (2009) ("The extent to which moral beliefs are shaped by law is a question that has received scant empirical attention.").

28. See, e.g., Glenn C. Gamst et al., *Racism- and Prejudice-Related Measures*, in HANDBOOK OF MULTICULTURAL MEASURES 251 (2011); see also Lincoln Quillian, *New Approaches to Understanding Racial Prejudice and Discrimination*, 32 ANN. REV. SOC. 299, 300 (2006) (describing the development of empirical research on racial and ethnic bias).

detail below, policymakers at the federal, state, and local levels typically expend a great deal of resources trying to pass immigration-related laws. They often do so without fully comprehending these laws' panoply of potential consequences. I argue that a fuller appreciation of immigration laws' consequences requires understanding not only their immediate behavioral effects associated with threats of sanctions, but also their normative effects. These effects are important because attitudes can diffuse into people's judgments and decisions to produce discriminatory behavior.²⁹ Even subtle expressions of bias can impose significant cognitive and emotional burdens on members of stigmatized groups, resulting in cumulative negative outcomes for the members of these groups in terms of their psychological well-being, social adjustment, and aspirations over time.³⁰ In these ways, individual attitudes and biases toward particular groups may have considerably diffuse and enduring effects on social and economic outcomes of these group members. This study thus illuminates an underappreciated aspect of immigration laws that might contribute to Latino disadvantage in the United States.³¹

The rest of this Article proceeds in three major parts. Part I provides a brief historical, legal, and theoretical framework for considering the possible relationship between exposure to immigration laws and racial attitudes. Part II introduces a randomized laboratory experiment that explores whether exposure to certain types of immigration laws affects people's attitudes toward Latinos. Part III discusses the study's findings, limitations, and promising lines of inquiry for future research that can build on and extend the current study. Does exposure to ideas or messages from non-law sources, such as various forms of social media that pervade people's daily lives, have different effects on racial attitudes than exposure to the same ideas or messages delivered through the law? Do attitudinal effects of exposure to law persist in the long-term, and if so, under what conditions? I consider how future research might address these and related questions that can further advance our understanding of the

29. For a review, see Nilanjana Dasgupta & Anthony G. Greenwald, *On the Malleability of Automatic Attitudes: Combating Automatic Prejudice with Images of Admired and Disliked Individuals*, 81 J. PERSONALITY & SOC. PSYCOL. 800 (2001). See also Lincoln Quillian, *New Approaches to Understanding Racial Prejudice and Discrimination*, 32 ANN. REV. SOC. 299, 312 (2006).

30. See John F. Dovidio et al., *Understanding Bias Toward Latinos: Discrimination, Dimensions of Difference, and Experience of Exclusion*, 66 J. SOC. ISSUES 59, 63 (2010) (detailing the psychological impacts arising from discriminatory behavior against Latinos).

31. Indicators of economic and social disparities show that Latinos, like Blacks, lag behind Whites in earnings (median incomes in 2015: Blacks, \$36,898; Latinos, \$45,148; Nonhispanic Whites, \$62,950), and educational attainment (BA or higher degree for individuals over 25 years old: Blacks, 22.5%; Latinos, 15.5%; Nonhispanic Whites, 36.2%). BERNADETTE D. PROCTOR, ET AL., UNITED STATES CENSUS BUREAU, INCOME AND POVERTY IN THE UNITED STATES: 2015 6 tbl.1 (2016), <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p60-256.pdf>; UNITED STATES CENSUS BUREAU, EDUCATIONAL ATTAINMENT IN THE UNITED STATES: 2015 2 tbl.1 (2016), <http://www.census.gov/content/dam/Census/library/publications/2016/demo/p20-578.pdf>.

relationship between laws, attitudes, and intergroup relations.

I. BACKGROUND

While immigration law is federal, a great deal of legislative activity relating to immigration has occurred at the sub-federal level in recent years. I thus begin with an overview of the rise and the development of sub-federal immigration laws in the United States in order to provide the relevant legal context for the study.

A. The Rise of Sub-Federal Immigration Policies

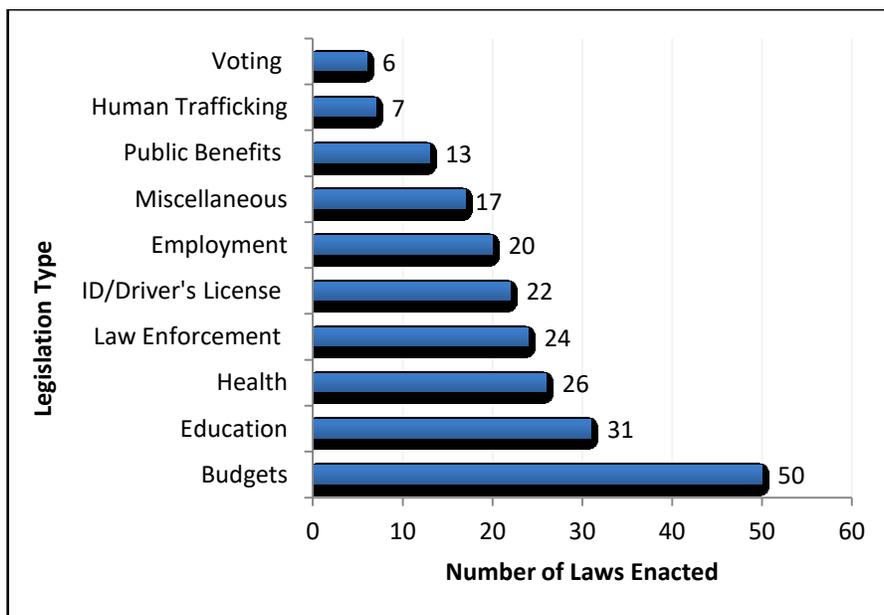
For much of modern U.S. history, the federal government has been the dominant regulator of immigration.³² In recent years, however, there has been a veritable explosion of local and state laws relating to immigration and immigrants.³³ Some of these laws govern the behavior of criminal justice officials and their treatment of noncitizens in the criminal justice system.³⁴ Figure 1 illustrates the prevalence and type of issues addressed by various state immigration laws enacted in 2015. Broadly speaking, two major types of laws have emerged at the sub-federal level: (1) restrictionist or enforcement-focused laws designed to control and discourage immigration flow and settlement, and (2) integrationist or sanctuary laws aimed at social and economic incorporation of immigrants.³⁵

32. See Pratheepan Gulasekaram & Karthick Ramakrishnan, *Immigration Federalism: A Reappraisal*, 88 N.Y.U. L. REV. 2074, 2076 (2013) (“After the outlawing of slavery . . . the federal government became the dominant, if not exclusive, locus of immigration power, and remained so for the subsequent 125 years.”); Kevin J. Fandl, *Putting States out of the Immigration Law Enforcement Business*, 9 HARV. L. POL’Y REV. 529, 531 (2015) (“Although the Supreme Court began striking down state laws on immigration as early as the mid-nineteenth century, it was toward the end of that century following a proliferation of discriminatory laws toward Asian immigrants when the Court dramatically shifted the balance of immigration power from states to the federal government.”).

33. See Huyen Pham & Pham Hoang Van, *Measuring the Climate for Immigrants: A State-by-State Analysis*, in STRANGE NEIGHBORS: THE ROLE OF STATES IN IMMIGRATION POLICY 21, 23 (G. Jack Chin & Carissa Hessick eds., 2014); Cristina M. Rodríguez, *The Significance of the Local in Immigration Regulation*, 106 MICH. L. REV. 567, 569 (2008).

34. See Ingrid V. Eagly, *Immigrant Protective Policies in Criminal Justice*, 95 TEXAS L. REV. 245 (2016) (on laws protecting immigrants in the criminal justice system from deportation).

35. See Graeme Boushey & Adam Luedtke, *Immigrants Across the U.S. Federal Laboratory: Explaining State-Level Innovation in Immigration Policy*, 11 ST. POL. & POL’Y Q. 390, 394 (2011).

Figure 1. State Immigration Laws Enacted by Legislation Type, 2015

Source: National Conference of State Legislatures, Report on 2015 State Immigration (2016).

Many local and state officials, in enacting restrictionist immigration laws, have argued that the federal government's failure to control unauthorized immigration left them no choice but to step into the void in order to ensure adequate and appropriate immigration enforcement.³⁶ Others have argued that restrictionist immigration laws are necessary to address the onslaught of difficult social and economic challenges brought on by the settlement of unauthorized immigrants in their jurisdictions.³⁷ The most well-known and controversial restrictionist state law that explicitly relies on both of these justifications is Arizona's SB 1070, which was enacted in 2010 to impose new regulations against unauthorized immigrants.³⁸ A number of other states were quick to follow Arizona in enacting similar enforcement-focused laws to control the movement and settlement of unauthorized immigrants.³⁹

36. See Gulasekaram & Ramakrishnan, *supra* note 32, at 2077.

37. See *id.* at 2078.

38. The U.S. Supreme Court in *Arizona v. United States*, 132 S. Ct. 2492 (2012), struck down three of the four major provisions of SB 1070 on the grounds that these provisions were "preempted," or trumped, by federal immigration laws. The Court, however, allowed one provision—which requires police officers to check the immigration status of anyone whom they detain or arrest before they release that person—to go into effect. See *Arizona*, 132 S. Ct. at 2509-10.

39. See Gabriel J. Chin & Marc L. Miller, *The Unconstitutionality of State Regulation of Immigration Through Criminal Law*, 61 DUKE L.J. 251, 254 (2011); Ian Gordon &

In contrast to restrictionist laws, integrationist local and state laws have focused on facilitating the transition of both authorized and unauthorized immigrants into mainstream society. These laws typically operate by allowing immigrants (without regard to their legal status) access to social services, providing expanded educational opportunities, and offering workplace protections. For example, California and Texas were the first states to enact legislation known as the DREAM Act, allowing unauthorized immigrant students to pay in-state resident university tuition fees; similar measures were later approved in many other states.⁴⁰ Whether to provide driver's licenses and state identification cards to unauthorized immigrants also has been a top issue for many states. As of 2015, twelve states and the District of Columbia had enacted laws to allow unauthorized immigrants to obtain driver's licenses.⁴¹ In addition, a number of jurisdictions have adopted sanctuary policies that expressly restrain local authorities from assisting in federal immigration enforcement.⁴²

Scholars have sought to identify factors that motivate the enactment of sub-federal immigration laws. Studies have focused on such factors as local economic conditions and perceived economic threat,⁴³ population dynamics and perceived cultural threat,⁴⁴ and partisan politics.⁴⁵ Until recently, research on the *effects* of sub-federal immigration laws has been relatively scarce, though scholars have begun to examine the effects of anti-immigration policies using observational data. For example, Cecilia Menjivar and Leisy Abrego document the harmful social and psychological consequences of restrictive immigration laws on Central Americans.⁴⁶ Kim Ebert and Sarah Ovink show

Tasneem Raja, *164 Anti-Immigration Laws Passed Since 2010? A MoJo Analysis*, MOTHER JONES (Mar. 1, 2012), <http://motherjones.com/print/164526>; IMMIGRANT POLICY PROJECT, NAT'L CONFERENCE OF STATE LEGISLATURES, 2013 IMMIGRATION REPORT 1 (2014).

