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The political consequences of public attitudes toward 'Legal' vs. 'Illegal' immigrants

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ABSTRACT

Immigration is one of the most salient and consequential issues in contemporary American politics. Accordingly, we have learned a good deal about the correlates and consequences of immigration attitudes. However, we know far less about how the public differentiates between "legal" and "illegal" immigrants, and how such attitudes matter politically. I overcome this limitation with data from the 2019 ANES Pilot, which queries views toward both groups. I supplement this with data from the 1994 GSS. Overall, I find that while the American public views "legal" immigrants more favorably than "illegal" immigrants, feelings toward the latter dominate the former in shaping general immigration policy preferences and evaluations of presidential candidates. I attribute this to news media coverage that hyper-focuses on "illegality," demonstrating this phenomenon via original content analyses of five major U.S. newspapers. The seeming predominance of "illegality" in ordinary Americans' thinking will likely make it Idifficult for politicians to marshal public support for a more accommodating and welcoming immigration system.

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Immigration is one of the most salient and consequential issues in contemporary American politics, with important implications for elections and public policy. Accordingly, we have learned a good deal about the micro-level determinants of immigration attitudes (e.g., Citrin et al. 1997; Hainmueller and Hopkins 2015; Levy and Wright 2020; Macdonald 2021; Malhotra, Margalit, and Mo 2013), as well as the political consequences of immigration attitudes (e.g., Abrajano and Hajnal 2015; Ramirez and Peterson 2020).

However, we know far less about (1) how ordinary Americans distinguish between *legal* and *illegal* immigrants, and (2) how these attitudes may differentially shape public opinion and electoral behavior. One reason for this is that surveys rarely measured attitudes toward both groups. Another reason is that immigration attitudes are typically conceptualized as being uni-dimensional, ranging from a restrictive anti-immigration extreme on end, to an accommodating pro-immigration extreme on the other, with some scholars arguing that "concerns about a range of different groups, i.e., immigrants, illegal immigrants, Latinos are clustered together in [white] people's minds" (Hajnal and Rivera 2014, 777).

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I overcome this limitation here and make an important contribution to the literature on immigration attitudes. I do so primarily with cross-sectional survey data from the 2019 American National Election Pilot Study (2019 ANES Pilot). I supplement this with data from the 1994 General Social Survey (GSS) to ensure that my results hold across surveys and years. The 2019 ANES Pilot is particularly valuable because it include valid measures (feeling thermometers) of public attitudes toward *both* "legal" and "illegal" immigrants, along with relevant outcome variables. These data thus permit a fuller understanding of how Americans think about immigration and how immigration attitudes matter politically.¹

Overall, I find that even though the American mass public feels more favorably toward "legal" immigrants than toward "illegal" immigrants, the latter dominates the former in terms of its ability to shape how Americans evaluate various political phenomena, here public opinion toward immigration policy and evaluations of presidential candidates. I attribute this to a disproportionate focus on "illegality" in news media coverage, which should make attitudes toward "illegal" immigrants more salient and thus more mentally accessible when ordinary Americans evaluate various political phenomena. I demonstrate this hyper-focus of "illegality" in U.S. media coverage of immigration via original content analyses (specifically keyword searches) of five major U.S. newspapers from 2002 through 2023. In addition to the aforementioned analyses of survey data, these findings and approach can contribute by helping us to better understand how the U.S. news media covers "illegality" and socially constructed, but ultimately salient and important aspect of immigration policy and politics.

I specifically find (using data from the 2019 ANES Pilot and 1994 GSS) that public support for increasing general immigration levels and for a allowing more refugees to seek asylum, both of which reflect policies that are legal under federal law, is strongly associated with attitudes toward "illegal" but not "legal" immigrants. I also find (using 2019 ANES Pilot data) that feelings toward "illegal," but not toward "legal" immigrants, are significantly associated with support for Donald Trump over various Democratic presidential candidates.

Collectively, these findings contribute to scholarly understanding of the nature and consequences of American public opinion toward immigration (Hainmueller and Hopkins 2014), help us to better understand how the mass public perceives and thinks about the "legal" vs. "illegal" divide as well as the extent to which "illegality" has permeated Americans' thinking about immigration (McCabe, Matos, and Walker 2021), and further illuminate how the national news media covers immigrants and immigration (Haynes, Merolla, and Ramakrishnan 2016). These findings also suggest that seeming predominance of "illegality" in how ordinary Americans' think about immigrants and immigrants and immigration, a phenomenon that I attribute, in large part, to how the national news media discusses and covers such issues, will make it difficult for politicians to marshal public support for a more accommodating and welcoming immigration system.