40. See Boushey & Luedtke, *supra* note 35, at 391-92; IMMIGRANT POLICY PROJECT, NAT'L CONFERENCE OF STATE LEGISLATURES, TUITION BENEFITS FOR IMMIGRANTS (2015).

41. IMMIGRANT POLICY PROJECT, NAT'L CONFERENCE OF STATE LEGISLATURES, STATES OFFERING DRIVER'S LICENSES TO IMMIGRANTS (2015).

42. Bill Ong Hing, *Immigration Sanctuary Policies: Constitutional and Representative of Good Policing and Good Public Policy*, 2 U.C. IRVINE L. REV. 247, 248-49 (2012).

43. See R. Michael Alvarez & Tara L. Butterfield, *The Resurgence of Nativism in California? The Case of Proposition 187 and Illegal Immigration*, 81 SOC. SCI. Q. 167, 176 (2000).

44. See Boushey & Luedtke, *supra* note 35, at 406; Daniel J. Hopkins, *Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition*, 104 AM. POL. SCI. REV. 40, 40 (2010); Michael U. Rivera, *Immigration, Public Opinion, and State Policy (Un)responsiveness: A Case for Analyzing Policies that Expand the Rights of Immigrants* (2014) (unpublished Ph.D. dissertation, University of California, San Diego) (on file with author).

45. See Karthick Ramakrishnan & Thomas Wong, *Partisanship, Not Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants*, in *TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES* 73 (Monica Varsanyi ed., Stanford Univ. Press 2010); Gulasekaram & Ramakrishnan, *supra* note 32, at 2080.

46. Cecilia Menjivar & Leisy J. Abrego, *Legal Violence: Immigration Law and the*

that Mexicans in counties with an exclusionary ordinance and a high proportion of Mexicans are more likely to report discrimination.⁴⁷ The current study builds on this emerging scholarship by employing an experimental method that considers the effects of not only anti- but also pro-immigration laws.

B. Theoretical Framework

To theorize about the possible relationship between exposure to immigration laws and racial attitudes, I now turn to two bodies of literature that have not yet been considered together in previous research: (1) research on expressive functions of law, and (2) research on racial bias.

1. Research on Expressive Functions of Law

This Section has three main goals: First, I explain the “expressive theory of law,” which formalizes the “law-as-teacher” idea with which I opened this Article. Second, I review the empirical evidence in support of the expressive theory of law. Finally, I outline the empirical implications of the expressive theory of law for immigration laws.

As Richard McAdams has noted, scholars have made broad and varied claims about the expressive functions of law.⁴⁸ McAdams synthesizes these claims into four major categories for analytical clarity. The first of these categories—what McAdams refers to as the “expressive theory of law’s effects”—posits that “law influences beliefs, emotions, or behavior by what it expresses.”⁴⁹ This idea encompasses what Robert Cooter⁵⁰ and Cass Sunstein⁵¹

Lives of Central American Immigrants, 117 AM. J. SOC. 1380, 1397-1412 (2012); see also Seline Szkupinski Quiroga et al., *In the Belly of the Beast: Effects of Anti-Immigration Policy on Latino Community Members*, 58 AM. BEHAV. SCIENTIST 1723, 1736 (2014) (finding that U.S.-born Latinos also experience psychological stress resulting from anti-immigration policies).

47. See Kim Ebert & Sarah M. Ovink, *Anti-Immigrant Ordinances and Discrimination in New and Established Destinations*, 58 AM. BEHAV. SCIENTIST 1784, 1795 (2014); see also René D. Flores, *Living in the Eye of the Storm: How did Hazleton’s Restrictive Immigration Ordinance Affect Local Interethnic Relations?*, 58 AM. BEHAV. SCIENTIST 1743, 1750 (2014) (arguing that the anti-immigrant ordinance in Hazleton, Pennsylvania, had the effect of increasing anti-immigrant activism and hardening ethnic boundaries in the short term).

48. RICHARD H. MCADAMS, *THE EXPRESSIVE POWERS OF LAW: THEORIES AND LIMITS* 12 (2015) (“What might at first appear to be a single literature about *the* expressive theory of law is really a set of distinct literatures employing the same term.”) (emphasis in original). The “expressive function of law,” as Cass Sunstein has defined it, is “the function of law in ‘making statements’ as opposed to controlling behavior directly.” Cass R. Sunstein, *On the Expressive Function of Law*, 144 U. PA. L. REV. 2021, 2024 (1996).

49. See MCADAMS, *supra* note 48. The other three categories of expressive claims about law that McAdams outlines are “expressive-politics theory of law,” “normative theory of expressive law,” and “normative theory of expressive conduct.” *Id.* at 13-16.

50. See Cooter, *supra* note 26, at 586; Robert D. Cooter, *Three Effects of Social Norms on Law: Expression, Deterrence, and Internalization*, 79 OR. L. REV. 1, 11 (2000).

51. See Sunstein, *supra* note 48, at 2031.

have highlighted in discussing the power of law to legitimate certain attitudes and to signal appropriate behavior, even without enforcement activity.⁵² In this Article, I refer to these claims about the “communicative” or the “educative” power of law collectively as the “expressive theory of law.”

Socio-legal scholars have suggested a number of mechanisms through which laws might influence attitudes and social norms.⁵³ Here, I focus on two of the most relevant ones. First, laws might have an “informational influence,” serving as a type of heuristic device that provides “credible cues for making judgments” under conditions of uncertainty.⁵⁴ This heuristics approach emphasizes time and resource constraints that lead people to accept law as a persuasive informational source on what is a desirable attitude or moral norm to adopt.⁵⁵ The second mechanism also takes a heuristic approach, but instead of focusing on informational heuristics, it emphasizes the motivating power of social approval and disapproval.⁵⁶ In short, this mechanism proposes that laws influence attitudes because people are motivated to seek the approval and esteem of others, and laws presumably provide a signal about what others in society or the community as a whole approve.⁵⁷ To the extent any given law is perceived as out of sync with community sentiments, such a law will lose moral credibility and become less relevant as a “guide to good conduct.”⁵⁸

Of note, both the informational-influence and the social-approval mechanisms described above posit that attitudinal effects of law should be in the direction consistent with the underlying purpose or the content of the law. In this Article, I refer to this prediction as the “content hypothesis” implicit in the expressive theory of law. A number of early studies,⁵⁹ as well as more

52. See also Emanuela Carbonara, et al., *Lawmakers as Norm Entrepreneurs*, 4 REV. L. & ECON. 779, 780 (2008); Yuval Feldman, *The Expressive Function of Trade Secret Law: Legality, Cost, Intrinsic Motivation, and Consensus*, 6 J. EMPIRICAL LEGAL STUD. 177, 178-79 (2009); Alex Geisinger, *A Belief Change Theory of Expressive Law*, 88 IOWA L. REV. 35, 40-41 (2002).

53. See Feldman, *supra* note 52, at 181-86 (summarizing various mechanisms posited by different expressive law models). Although these mechanisms tend to focus on attitudes and social norms underlying particular types of *behavior* targeted by the law, they can be generalized to theorize about the effects of law on attitudes toward particular *social groups*.

54. Bilz & Nadler, *supra* note 27, at 108-09.

55. *Id.* at 109 (explaining that “the law persuades not because people consciously reason about the moral plausibility of particular legal rules, since most people do not possess the time or motivation to contemplate in detail the moral status of, say, insider trading, or obscenity, or conspiracy”).

56. See Richard H. McAdams, *An Attitudinal Theory of Expressive Law*, 79 OR. L. REV. 339, 340 (2000).

57. See *id.*

58. Paul H. Robinson & John M. Darley, *Intuitions of Justice: Implications for Criminal Law and Justice Policy*, 81 S. CAL. L. REV. 1, 24 (2007).

59. See, e.g., Leonard Berkowitz & Nigel Walker, *Laws and Moral Judgments*, 30 SOCIOLOGY 410, 418 (1967) (finding that participants in an experiment altered their judgments about the morality of certain behaviors (e.g., public drunkenness) when they were told that the behavior was illegal); Cardell K. Jacobson, *Desegregation Rulings and Public Attitude Changes: White Resistance or Resignation?*, 84 AM. J. SOC. 698, 701 (1978)



recent studies, provide empirical support for the content hypothesis. For example, studies have found a relationship between: awareness of reduced protection of older workers in court rulings and negative evaluations of older workers;⁶⁰ legalization of gay marriage and increased tolerance toward homosexuals;⁶¹ the existence of anti-obesity laws emphasizing personal responsibility and increased social stigma for obese girls;⁶² and criminalization of the purchase of sexual services and negative attitudes toward prostitution.⁶³

Taken together, these studies support the proposition that in addition to and quite apart from any instrumental effects (e.g., producing behavioral changes through sanctions), laws can shape people's attitudes and beliefs. A notable exception is a study by Joss Soss and Sanford Schram.⁶⁴ Soss and Schram conducted a survey analysis and found that welfare reform had minimal effects on public opinion regarding the poor and welfare recipients.⁶⁵ To explain this result, they highlighted the importance of two key policy dimensions—"visibility" and "proximity."⁶⁶ Visibility refers to the extent to which a policy is "salient to mass publics," and proximity refers to the extent to which a policy "exists as a tangible presence affecting people's lives in immediate, concrete ways."⁶⁷ Soss and Schram argued that welfare policy is best characterized as "distant-visible," whereby the law "exists as a spectacle but does not directly affect many citizens' lives."⁶⁸ This aspect of welfare policy may help to explain its minimal effects on public opinion, because attitudinal changes are more likely as policies move from low to high visibility, and from distant to proximate.⁶⁹

Immigration and immigrant-related policies occupy a highly charged and controversial space in public and political discourse. Thus, there may be substantial ambiguity among many individuals about how to view and treat

(analyzing survey data to conclude that parents of children in public schools became more supportive of integration and busing as a result of a court desegregation order).

60. See Cody B. Cox & Laura Barron, *The Effects of Changing Anti-Discrimination Legal Standards on the Evaluation of Older Workers*, 42 J. APPLIED SOC. PSYCHOL. E198, E212 (2012).

61. See Susanne Slenders et al., *Tolerance Towards Homosexuality in Europe: Population Composition, Economic Affluence, Religiosity, Same-Sex Union Legislation and HIV Rates as Explanations for Country Differences*, 29 INT'L SOC. 348, 358 (2014).

62. See Susan Yeh, *Laws and Social Norms: Unintended Consequences of Obesity Laws*, 81 U. CIN. L. REV. 173, 202 (2012).

63. See Andreas Kotsadam & Niklas Jakobsson, *Do Laws Affect Attitudes? An Assessment of the Norwegian Prostitution Law Using Longitudinal Data*, 31 INT'L REV. L. & ECON. 103, 109 (2011).

64. Joe Soss & Sanford F. Schram, *A Public Transformed? Welfare Reform as Policy Feedback*, 101 AM. POL. SCI. REV. 111 (2007).

65. See *id.* at 111.

66. See *id.* at 121.

67. *Id.* at 121.

68. *Id.* at 122.

69. See *id.* at 121.

immigrants, particularly those who are unauthorized.⁷⁰ As one recent article succinctly summarized: “[T]he public appears conflicted and ambivalent about immigration.”⁷¹ In these situations, I argue, people may seek to resolve such ambiguities by looking to laws not only as a source of reliable information about immigration and immigrants, but also as an embodiment of the community’s consensus on immigrants’ proper “place” in society. This argument applies with special force to people’s attitudes regarding Latinos because, as I have noted earlier, the American public often equates immigrants with Latinos.⁷² Moreover, the content hypothesis implicit in the expressive theory of law suggests that exposure to anti-immigration laws will promote negative attitudes toward Latinos, whereas exposure to pro-immigration laws will promote positive attitudes toward Latinos. Soss and Schram’s study further suggests that the magnitude of these attitudinal effects may be significant to the extent immigration laws are highly visible and proximate.⁷³

2. Research on Racial Bias

In this Section, I turn to the literature on racial bias to review additional findings from existing research that inform this study. First, growing evidence suggests that racial bias and prejudice are malleable and susceptible to environmental conditions, cognitive strategies, and social motives. Studies have found that implicit and explicit racial prejudice can be reduced with the use of evaluative conditioning that alters prejudicial associations.⁷⁴ Stacey

70. See Christine Reyna et al., *The Complexity and Ambivalence of Immigration Attitudes: Ambivalent Stereotypes Predict Conflicting Attitudes Toward Immigration Policies*, 19 *CULTURAL DIVERSITY & ETHNIC MINORITY PSYCHOL.* 342, 342-43 (2013).

71. See Francine Segovia & Renatta DeFever, *American Public Opinion on Immigrants and Immigration Policy*, 74 *PUB. OPINION Q.* 375, 376 (2010); see also PEW RESEARCH CENTER, *MODERN IMMIGRATION WAVE BRINGS 59 MILLION TO U.S., DRIVING POPULATION GROWTH AND CHANGE THROUGH 2065: VIEWS OF IMMIGRATION’S IMPACT ON U.S. SOCIETY MIXED* (2015) (“Americans have complex views about immigrants living in the U.S. today. On balance, U.S. adults are somewhat more likely to say immigrants are making American society better in the long run (45%) than to say they’re making it worse (37%). Yet these views vary widely by education, race and partisan affiliation.”); ROBERTO SURO, *MIGRATION POLICY INSTITUTE, AMERICA’S VIEWS OF IMMIGRATION: THE EVIDENCE FROM PUBLIC OPINION SURVEYS* (2009) (“On the most difficult issues—those involving unauthorized migrants—public opinion surveys reveal both anxiety and ambivalence.”).

72. See *supra* text accompanying note 20.

73. Soss and Schram note that policies are “encountered in different ways by different publics,” and that “a policy that is visible and proximate to one may be invisible and distant to another.” Soss & Schram, *supra* note 64, at 121. This is certainly true of immigration laws—some communities in the United States with high concentrations of immigrants are likely to experience immigration laws and policies as much more visible and proximate on average than communities with low concentrations of immigrants. Visibility and proximity, however, may also be a function of not only geography and demographics, but also the broader political and economic milieu in which communities are embedded. Explorations of these and related issues are beyond the scope of the current study.

74. See Michael A. Olson & Russell H. Fazio, *Reducing Automatically Activated*

Sinclair and colleagues have shown that racial attitudes can shift as a result of “social tuning”—the “desire to get along with another person.”⁷⁵ Megan Johnson and colleagues have found in their experimental study that priming the study participants with Christian concepts increased their racial prejudice.⁷⁶ These studies offer evidence that racial attitudes may not be as entrenched and unyielding as conventional wisdom might suggest; instead, racial attitudes can be changed—at least in the short-term—in response to certain types of external stimuli, even ones consisting of *simple content and limited duration*. In the United States, laws—given their general legitimacy rooted in the principle of the rule of law⁷⁷—may very well operate as powerful external stimuli that influence racial attitudes.

Second, research on racial attitudes, which has been largely dominated by studies of White-Black relations,⁷⁸ makes a distinction between implicit and explicit attitudes. An implicit attitude is an attitude that can be activated without conscious awareness and, when so triggered, influences judgments and actions.⁷⁹ In contrast, an explicit attitude is one that is self-reported, which is “controllable, intended, [and] made with awareness.”⁸⁰ The distinction between implicit and explicit attitudes has been critical in theories that seek to explain new forms of racism that have emerged in the post-civil rights movement in the United States.⁸¹ These theories⁸² share the basic idea that much of modern racism toward Blacks is now subtle and covert, often characterized by explicit or conscious expressions of egalitarian attitudes that belie negative

Racial Prejudice Through Implicit Evaluative Conditioning, 32 PERSONALITY & SOC. PSYCHOL. BULL. 421, 428 (2006); Lauri A. Rudman et al., “Unlearning” Automatic Biases: The Malleability of Implicit Prejudice and Stereotypes, 81 J. PERSONALITY & SOC. PSYCHOL. 856, 858 (2001).

75. Stacey Sinclair et al., *Social Tuning of Automatic Racial Attitudes: The Role of Affiliative Motivation*, 89 J. PERSONALITY & SOC. PSYCHOL. 583, 583 (2005).

76. See Megan K. Johnson et al., *Priming Christian Religious Concepts Increases Racial Prejudice*, 1 SOC. PSYCHOL. & PERSONALITY SCI. 119, 123 (2010).

77. For a recent review of the literature on the rule of law, see Gillian K. Hadfield & Barry R. Weingast, *Microfoundations of the Rule of Law*, 17 ANN. REV. POL. SCI. 21 (2014).

78. See, e.g., ON THE NATURE OF PREJUDICE: FIFTY YEARS AFTER ALLPORT (John F. Dovidio, Peter Glick & Laurie A. Rudman eds., 2005); HOWARD SCHUMAN ET AL., RACIAL ATTITUDES IN AMERICA: TRENDS AND INTERPRETATIONS (1997).

79. See Anthony G. Greenwald & Mahzarin R. Banaji, *Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes*, 102 PSYCHOL. REV. 4, 4-5 (1995).

80. Brian A. Nosek, *Implicit-Explicit Relations*, 16 CURRENT DIRECTIONS PSYCHOL. SCI. 65, 65 (2007).

81. See David O. Sears & P.J. Henry, *The Origins of Symbolic Racism*, 85 J. PERSONALITY & SOC. PSYCHOL. 259, 259-60 (2003).

82. The most prominent modern racism theories include symbolic racism, aversive racism, and *laissez faire* racism. For an overview of symbolic racism and aversive racism, see John F. Dovidio et al., *Racism*, in THE SAGE HANDBOOK OF PREJUDICE, STEREOTYPING AND DISCRIMINATION 312, 317-21 (John F. Dovidio et al. eds., 2010). For a discussion of *laissez faire* racism, see Lawrence Bobo et al., *Laissez Faire Racism: The Crystallization of a “Kinder, Gentler” Anti-Black Ideology*, in RACIAL ATTITUDES IN THE 1990S: CONTINUITY AND CHANGE 15 (Steven A. Tuch & Jack K. Martin eds., 1996).

unconscious, or implicit, racial attitudes.⁸³

Consistent with this research on modern racism, emerging research on Latinos suggests that people are reluctant to expressly voice negative attitudes toward Latinos unless they can do so in ways that cannot be attributed to racial or ethnic bias. Robert Short and Lisa Magaña showed that participants in an experimental study were significantly more likely to express anti-immigrant attitudes when the unauthorized immigrant was described as a Mexican who had accumulated parking tickets compared to when the immigrant was described as an English-Canadian who had accumulated parking tickets.⁸⁴ Todd Hartman and colleagues found that study participants took significantly greater offense to transgressions such as being in the country illegally, “working under the table,” and rejecting symbols of American identity, when the perpetrating immigrant was Latino rather than White (or of unspecified race).⁸⁵ In short, prejudice toward Latinos might be “coded” and expressed through “the race-neutral language of concern over the threatening behavior of immigrants.”⁸⁶ Although these studies do not offer clear predictions about how exposure to different types of immigration laws might affect attitudes toward Latinos, they underscore the need to separately consider the laws’ effect on implicit and explicit attitudes.

II. THE CURRENT STUDY

To explore whether and to what extent exposure to anti- and pro-immigration laws might affect implicit and explicit attitudes toward Latinos, I conducted a randomized laboratory experiment with students from a community college in California who participated in the experiment for partial course credit. This college’s student body was considerably more diverse in terms of its racial makeup and socio-economic status compared to research universities in the same area. In total, 172 subjects who identified themselves as non-Hispanic, were eighteen years of age or older, and fluent in English were included in the analysis.⁸⁷ Each experimental condition contained forty to

83. See John F. Dovidio & Samuel L. Gaertner, *Aversive Racism*, in 36 *ADVANCES IN EXPERIMENTAL SOCIAL PSYCHOLOGY* 1, 4 (2004); Adam R. Pearson et al., *The Nature of Contemporary Prejudice: Insights from Aversive Racism*, 3 *SOC. & PERSONALITY PSYCHOL. COMPASS* 314, 316-17 (2009).

84. See Robert Short & Lisa Magaña, *Political Rhetoric, Immigration Attitudes, and Contemporary Prejudice: A Mexican American Dilemma*, 142 *J. SOC. PSYCHOL.* 701 (2002). Similarly, Sahana Mukherjee and colleagues found that “support for tough immigration legislation reflects ethnocentric exclusion rather than identity-neutral law enforcement.” Sahana Mukherjee et al., “Reasonable Suspicion” *About Tough Immigration Legislation: Enforcing Laws or Ethnocentric Exclusion?*, 19 *CULTURAL DIVERSITY & ETHNIC MINORITY PSYCHOL.* 320, 327 (2013).