Theoretical Argument

As noted by Chavez (2007, 192), "illegality is socially, culturally, and politically constructed." The complex U.S. immigration and asylum system, which has become more punitive over time (Macías-Rojas 2016) and which is unlikely to be understood in great detail by ordinary Americans, ends up creating different groups of immigrants, some of whom have "legal" status and some of whom do not. While this distinction between a "legal" and an "illegal" immigrant can change over time, sometimes for relatively arbitrary reasons, I argue that the American mass public is likely to, on average, view immigrants as belonging to either the "legal" or "illegal" category. In short, I argue that ordinary Americans' thinking about immigrants and the issue of immigration is likely to focus, to a meaningful degree, on a "legal" vs. "illegal" divide (Wright, Levy, and Citrin 2016).

Groups, and how people in society think about them often result from how they are "socially constructed" in the media and by political elites, a phenomenon that has important implications for electoral politics and public policy (Schneider and Ingram 1993). In line with how the so-called "illegal" immigrant population is socially constructed and portrayed, i.e., often in an unsympathetic and unfavorable light, I argue that the American mass public is likely to view "legal" immigrants more favorably than "illegal" immigrants but that, despite being more favorably inclined toward the latter, the former should be less politically consequential, i.e., less impactful in terms of shaping public opinion. I attribute this to two general phenomena.

The first reason is the generally negative manner in which recent (meaning those arriving in the late twentieth and early twenty-first century) immigrants but particularly so-called "illegal" immigrants, are covered by the American news media (Chavez 2001; Espendshade and Calhoun 1993; Farris and Mohamed 2018; Valentino, Brader, and Jardina 2013), the various negative stereotypes associated with "illegal" immigrants (Flores and Schachter 2018), and the inherent negativity surrounding the term "illegal" (Schachter 2016; Wright, Levy, and Citrin 2016), e.g., criminality, non-assimilation, and general "undeservingness." Indeed, data from the 2019 ANES Pilot shows that "illegal" immigrants received a mean rating of 43.1 (out of 100) vs. a significantly more favorable 72.3 for "legal" immigrants.

The second reason is how the U.S. news media (as a whole) covers the topic of immigration. While a voluminous literature has explored this in great depth (e.g., Chavez 2001; Haynes, Merolla, and Ramakrishnan 2016), my specific interest here is on the thus far under-explored extent to which media coverage focuses on "illegal" immigrants/immigration, relative to "legal" immigrants/immigration and how this matters for American public opinion (but see Djourelova 2023). If media coverage of immigration is, on average, heavily tilted toward "illegality," this should result in attitudes toward "illegal" immigrants being more salient and mentally accessible to people when they are answering survey questions and evaluating various political phenomena (Iyengar and Kinder 1987; Zaller and Feldman 1992). In short, disproportionate news media coverage of "illegal," rather than "legal" immigrants, should result in the former being more politically consequential for public opinion, despite people viewing the latter group more favorably.

In Table 1, I use data from *The New York Times*, the largest newspaper (in terms of circulation) in the United States to explore how the national news media discuss immigrants/immigration and whether there is indeed a hyper-focus on the [socially constructed] aspect of "illegality." I complement my content analysis of *The New York Times* in Table 2 with data from four other newspapers, *The Los Angeles Times, The Arizona Republic, The Albuquerque Journal*, and *The Houston Chronicle*. Collectively,

Tuble II coverage of infinigra	is, minigration in me	Hen Font Hines, 2002	2025.
Jan 1, 2002 – Dec 31, 2023	"Legal"	"Illegal"	"Undocumented"
Number of Articles	1,778	18,390	4,327
Jan 1, 2002 – Dec 31, 2012	"Legal"	"Illegal"	"Undocumented"
Number of Articles	889	11,344	585
Jan 1, 2013 – Dec 31, 2023	"Legal"	"Illegal"	"Undocumented"
Number of Articles	889	7,046	3,742

Table 1. Coverage of Immigrants/Immigration in The New York Times, 2002–2023.