85. Todd K. Hartman et al., *Decoding Prejudice Toward Hispanics: Group Cues and Public Reactions to Threatening Immigrant Behavior*, 36 *POL. BEHAV.* 143, 152 (2014).

86. *Id.* at 161.

87. Sixty-four participants who self-identified as Hispanic were excluded from my

forty-six study participants. Basic descriptive characteristics of the study participants are reported in Table 1.

Table 1. Descriptive Statistics for the Variables Used in the Analysis

Variables	<i>M</i>	<i>SD</i>	Min, Max
Experimental Condition			
Water Safety Law	0.23	--	0, 1
Anti-Immigration Law	0.25	--	0, 1
Pro-Immigration Law 1	0.25	--	0, 1
Pro-Immigration Law 2	0.27	--	0, 1
Dependent Variable			
IAT <i>D</i> Score	0.57	0.36	-.60, 1.31
Feeling Thermometer	63.39	20.46	10, 100
Social Distance Scale	6.06	1.23	2, 10
Semantic Differential Scale			
<i>Lazy/Hard-working</i>	5.49	1.19	2, 7
<i>Unintelligent/Intelligent</i>	4.48	1.06	2, 6
<i>Law-breaking/Law-abiding</i>	3.99	1.12	1, 6
Participant Characteristic			
Hispanic Modern Racism Scale	40.56	11.31	12, 73
Male	0.36	--	0, 1
Age (years)	21.89	6.57	18, 52
Race			
<i>White</i>	0.51	--	0, 1
<i>Asian</i>	0.31	--	0, 1
<i>Other</i>	0.17	--	0, 1
Socio-Economic Class			
<i>Lower/Lower-Middle Class</i>	0.29	--	0, 1
<i>Middle Class</i>	0.45	--	0, 1
<i>Upper-Middle/Upper Class</i>	0.26	--	0, 1
Political Ideology			
<i>Moderate</i>	0.34	--	0, 1
<i>Liberal</i>	0.51	--	0, 1
<i>Conservative</i>	0.15	--	0, 1
Religious Service Attendance (weekly)	0.51	1.34	0, 7

Notes: N=172

To minimize the risk that the participants might consciously screen and self-monitor their attitudes, they were told that the study was about how low-level everyday distractions might affect mental focus and memory retention. In

analysis.

addition to reducing the risk of social desirability bias, this cover story served a second important function. A growing body of research suggests that the law's impact on attitudes and behaviors is not typically achieved through deliberate and systematic reflections, but through its operation as an "invisible" constraint on people's cognitions and value systems.⁸⁸ To explicitly call attention to the study's focus on the role of law on people's attitudes might have made it difficult to investigate this latent aspect of the law.

A. Procedural Overview

Before arriving at the lab, each study participant took an omnibus survey that contained a set of detailed demographic items and other questionnaire items submitted by researchers participating in the experimental research program with the shared subject pool. I placed two sets of questions on the omnibus survey: (1) Hispanic Modern Racism Scale items, which measure the participants' baseline prejudice level toward Latinos; and (2) items designed to capture the participants' baseline attitudes toward immigration. These two sets of questions measure the participants' pre-manipulation baseline attitudes toward Latinos and immigration, respectively.

When the participants arrived at the lab, they were told they would be involved in a study about the effects of low-level distractions on mental focus and memory retention. Each participant chose one folded piece of paper out of a box, which contained reading passages about: (1) a water safety law (baseline condition); (2) an anti-immigration law; and (3) two variants of a pro-immigration law.⁸⁹ In all three conditions, the reading passages stated that the laws had been enacted though were not yet in force. Only one participant indicated during a debriefing session at the end of the experiment that he thought the law in the reading passage was fictitious; I excluded this participant from my analysis. To determine whether any of the study participants were suspicious about the experiment's cover story, all participants were asked during the debriefing session to briefly explain in their own words the purpose of the study. Thirteen participants who expressed suspicion were excluded from my analysis.

The water safety law passage (Water Safety Law) summarized certain provisions of the California Safe Drinking Water Act. The anti-immigration law passage (Anti-Immigration Law) summarized a fictitious California law

88. See Silbey, *supra* note 23, at 331.

89. I pretested the passages through Amazon Mechanical Turk, a crowd-sourcing web service, to ensure that the readings were comparable along two important dimensions: the extent to which the reader found the readings to be (1) interesting, and (2) difficult. For background on the use of Amazon Mechanical Turk in social science research, see Winter Mason & Siddharth Suri, *Conducting Behavioral Research on Amazon's Mechanical Turk*, 44 BEHAV. RES. METHODS 1 (2012); Gabriele Paolacci & Jesse Chandler, *Inside the Turk: Understanding Mechanical Turk as a Participant Pool*, 23 CURRENT DIRECTIONS PSYCHOL. SCI. 184 (2014).

that was based on the key provisions of Arizona's SB 1070, which criminalizes unauthorized presence. Two variants of the pro-immigration law were used in the experiment. The first pro-immigration law passage (Pro-Immigration Law 1) summarized a fictitious California law that was based on the key provisions of various state laws that prohibited discrimination against, and offered public services and benefits to, immigrants regardless of their legal status. The second pro-immigration law passage (Pro-Immigration Law 2) removed the first pro-immigration law's provisions that might trigger perceptions of outgroup threat against the ingroup. The first pro-immigration law's provision prohibiting law enforcement action based solely on immigration status might activate stereotypes of immigrant criminality and perceptions of physical threat; likewise, the provisions affording public services and benefits to immigrants might heighten perceptions of resource scarcity and economic threat. The second pro-immigration law thus replaced these provisions with anti-trafficking and victim protection provisions. The texts of each of the reading passages are reproduced in Appendix Table A1.

The participants were asked to review the reading passage slowly and carefully, and to concentrate on understanding the main point of the passage, as well as important details related to that main point. The average reading time for all participants was approximately four minutes. One-way analysis of variance (ANOVA) showed there were no significant⁹⁰ differences in the average reading times across the four conditions ($F(3,165) = 1.31, p = 0.27$).⁹¹ Kruskal-Wallis tests showed there were no significant differences in the participants' ratings of how interesting ($H(3) = 6.35; p = 0.10$), and how difficult ($H(3) = 6.08, p = 0.11$), respectively, the participants found the reading passages.⁹² In short, these results indicate that the readings were essentially comparable except for their content.

To maintain consistency with the cover story that the study was about mental focus and memory retention amidst distractions, the participants were asked to complete a set of very basic puzzles immediately following their review of the reading passage. Next, the participants completed a "memory check" that required them to answer basic questions about their reading passages; this step served as a manipulation check to test the participants'

90. Throughout this Article, "significant" refers to statistical significance.

91. ANOVA is used to determine whether the means of three or more groups are different. The *p*-value is the probability of obtaining a result as large as what is observed in the data if the null hypothesis (of no difference or no relationship) were true. A *p*-value < .05 typically indicates strong evidence against the null hypothesis, allowing researchers to reject the null hypothesis. Here, *p*=0.27; thus we cannot reject the null hypothesis.

92. Kruskal-Wallis is a non-parametric version of ANOVA and is used to analyze the relationship between a categorical independent variable (reading passages) and an ordinal, rather than a continuous, dependent variable. Here, the dependent variable is the study participants' ratings on a five-point scale of how interesting/difficult they found the reading passages (1 = not at all interesting/difficult; 2 = slightly interesting/difficult; 3 = moderately interesting/difficult; 4 = very interesting/difficult; 5 = extremely interesting/difficult).

comprehension of their reading passages.⁹³ After the memory check, the participants reviewed the reading passages again as a “memory refresher.” The participants then completed an online “public opinion survey” that contained, among other unrelated questions, items measuring explicit attitudes toward Latinos. Following the public opinion survey, the participants completed another set of puzzles, a memory check, and a memory refresher before completing a “computerized sorting and categorization exercise,” which was a Latino-White Implicit Association Test (IAT) designed to measure implicit bias against Latinos.⁹⁴ All of the above-described procedural steps are summarized in Figure 2.

Figure 2. Procedural Overview and Measures

Procedure	Measures
<i>Pre Experiment</i>	
Omnibus Survey	Pre-Manipulation Attitudinal & Demographic Variables
<i>Experiment</i>	
Reading Passage	Experimental Conditions
Puzzles	
Memory Check (Manipulation Check)	
Memory Refresher (Re-Prime)	
Public Opinion Survey	Post-Manipulation Explicit Attitude Measures (Feeling Thermometer, Social Distance Scale, Semantic Differential Scale)
Puzzles	
Memory Check (Manipulation Check)	
Memory Refresher (Re-Prime)	
Computerized Sorting and Categorization Exercise (Latino-White Implicit Attitude Test)	Post-Manipulation Implicit Attitudinal Measure (IAT <i>D</i> Scores)
<i>Post Experiment</i>	
Debrief	

B. Variables and Measures

Through a series of regression models, I analyzed both implicit bias against

93. The manipulation checks confirmed not only that the participants understood that the readings pertained to a law that was enacted in their state, but that they understood the specific contents of the respective laws.

94. See Pérez, *supra* note 22, at 517.

Latinos, as measured by the IAT, and explicit attitudes toward Latinos, as measured by: (a) the feeling thermometer, (b) the social distance scale, and (c) the semantic differential scale. To generate more accurate coefficient estimates, my analysis included a set of pre-manipulation covariates that past studies have shown are related to racial/ethnic bias. Appendix Table A2 shows the codings for each of these covariates, as well as the questionnaire items measuring explicit attitudes. I also discuss each dependent variable and covariate in detail below, beginning with the IAT.

1. Dependent Variable: Implicit Attitude Measure

The best-known and most widely-used procedure to measure implicit attitudes is the IAT.⁹⁵ The IAT is a computer-based test that measures individuals' reaction times associated with the rapid sorting of stimuli (e.g., words, images) into evaluative categories (e.g., good/bad, pleasant/unpleasant). In the current experiment, study participants completed a Latino-White IAT developed and validated by Efrén Pérez.⁹⁶ This IAT requires participants to rapidly categorize (a) a series of common White and Latino surnames (surname stimulus)⁹⁷ into two target concepts, Latino and White, (b) a series of attributes (attribute stimulus)⁹⁸ into two target concepts, good and bad, and (c) a series of surname and attribute stimulus, respectively, into stereotype-consistent pairings (White + good vs. Latino + bad) and stereotype-inconsistent pairings (White + bad vs. Latino + good).⁹⁹

Implicit bias against Latinos is generally defined as faster reaction time on stereotype-consistent pairings than stereotype-inconsistent pairings. I calculated the IAT effect using Anthony Greenwald and colleagues' improved algorithm, which produces a *D* score that accounts for variability in within-

95. See Anthony G. Greenwald et al., *Measuring Individual Differences in Implicit Cognition: The Implicit Association Test*, 74 J. PERSONALITY & SOC. PSYCHOL. 1464, 1464 (1998). The IAT has been used in more than 700 studies across a wide array of disciplines, and it has greater documented reliability and validity than other implicit measures. See Anthony G. Greenwald et al., *Understanding and Using the Implicit Association Test: III. Meta-analysis of Predictive Validity*, 97 J. PERSONALITY & SOC. PSYCHOL., 17, 18 (2009). For reviews and debates on the methodological strengths and limitations of the IAT, see Kristin A. Lane et al., *Understanding and Using the Implicit Association Test: IV. What We Know (So Far) About the Method*, in *IMPLICIT MEASURES OF ATTITUDES* 59 (Bernd Wittenbrink & Norbert Schwarz eds., 2007). For a demonstration of the IAT, see PROJECT IMPLICIT, <http://implicit.harvard.edu> (last visited Dec. 15, 2016).

96. See Pérez, *supra* note 22, at 519.

97. Latino surnames included: García, Martínez, Rodríguez, López, Hernández, González, Pérez, Sánchez, Díaz, Ramírez. White surnames included: Smith, Johnson, Williams, Jones, Brown, Davis, Miller, Wilson, Moore, Taylor.

98. "Good" target concepts included: Honest, Joy, Love, Peace, Wonderful, Honor, Pleasure, Glorious, Laughter, Happy. "Bad" target concepts included: Agony, Prison, Terrible, Horrible, Nasty, Evil, Awful, Failure, Hurt, Poverty.

99. For a detailed description of the IAT procedure, see Pérez, *supra* note 22, at 525-28.

subject response latency.¹⁰⁰ More specifically, the IAT *D* score captures the difference in average response time (in milliseconds) between stereotype-consistent (White + good, Latino + bad) and stereotype-inconsistent (White + bad, Latino + good) blocks of words, adjusting for the underlying variability in within-subject reaction times.¹⁰¹ The higher the IAT *D* score, the greater the participant's implicit bias against Latinos.

2. Dependent Variables: Explicit Attitude Measures

The online "public opinion survey" that the subjects completed contained a battery of items unrelated to immigration, law, and racial attitudes. These unrelated items, for example, asked the participants about the environment, public health, and computer usage. Embedded in this public opinion survey were three sets of items designed to measure explicit attitudes toward Latinos: (1) the feeling thermometer, (2) the social distance scale, and (3) the semantic differential scale.

Feeling Thermometer. Feeling thermometers have been widely used as a measure of affective evaluation about particular groups or issues.¹⁰² The participants were asked to rate different social groups, including Latinos, on a scale of 0 to 100, regarding how "unfavorably/cold" or "favorably/warm" they felt toward the group. The higher the rating, the more favorable or warm the participant's feelings were toward Latinos.

Social Distance Scale. The social distance scale is a commonly accepted general measure of racial or ethnic prejudice.¹⁰³ Following the General Social Survey, the participants were asked to indicate the extent to which they favored or opposed "living in a neighborhood where half of my neighbors are Latino," and "having a close relative marry a Latino."¹⁰⁴ Scores across the two items were combined to create a single index based on principal factor analysis that showed that both items loaded heavily on only one factor (Cronbach's $\alpha = 0.77$). The higher the social distance index score, the greater the participant's perceived social distance from Latinos.

Semantic Differential Scale. The semantic differential scale has been widely used in racial bias research to measure the respondents' stereotypes or

100. Anthony G. Greenwald et al., *Understanding and Using the Implicit Association Test: I. An Improved Scoring Algorithm*, 85 J. PERSONALITY & SOC. PSYCHOL. 197, 213-14 (2003).

101. *Id.* at 201.

102. Shannon C. Nelson, *Feeling Thermometer*, in ENCYCLOPEDIA OF SURVEY RESEARCH METHODS 276, 276 (Paul J. Lavrakas ed., Sage Publ'ns 2008).

103. See PAMELA BALLS ORGANISTA ET AL., THE PSYCHOLOGY OF ETHNIC GROUPS IN THE UNITED STATES (2009); Charles N. Weaver, *Social Distance as a Measure of Prejudice Among Ethnic Groups in the United States*, 38 J. APPLIED SOC. PSYCHOL. 779, 783 (2008).

104. TOM W. SMITH ET AL., NATIONAL OPINION RESEARCH CENTER, GENERAL SOCIAL SURVEYS 1972-2014: CUMULATIVE CODEBOOK 666, 669 (2016), http://gss.norc.org/documents/codebook/GSS_Codebook.pdf.

beliefs about the personal attributes of different groups.¹⁰⁵ The participants rated Latinos on the following characteristics that have been examined by previous research on Latino stereotypes: (1) lazy vs. hardworking, (2) unintelligent vs. intelligent, and (3) law-breaking vs. law-abiding.¹⁰⁶ The higher the score, the more positive the participant's evaluation of Latinos.

3. Covariates

I included in the multivariate analysis the following covariates measured pre-manipulation: gender, age, race, socio-economic class, political ideology, and religious service attendance. Each of these covariates is drawn from the pre-experiment omnibus survey described above. As noted earlier, the omnibus survey also contained the Hispanic Modern Racism Scale and items measuring attitudes toward immigration. Segrest Purkiss and colleagues developed and validated the Hispanic Modern Racism Scale as a measure of prejudice against Latinos.¹⁰⁷ The Hispanic Modern Racism Scale is an adaptation of John McConahay's widely-used Modern Racism Scale, which was originally designed to inconspicuously measure prejudice against Blacks.¹⁰⁸ The items measuring the participants' attitudes toward immigration are widely-used survey items found in the General Social Survey.¹⁰⁹

A Pearson's product-moment correlation test showed a substantial and positive correlation between the Hispanic Modern Racism Scale and the index score that combines the items measuring the participants' attitudes toward immigration ($r(175) = 0.63, p < 0.001$). Preliminary multivariate analysis showed that models using the Hispanic Modern Racism Scale yielded

105. James W. Stoutenborough, *Semantic Differential Technique*, in ENCYCLOPEDIA OF SURVEY RESEARCH METHODS 810, 811 (Paul J. Lavrakas ed., Sage Publ'ns 2008).

106. Lizette Ojeda et al., *Too Latino and Not Latino Enough: The Role of Ethnicity-Related Stressors on Latino College Students' Life Satisfaction*, 11 J. HISP. HIGHER EDUC. 14, 17 (2012); Reyna et al., *supra* note 70, at 346.

107. Sharon L. Segrest-Purkiss et al., *Implicit Sources of Bias in Employment Interview Judgments and Decisions*, 101 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 152, 157 (2006).

108. John B. McConahay, *Modern Racism, Ambivalence, and the Modern Racism Scale*, in PREJUDICE, DISCRIMINATION, AND RACISM 91 (John F. Dovidio & Samuel L. Gaertner eds., Academic Press 1986).

109. See SMITH ET AL., *supra* note 104, at 871-74. These questionnaire items consisted of the following: (1) There are different opinions about immigrants from other countries living in America. The following set of questions relate to your opinions about immigrants. Do you think the number of immigrants from foreign countries who are permitted to come to the United States to live should be increased a lot, increased a little, left the same as it is now, decreased a little, or decreased a lot? (2) Should federal spending on tightening border security to prevent illegal immigration be increased a lot, increased a little, left the same as it is now, decreased a little, or decreased a lot? (3) Should illegal immigrants be: (a) entitled to work permits, or not? (b) entitled to attend public universities at the same costs as other students, or not? (c) entitled to have their children continue to qualify as American citizens if born in the United States, or not?

substantially the same results as the models using the immigration-attitude index. To avoid autocorrelation issues, I included only the Hispanic Modern Racism Scale in the full models presented below.

C. Analysis Results

Table 2 shows the unadjusted and adjusted means for each dependent variable. Adjusted means control for the study participants' baseline prejudice toward Latinos, as measured by the Hispanic Modern Racism Scale. I first conducted a series of ANOVA on the implicit and explicit attitude measures with the experimental condition as a between-subjects factor and Hispanic Modern Racism Scale as a covariate.¹¹⁰ Planned contrasts revealed that compared to the participants in the baseline condition, the participants exposed to the anti-immigration law were significantly more likely to report that Latinos were less intelligent ($p = 0.02$) and less law-abiding ($p = 0.04$).

Table 2. Dependent Variables by Experimental Condition, Unadjusted and Adjusted Mean

IAT D Scores^b				
Condition	<i>n</i>	Unadjusted <i>M</i> (<i>SD</i>)	Adjusted <i>M</i> (<i>SE</i>) ^a	95% CI
Water Safety Law	40	0.57 (0.34)	0.56 (0.06)	[0.45, 0.67]
Anti-Immigration Law	43	0.61 (0.36)	0.62 (0.05)	[0.51, 0.73]
Pro-Immigration Law 1	43	0.59 (0.38)	0.59 (0.05)	[0.49, 0.70]
Pro-Immigration Law 2	46	0.51 (0.38)	0.50 (0.05)	[0.40, 0.61]
Feeling Thermometer Scores^c				
Condition	<i>n</i>	Unadjusted <i>M</i> (<i>SD</i>)	Adjusted <i>M</i> (<i>SE</i>) ^a	95% CI
Water Safety Law	40	65.53 (20.15)	65.99 (3.15)	[59.76, 72.21]
Anti-Immigration Law	43	62.07 (21.01)	61.03 (3.05)	[55.00, 67.06]
Pro-Immigration Law 1	43	63.35 (21.36)	63.29 (3.04)	[57.29, 69.29]
Pro-Immigration Law 2	46	62.80 (19.89)	63.43 (2.94)	[57.62, 69.24]
Social Distance Scale Scores^d				
Condition	<i>n</i>	Unadjusted <i>M</i> (<i>SD</i>)	Adjusted <i>M</i> (<i>SE</i>) ^a	95% CI
Water Safety Law	40	5.90 (1.30)	5.88 (0.19)	[5.51, 6.26]
Anti-Immigration Law	43	6.16 (1.19)	6.20 (0.19)	[5.83, 6.57]
Pro-Immigration Law 1	43	6.30 (1.06)	6.30 (0.19)	[5.94, 6.67]
Pro-Immigration Law 2	46	5.87 (1.33)	5.85 (0.18)	[5.49, 6.20]

(continued on the next page)

110. Results are not shown but available upon request.

Table 2 (continued). Dependent Variables by Experimental Condition, Unadjusted and Adjusted Mean

Lazy/Hard-Working Rating^e				
Condition	<i>n</i>	Unadjusted <i>M (SD)</i>	Adjusted <i>M</i> (<i>SE</i>) ^a	95% CI
Water Safety Law	40	5.83 (1.15)	5.40 (0.18)	[5.04, 5.76]
Anti-Immigration Law	43	5.53 (1.32)	5.47 (0.18)	[5.12, 5.82]
Pro-Immigration Law 1	43	5.67 (1.19)	5.67 (0.18)	[5.32, 6.02]
Pro-Immigration Law 2	46	5.39 (1.13)	5.43 (0.17)	[5.09, 5.77]
Unintelligent/Intelligent Rating^e				
Condition	<i>n</i>	Unadjusted <i>M (SD)</i>	Adjusted <i>M</i> (<i>SE</i>) ^a	95% CI
Water Safety Law	40	4.73 (1.11)	4.75 (0.16)	[4.43, 5.07]
Anti-Immigration Law	43	4.26 (1.09)	4.20 (0.16)	[3.89, 4.51]
Pro-Immigration Law 1	43	4.60 (1.12)	4.60 (0.15)	[4.30, 4.91]
Pro-Immigration Law 2	46	4.37 (0.88)	4.40 (0.15)	[4.11, 4.70]
Law-Breaking/Law-Abiding Rating^e				
Condition	<i>n</i>	Unadjusted <i>M (SD)</i>	Adjusted <i>M</i> (<i>SE</i>) ^a	95% CI
Water Safety Law	40	4.25 (1.08)	4.27 (0.17)	[3.93, 4.61]
Anti-Immigration Law	43	3.81 (1.05)	3.76 (0.17)	[3.43, 4.09]
Pro-Immigration Law 1	43	3.95 (1.36)	3.95 (0.17)	[3.62, 4.28]
Pro-Immigration Law 2	46	3.96 (0.97)	3.99 (0.16)	[3.67, 4.31]

Notes: $N=172$. ^a Adjusted to control for the effect of Modern Hispanic Racism Scale. ^b Higher the IAT *D* score, greater the implicit bias against Latinos. ^c Higher the thermometer score, more favorable/warmer the feeling toward Latinos. ^d Higher the score, greater the perceived social distance from Latinos. ^e Higher the rating, more positive the evaluation of Latinos.

Next, I used a set of ordinary least-squares (OLS) multiple regression models to analyze the implicit and explicit attitude measures across the experimental conditions, net of study participants' basic characteristics. I refer to these models as full models. Before I present the results, I pause to note that in each full model, I examined the interaction effects between the experimental conditions and the Hispanic Modern Racism Scale to test the possibility that the response of individuals to anti- and pro-immigration laws might differ based on their baseline prejudice levels.¹¹¹ Thus, in each full model, I included

111. See Patricia G. Devine, *Stereotypes and Prejudice: Their Automatic and Controlled Components*, 56 J. PERSONALITY & SOC. PSYCHOL. 5, 12 (1989) (finding that "low-prejudice persons are motivated to reaffirm their non-prejudiced self-concepts," and thus are able to inhibit the effects of automatic stereotype activation when asked to explicitly state their personal beliefs about Blacks); Tinkler, *How Do Sexual Harassment Policies*

a two-way interaction between the experimental conditions and the Modern Hispanic Racism scale. The interaction, however, was not statistically significant (at $p < 0.05$) in any of the models; thus, the results presented in Table 3 are from the models that exclude the interaction term.

Looking across the coefficients for the Anti-Immigration Law condition, Models 5 and 6 of Table 3 show that compared to the study participants in the baseline condition (Water Safety Law), those in the Anti-Immigration Law condition reported significantly lower ratings on Latinos in terms of their intelligence and law-abidingness ($p < 0.01$ and $p < 0.05$, respectively). These results suggest that exposure to the Anti-Immigration law activated culturally-prevalent negative stereotypes of Latinos (as unintelligent and crime-prone).¹¹² These results are consistent with the content hypothesis implicit in the expressive theory of law, which posits that attitudinal changes resulting from law should be in the direction consistent with the underlying purpose or the content of the law. The signs of the coefficients for the Anti-Immigration Law condition in Models 1 through 4 are also consistent with the content hypothesis, though these coefficients are not significant.¹¹³

By contrast, Models 1 through 6 of Table 3 do not show significant differences in any of the implicit and explicit attitudes of the study participants between the Pro-Immigration Law 1 condition and the baseline condition. One possible reason for these null results might be that any positive attitudinal shifts consistent with the content of the pro-immigration law were offset by heightened perceptions of physical and/or economic threat triggered by the provision prohibiting law enforcement action based solely on immigration status, and the provisions affording public services and benefits to immigrants. To test this idea, I exposed a group of study participants to a second pro-immigration law (Pro-Immigration Law 2), which replaced the provisions at issue with anti-trafficking and victim protection provisions. As shown in Models 1 through 6 of Table 3, however, I did not find significant differences in any of the implicit and explicit attitudes of the study participants between the Pro-Immigration Law 2 condition and the baseline condition. In sum, I did not

Shape Gender Beliefs? An Exploration of the Moderating Effects of Norm Adherence and Gender, supra note 25, at 1271 (2013) (finding that individuals' commitment to traditional gender interaction norms moderated the attitudinal effects of sexual harassment training).

112. On negative stereotypes of Latinos, see Dana E. Mastro & Bradley S. Greenberg, *The Portrayal of Racial Minorities on Prime Time Television*, 44 J. BROADCASTING & ELECTRONIC MEDIA 690, 691 (2010) ("Across a decade of studies, characterizations featured images of poor and uneducated Latinos commonly depicted as criminals, buffoons, Latin lovers, or law enforcers.").

113. The failure to reject the null hypothesis (of no difference in results between the manipulation and baseline conditions) does not allow us to conclude that the Anti-Immigration Law produced attitudes that are *equivalent* to those associated with the baseline condition. See Carlisle Rainey, *Arguing for a Negligible Effect*, 58 AM. J. POL. SCI. 1083, 1083 (2014). For additional discussion on interpreting null findings, see Raymond S. Nickerson, *Null Hypothesis Significance Testing: A Review of an Old and Continuing Controversy*, 5 PSYCHOL. METHODS 241 (2000).

find evidence of significant attitudinal changes associated with either the Pro-Immigration Law 1 condition or the Pro-Immigration Law 2 condition.

Before discussing the implications of these results, I pause to consider the null findings with respect to implicit attitudes across all of the experimental conditions (Model 1 of Table 3). Implicit attitudes by definition are automatic and beyond people's conscious control.¹¹⁴ Thus, we might expect attitudinal effects of law to be more readily evident in implicit attitudes than in explicit attitudes. This is not the case in the current study. Why? One possible reason might be that people's focus of attention can significantly impact the automatic operation of stereotypes and prejudice.¹¹⁵ According to Irene Blair's meta-analysis of relevant studies, "cognitive busyness" or "attentional load" may *reduce* the activation of automatic stereotypes and prejudice. While this result may seem counter-intuitive at first, Blair points out "that the fact that a process does not need the perceiver's attention to operate does not necessitate the conclusion that attention cannot influence that process."¹¹⁶ In the current study, the IAT that measured implicit bias was placed at the very end of the experiment after a series of "distractions" given to the study participants in accordance with the experiment's cover story. It is possible that this placement of the IAT may have attenuated automatic stereotype activation across all experimental conditions. Future research should explore this possibility by varying the order in which the IAT is administered relative to other tasks in the experiment.

114. *But see* Tiffany A. Ito et al., *Toward a Comprehensive Understanding of Executive Cognitive Function in Implicit Racial Bias*, 108 J. PERSONALITY & SOC. PSYCHOL. 187, 204-08 (2015) (finding a relationship between expressions of implicit bias and higher-order cognitive control processes).

115. For a review, see Irene V. Blair, *The Malleability of Automatic Stereotypes and Prejudice*, 6 PERSONALITY & SOC. PSYCOL. REV. 242 (2002).

116. *Id.* at 252.





Table 3. OLS Regression Models of Implicit and Explicit Bias Against Latinos

Variables	Model 1: IAT <i>D</i> Scores		Model 2: Feeling Thermometer		Model 3: Social Distance Scale		Model 4: Hard Working		Model 5: Intelligent		Model 6: Law Abiding	
	<i>b</i>	<i>SE</i>	<i>b</i>	<i>SE</i>	<i>b</i>	<i>SE</i>	<i>b</i>	<i>SE</i>	<i>b</i>	<i>SE</i>	<i>b</i>	<i>SE</i>
Experimental Condition^a												
Anti-Immigration Law	0.08	(0.08)	-5.62	(4.52)	0.43	(0.26)	0.05	(0.25)	-0.66**	(0.22)	-0.62*	(0.24)
Pro-Immigration Law 1	0.04	(0.08)	-3.55	(4.53)	0.49	(0.26)	0.20	(0.25)	-0.25	(0.22)	-0.36	(0.24)
Pro-Immigration Law 2	-0.05	(0.08)	-2.81	(4.42)	0.07	(0.25)	0.01	(0.25)	-0.39	(0.22)	-0.32	(0.23)
Participant Characteristic												
Hispanic Modern												
Racism Scale	0.01**	(0.00)	-0.38*	(0.15)	0.01	(0.01)	-0.02*	(0.01)	-0.02**	(0.01)	-0.02**	(0.01)
Male	0.08	(0.06)	0.98	(3.39)	-0.33	(0.19)	0.47*	(0.19)	-0.01	(0.17)	0.09	(0.18)
Age (years)	-0.00	(0.00)	-0.20	(0.24)	-0.03*	(0.01)	0.00	(0.01)	0.01	(0.01)	0.03*	(0.01)
Race ^b												
Asian	-0.02	(0.07)	-3.84	(3.73)	0.47*	(0.21)	-0.32	(0.21)	-0.47*	(0.18)	-0.38	(0.20)
Other	-0.22**	(0.08)	2.72	(4.41)	-0.41	(0.25)	-0.08	(0.25)	-0.13	(0.22)	-0.15	(0.23)
Socio-Economic Class ^c												
Lower/Lower-Middle	-0.02	(0.07)	2.01	(3.99)	0.21	(0.23)	0.24	(0.22)	0.30	(0.20)	-0.19	(0.21)
Upper-Middle/Upper	0.02	(0.07)	-0.78	(4.06)	0.02	(0.23)	-0.10	(0.23)	0.09	(0.20)	-0.08	(0.22)
Political Ideology ^d												
Liberal	0.03	(0.06)	2.52	(3.64)	0.16	(0.21)	0.38	(0.20)	-0.12	(0.18)	-0.17	(0.19)
Conservative	0.05	(0.09)	-2.18	(4.92)	0.40	(0.28)	0.23	(0.28)	-0.55*	(0.24)	-0.56*	(0.26)
Religious Service Attendance												
(weekly)	-0.01	(0.02)	-0.70	(1.18)	0.01	(0.07)	-0.10	(0.07)	-0.00	(0.06)	-0.04	(0.06)
Constant	0.34*	(0.17)	85.75***	(9.63)	5.70***	(0.55)	5.95***	(0.54)	5.68***	(0.47)	5.01***	(0.51)
<i>R</i> ²	0.13		0.10		0.17		0.17		0.18		0.16	

Notes: *N*=172. ^a Reference category for the Experimental Condition is Water Safety Law. ^b Reference category is White. ^c Reference category is Middle Class. ^d Reference category is Moderate. * *p* < 0.05; ** *p* < 0.01; *** *p* < 0.001 (two-tailed tests).



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III. DISCUSSION

Policymakers and activists on both sides of the immigration debate spend considerable time and resources in efforts to change the law. Their activism and commitment are likely rooted not only in concerns about the instrumental effects of these laws, but also their symbolic or social meanings.¹¹⁷ What kind of symbolic or social meanings might be at stake? Anti-immigration laws typically convey a message of inequality, casting immigrants as deserving of contempt and exclusion. In contrast, pro-immigration laws usually impart a message of equality and show immigrants as worthy of respect and inclusion. These messages embody competing visions of group identity, political membership, and social belonging. Do these divergent messages affect our attitudes toward Latinos—the most visible immigrant population in the United States?

As a first step towards exploring that question, I conducted a randomized laboratory experiment that exposed study participants to varying types of immigration laws. The results show that exposure to an anti-immigration law did indeed activate certain kinds of negative attitudes toward Latinos. I did not, however, find evidence that pro-immigration laws produced positive attitudes toward Latinos. What explains the null findings with respect to the pro-immigration laws? I discuss one promising potential explanation at some length here in order to provide a proper theoretical framework for future empirical investigation. In short, my discussion focuses on the potential for immigration laws—regardless of their specific content—to prime negative racial attitudes by making ingroup/outgroup boundaries salient. A number of factors provide strong theoretical support for such a dynamic.

As Gordon Allport, Henri Tajfel, and others have shown, the cognitive origins of prejudice and bias can be traced in large part to the fundamental and normal psychological process called social categorization—the basic human tendency to classify people into ingroups and outgroups, “we’s” and “they’s.”¹¹⁸ The core function of immigration law is to confer membership status and to define the basic terms of that membership.¹¹⁹ Indeed, some

117. Consider, for example, the debate about the law granting driver’s licenses to unauthorized immigrants in California. In signing the law, Governor Jerry Brown noted: “No longer are undocumented people in the shadows. They are alive and well and respected in the state of California.” Jaqueline Hurtado & Catherine E. Shoichet, *New California Law Gives Undocumented Immigrants Driver’s Licenses*, CNN (Oct. 3, 2013, 9:35 PM), <http://www.cnn.com/2013/10/03/us/california-undocumented-immigrant-drivers-licenses/>. Others who opposed the law hinted at equally non-instrumental reasons for their opposition. As Kern County Sheriff Donny Youngblood, has argued: “I just think that if someone is in the country illegally, for us to give them a legal ability to drive makes absolutely no sense. That . . . really bothers me.” Richard Winton et al., *California’s Immigrant Driver’s License Bill Is Driving Debate*, L.A. TIMES, Sept. 13, 2013, at A1.

118. See ALLPORT, *supra* note 4, at 29-65; Henri Tajfel, *Social Identity and Intergroup Behavior*, 13 SOC. SCI. INFO. 65, 66 (1974). See also SAMUEL L. GAERTNER & JOHN F. DOVIDIO, *REDUCING INTERGROUP BIAS* 34-40 (2000).

119. THOMAS ALEXANDER ALEINIKOFF ET AL., *IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY* 1 (7th ed. 2012) (“The immigration and citizenship laws define who we are as a society: who are full members of our society; who can become members; which

scholars consider immigration law as a whole “a system of social categorization.”¹²⁰ From this standpoint, it would not be surprising if anti- and pro-immigration laws operated similarly in terms of making salient the ingroup/outgroup boundaries. This outcome seems all the more likely in the current study in light of the research on bias against Latinos suggesting that a specific type of social categorization involving perceptions of “foreignness” is common in people’s attitudes toward Latinos.¹²¹

The activation of ingroup/outgroup categorization through exposure to immigration laws is important, because research has shown that the mere act of categorization—however trivial, or meaningless (as when group identity is assigned randomly)—can trigger perceptual distortions and evaluative biases that lead to ingroup favoritism and outgroup derogation and hostility.¹²² Studies have also suggested that these responses are more easily triggered in situations of perceived resource scarcity and threat.¹²³ To the extent that outgroup bias arising from the law’s priming effect counterbalances or even outweighs any positive content effects of pro-immigration laws, we should expect to observe little to no net attitudinal changes. For anti-immigration laws, however, the same priming effect would bolster or amplify the negative content effects.

Insofar as immigration laws operate in this way, how might we reduce or minimize the resulting racial bias? Here, it is instructive to consider some of the practical strategies that social psychologists have developed to reduce intergroup bias and prejudice. One model, for example, recommends decategorization, which focuses on increasing personalized interactions across intergroup boundaries to promote views of outgroup members as individual persons rather than representatives of outgroups.¹²⁴ Another model recommends recategorization, which focuses on redefining who is perceived as an ingroup member by uniting individuals in a common (superordinate) ingroup identity.¹²⁵ The third model, mutual differentiation, recommends allowing individuals to maintain their social group identities but promoting

nonmembers can enter; and the conditions upon which nonmembers can remain.”).

120. Fatma Marouf, *Regrouping America: Immigration Policies and the Reduction of Prejudice*, 15 HARV. LATINO L. REV. 129, 132 (2012).

121. See Dovidio et al., *supra* note 30, at 66 (finding that unlike Blacks who are generally perceived as deviating substantially from the prototypical American on the ethnic dimension, Latinos are perceived as deviating on both ethnic and civic dimensions); Kumar Yogeeswaran et al., *A New American Dilemma? The Effect of Ethnic Identification and Public Service on the National Inclusion of Ethnic Minorities*, 42 EUR. J. SOC. PSYCHOL. 691, 700 (2012) (finding that study subjects excluded Latinos from the American national identity even when they were shown to be within a high occupational status and embodying both the civic prototype (by engaging in work that benefited the nation) and the ethnic prototype (by not identifying with their ethnicity)).

122. Henri Tajfel, *Social Psychology of Intergroup Relations*, 33 ANN. REV. PSYCHOL. 1, 23-24 (1982).

123. See generally Blake M. Riek et al., *Intergroup Threat and Outgroup Attitudes: A Meta-Analytic Review*, 10 J. PERSONALITY & SOC. PSYCOL. 336 (2006) (reviewing studies on the relationship between intergroup threat and negative outgroup attitudes).

124. GAERTNER & DOVIDIO, *supra* note 118, at 42-46.

125. *Id.* at 46-49.

tasks that foster mutual interdependence across groups.¹²⁶ Fatma Marouf argues that different aspects of U.S. immigration laws and policies already “contravene or support” some of these strategies.¹²⁷ A fuller appreciation of the normative effects of immigration laws, including their content and priming effects, can play an important role in advancing law as a tool to promote intergroup relations.

Before concluding, I highlight several limitations of the study and future directions for research. First, the design of this study does not allow me to determine whether laws have attitudinal effects that are different—in nature and/or in magnitude—from the attitudinal effects of other types of non-legal social forces. A related question is whether laws can change attitudes in circumstances in which the contents of the law have already been made salient by other social forces. The former question calls for an investigation into the possible *unique* effects of the law, whereas the latter question calls for an investigation into the possible *marginal* effects of the law.

The current study also did not directly examine the specific nature of the mechanisms through which exposure to immigration laws might affect attitudes toward Latinos. To the extent the law changes attitudes through an information-updating process as some expressive theorists of law predict, future experiments that manipulate the type and scope of information provided to study participants might help to isolate the informational influence. On the other hand, to the extent the law changes attitudes by signaling community consensus and exerting social-approval pressures, future experiments that manipulate the appearance of community consensus on any given law might offer some insights into the operation of this mechanism. For example, laws that are seen as a product of mere political maneuvering and partisan compromises might not have the same effect on people’s attitudes as laws that are perceived as resulting from a genuine collective agreement.

As in many experimental studies, the sample used in the current study likely generated a relatively restricted range of responses. For example, all participants were drawn from an undergraduate population in California who are likely more educated and liberal than the general population. Future research should be extended to a random sample drawn from the broader population. Moreover, as with most experimental studies,¹²⁸ the current study did not measure durational effects. However, the possible educative effects that judges and policymakers might hope for through law are arguably long-term social processes. This study suggests that short-term exposure to an anti-immigration law can affect people’s explicit attitudes toward Latinos, but are these changes fleeting or enduring? Under what conditions do the changes dissipate or have a lasting impact?

An important question related to these lines of inquiry is whether enforcement practices post-enactment might limit or amplify attitudinal shifts.

126. *Id.* at 40-42.

127. Marouf, *supra* note 121, at 132.

128. *But see* Dasgupta & Greenwald, *supra* note 29, at 807 (finding that exposure to admired Blacks and disliked Whites reduced implicit bias toward Blacks even 24 hours after exposure).



For example, depending on the type of legislation and prevailing social norms, laws that are never enforced may have a more transient effect on attitudes than laws that are enforced vigorously; laws that are perceived to be enforced in a neutral way may have a more durable effect on attitudes than laws that are perceived as enforced in a discriminatory way, or vice versa. Understanding how normative effects of the law might evolve over time in response to various enforcement practices might broaden our understanding of the dynamic nature of laws in action.

Finally, this study did not examine a number of important factors that might moderate the effect of laws on attitudes. For example, laws are not adopted instantaneously; instead, legislative proposals may be extensively debated by politicians and covered by popular media both before and after enactment. One's attitudes about the groups targeted by any given law are likely influenced by the nature of this political and social discourse, and the type of social networks through which individuals become part of that discourse. Thus, examining the ways in which public discourse and social network structures might moderate the effects of the law on our attitudes will provide more nuanced insights into the relationship between laws, attitudes, and intergroup relations.

CONCLUSION

This Article began by asking whether the law can be a teacher—a force that can mold and shape people's attitudes, beliefs, and values. The current study found only partial support for the idea that immigration laws can change people's attitudes and beliefs in the direction consistent with the laws' content. The effects of immigration laws appear to be much more complicated, likely involving a priming effect that either bolsters or negates the law's content effects.

In a pluralistic society such as the United States, there are many laws and policies that target members of discrete social groups for different legal purposes. One of these purposes may be the legal protection of certain outgroup members, premised on the notion that laws will combat bias and prejudice as people come to internalize the values of equality embodied within these laws. Conversely, pluralism typically also gives rise to laws that target certain outgroup members for exclusion based on certain characteristics. The explicit purpose of these laws may not be to legitimate prejudice or bias against outgroup members, but some observers worry that the ultimate outcome may be the promotion or reinforcement of precisely such attitudes. Many states across the United States, knowingly or unknowingly, are engaged in social experiments of both types. Investigating the issues and limitations that I have discussed in this Article promises to yield a fuller and more nuanced understanding of these social experiments' normative effects, and the role of law as a teacher.

Table A1. Reading Passages Used in the Experiment, Baseline Condition**SB 976, Safe Drinking Water Act of California**

Lately, public health has become a topic of central importance in the United States. In the past few years, state legislators in all 50 states and in Puerto Rico have introduced many bills and resolutions related to public health. One such law, which was enacted in California, is SB 976, titled the “Safe Drinking Water Act of California.” SB 976 will go into effect on January 1, 2014. The following is (1) an excerpt from the law regarding its intent, and (2) a summary of key provisions in the law.

Intent

“The legislature finds that toxic chemicals in drinking water may cause cancer, birth defects, and other chronic diseases. Therefore, there is a compelling interest for the State of California to establish a drinking water quality program that is more protective of public health than the minimum federal requirements. The provisions of this law seek to ensure that the public water systems will deliver pure and safe drinking water.”

Provisions

To achieve its stated goals, the Safe Drinking Water Act contains five main provisions. First, all water systems must monitor their system once every three months to determine the level of toxins and chemicals present in the water. Second, each water supplier must maintain records on all water quality related complaints received and actions taken to correct the problem. Third, only certified and properly trained treatment operators can maintain or repair water distribution systems. Fourth, all distribution systems must be designed and constructed to protect against unauthorized entry and/or vandalism. Fifth, all water systems will be subject to an annual on-site inspection to assess the disinfection treatment process.

Table A1 (continued). Reading Passages Used in the Experiment, Anti-Immigration Law

SB 976, End Illegal Immigration Act of California

Lately, immigration has become a topic of central importance in the United States. In the past few years, state legislators in all 50 states and in Puerto Rico have introduced many bills and resolutions relating to immigrants and refugees. One such law, which was enacted in California, is SB 976, titled the “End Illegal Immigration Act of California.” SB 976 will go into effect on January 1, 2014. The following is (1) an excerpt from the law regarding its intent, and (2) a summary of key provisions in the law.

Intent

“The legislature finds that illegal immigration is causing economic hardship and lawlessness in the State of California. Therefore, there is a compelling interest for the State of California to work with the federal government to enforce the federal immigration laws throughout all of California. The provisions of this law seek to discourage and deter the unlawful entry, presence, and economic activity of illegal immigrants.”

Provisions

To achieve its stated goals, the End Illegal Immigration Act contains five main provisions. First, law enforcement officers must determine the immigration status of all individuals who have been stopped, detained, or arrested. Second, it is a state crime for immigrants to fail to carry a certificate of alien registration at all times. Third, it is a state crime for illegal immigrants to apply for work, solicit work in a public place, or perform work as an employee or independent contractor in California. Fourth, it is a state crime to transport, conceal, or harbor an illegal immigrant in any place in California. Fifth, law enforcement officers may make a warrantless arrest if an individual has committed a crime that makes him deportable from the United States.

Table A1 (continued). Reading Passages Used in the Experiment, Pro-Immigration Law 1**SB 976, Support Immigration Act of California**

Lately, immigration has become a topic of central importance in the United States. In the past few years, state legislators in all 50 states and in Puerto Rico have introduced many bills and resolutions relating to immigrants and refugees. One such law, which was enacted in California, is SB 976, titled the "Support Immigration Act of California." SB 976 will go into effect on January 1, 2014. The following is (1) an excerpt from the law regarding its intent, and (2) a summary of key provisions in the law.

Intent

"The legislature finds that immigration promotes economic growth and the public safety of communities in California. Therefore, there is a compelling interest in welcoming and protecting immigrants throughout all of California. The provisions of this Act seek to support and enhance the lives and economic activity of immigrants in California."

Provisions

To achieve its stated goals, the Support Immigration Act contains five main provisions. First, law enforcement officers may not stop, question, or arrest any individual solely because of the individual's national origin or immigration status. Second, a state identification card is permissible proof of identity for immigrants who are not eligible for other official identifying documents. Third, employers may not discriminate against or engage in workplace retaliation against employees on the basis of their immigration status. Fourth, all residents of California, regardless of their immigration status, have equal access to public services and benefits. Fifth, all eligible California high-school graduates, regardless of their immigration status, are eligible to receive state-funded financial aid.

Table A1 (continued). Reading Passages Used in the Experiment, Pro-Immigration Law 2

SB 976, Immigrant Non-Discrimination Act of California

Lately, immigration has become a topic of central importance in the United States. In the past few years, state legislators in all 50 states and in Puerto Rico have introduced many bills and resolutions relating to immigrants and refugees. One such law, which was enacted in California, is SB 976, titled the “Immigrant Non-Discrimination Act of California.” SB 976 will go into effect on January 1, 2014. The following is (1) an excerpt from the law regarding its intent, and (2) a summary of key provisions in the law.

Intent

“The legislature finds that discrimination against and victimization of immigrants is harmful to economic growth and the public safety of communities in California. Therefore, there is a compelling interest in monitoring and prohibiting such practices throughout all of California. The provisions of this Act seek to end discrimination against and victimization of immigrants in California.”

Provisions

To achieve its stated goals, the Immigrant Non-Discrimination Act contains five main provisions. First, an individual who is a victim of human trafficking may bring a civil action against the perpetrator in any appropriate state court. Second, a state identification card is permissible proof of identity for immigrants who are not eligible for other official identifying documents. Third, employers may not discriminate against or engage in workplace retaliation against employees on the basis of their immigration status. Fourth, threatening to report the immigration status or suspected immigration status of an individual or the individual’s family may constitute illegal extortion. Fifth, every immigration consultant must, prior to providing any immigration services, provide the client with a written contract.

Table A2. Description of the Survey Items Used in the Analyses

Variable	Survey Item	Coding
Explicit Attitude Measures		
Feeling Thermometer	Rate how you feel about Latinos on a feeling thermometer using a scale of 0 to 100. (0=unfavorable/cold; 100=favorable/warm).	0 to 100
Social Distance Scale	For each situation, please indicate whether you would strongly favor the situation, favor the situation, neither favor nor oppose the situation, oppose the situation, or strongly oppose the situation. <ul style="list-style-type: none"> • Living in a neighborhood where half of my neighbors are Latino. • Having a close relative marry a Latino. 	1=Strongly Favor 2=Favor 3=Neither Favor Nor Oppose 4=Oppose 5=Strongly Oppose
Semantic Differential Scale ^a	Please rate the characteristics of each group on the following seven-point scale. A rating of 1 means that you think most people in that group are extremely “hard-working,” “intelligent,” and “law-abiding.” A rating of 7 means that you think most of the people in the group are extremely “lazy,” “unintelligent,” and “law-breaking.” A rating of 4 means that you think that the group is not towards one end or another. Most Latinos are . . .	1=Extremely Hard-working 2=Quite Hard-working 3=Slightly Hard-working 4=Neither Lazy Nor Hard-working 5=Slightly Lazy 6=Quite Lazy 7=Extremely Lazy
Participant Characteristics		
Hispanic Modern Racism Scale	Please indicate the degree to which you disagree or agree with each of the following statements. <ul style="list-style-type: none"> • Over the past few years, the government and news media have shown more respect to Latinos than they deserve. • It is easy to understand the frustration of Latinos in America. • Discrimination against Latinos is no longer a problem in the United States. • Over the past few years, Latinos have gotten more economically than they deserve. • Latinos have more influence upon school language issues than they ought to have. • Latinos are getting too demanding in their push for the usage of the Spanish language. • Latinos should not push themselves where they are not wanted. 	1=Strongly Disagree 2=Moderately Disagree 3=Slightly Disagree 4=Neither Disagree Nor Agree 5=Slightly Agree 6=Moderately Agree 7=Strongly Agree

(continued on next page)

Table A2 (continued). Description of Measures Used in the Analyses

Variable	Survey Item	Coding
Hispanic Modern Racism Scale	<ul style="list-style-type: none"> • Latinos are taking advantage of their minority status. • Latinos are taking too many jobs from non-minorities. • Migrant farm-workers have been treated poorly in many instances.^b • Latinos often intentionally exclude non-Spanish speakers in their conversations. • Mexicans crossing the US border are often dealt with too harshly.^b 	
Male	What is your gender?	1 = Male; 2 = Female
Age	What is your age?	In years
Race	What is your race/ethnicity?	1=White/Caucasian; 2=Black/African American; 3=Latino/Hispanic; 4=Asian or Pacific Islander; 5=American Indian/Native American/Alaska Native; 6=Other; 7=Multiracial or Multiethnic
Class	What social class is your family?	1=Lower Class; 2=Working Class; 3=Lower-Middle Class; 4=Middle Class; 5=Upper-Middle Class; 6=Upper Class
Political Ideology	On a scale of political ideology, individuals can be arranged from strongly liberal to strongly conservative. Which of the following best describes your views?	1=Extremely Liberal; 2=Liberal; 3=Slightly Liberal; 4=Moderate; 5=Slightly Conservative; 6=Conservative; 7=Extremely Conservative; 8=Other
Religious Service Attendance	If you attended religious services within the past seven days, how many times did you do so?	Number of times per week

Notes: ^a The answer choices for the intelligent/unintelligent and law-abiding/law-breaking items, respectively, followed the same pattern as the answer choices shown for the hard-working/lazy item. Each of the three semantic differential scale items was reverse coded for analysis. ^b Reverse coded for analysis.