Note: Shows the number of *New York Times* articles that contain the phrases "legal immigrants"/"legal immigration" vs. the number that contain the phrases "illegal immigrants"/"illegal immigration" vs. the number that contain the phrases "undocumented immigration." Source is the NYT article archives from January 1, 2002 to December 31, 2023. https://www.nytimes.com/search/.

these data (in Tables 1 and 2) include the largest newspaper in the country (NYT), the largest newspaper on the west coast (LA Times), and also include news coverage from all four states that share a border with Mexico, a region of the U.S. where coverage of immigrants/immigration is likely to be more negative in tone, i.e., to emphasize "illegality" to a greater degree, and where the impact of migrants seeking entry into the United States, e.g., from Central America, is likely to be directly felt.

Overall, the results in Table 1 show, over a two-decade post-9/11 period, from the beginning of 2002 through the end of 2023, searches of the *New York Times*, the largest and arguably most influential newspaper in the United States, shows that there was an approximately 10:1 ratio in how often the phrases "illegal immigrants" and/or "illegal immigration" are mentioned in newspaper articles, relative to "legal immigrants" and/or "legal immigration." This pattern is changed somewhat post-2012, when the term "illegal" started to formally fall out of favor with mainstream media outlets (e.g., Colford 2013; Edgar 2013; Hiltner 2017) and was gradually replaced with the less pejorative "undocumented." However, media coverage of immigrants/immigration, as reflected in the nation's largest newspaper, is still clearly tilted toward "illegality."

In Table 2, I complement my analyses by examining four additional newspapers based, respectively, in: California, Arizona, New Mexico, and Texas. The specific newspapers are: *The Los Angeles Times, The Arizona Republic, The Albuquerque Journal*, and *The Houston Chronicle*. Interestingly, and similarly to my analysis of *The New York Times* over this same time period, these four newspapers show a similar disparity between the [socially constructed] "legal" and "illegal" aspects of immigration.² Indeed, there is a similar ratio of approximately 10:1 in terms of how often "illegal" immigrants/immigration is mentioned in these newspapers relative to how often "legal" immigrants/immigration is referenced.³

Table 2. News Media Coverage of "Legal" vs. "Illegal" Immigrants/Immigration in Four Southern Border States, 2002–2023.

	Los Ange	eles Times	Arizona Republic		Albuquerque Journal		Houston Chronicle	
	"Legal"	"Illegal"	"Legal"	"Illegal"	"Legal"	"Illegal"	"Legal"	"Illegal"
Articles	1,776	18,380	1,562	17,078	661	5,291	617	6,426

Note: Shows the number of articles that contain the phrases "legal immigrants"/"legal immigration" vs. the number of articles that contain the phrases "illegal immigrants"/"illegal immigration" across four newspapers based in: California, Arizona, New Mexico, and Texas. Sources are each newspaper's online article archives from January 1, 2002 to December 31, 2023.

Taken together, these content analyses of several major U.S. newspapers (in Tables 1 and 2) suggest that news coverage of immigrants and immigration is, likely for a variety of reasons, dominated by mentions of "illegality." I argue that this is politically consequential.

Why News Media Coverage of "Illegality" Matters

While there is debate over whether the mass media can drastically alter how ordinary citizens think, e.g., whether media coverage of politicians' rhetoric causes ordinary people to adopt left-leaning vs. centrist vs. right-leaning positions, or whether the reverse is more likely to hold true (e.g., Wlezien and Soroka 2024; Zaller 1992), there is widespread agreement that the mass media can meaningfully alter *what* people think about and what criteria they bring to bear when evaluating various political phenomena (e.g., Krosnick and Kinder 1990; Nelson, Clawson, and Oxley 1997; Tesler 2015). This implies that, for example, if the mass media disproportionally focus on one aspect of immigrants/immigration over another, that ordinary people should be more likely to draw upon this aspect, which, via greater media coverage and attention, is likely to be more mentally accessible to individuals when they are evaluating relevant political phenomena and answering survey questions.

I argue that even taking into account the necessity to interview politicians and report how they talk about immigrants/immigration, as well the need to cover real-world events such as the Obama administration's DACA policies, the Trump administration's child separation policies, or the Biden administration's approach to dealing with post-Covid asylum-seeking, various media outlets have leeway and flexibility in terms of how often they focus on the "illegal" aspect of U.S. immigration vs. the "legal" aspect of it. I argue that this choice, be it entirely purposeful or not, is politically consequential. Specifically, I argue that greater media coverage of "illegal" ("legal") immigrants/immigration will make this attitude more salient in people's minds and thus more impactful for political evaluations.⁴

This does not mean that people's attitudes toward "legal" immigrants are necessarily meaningless. Rather, I argue, their ability to shape ordinary people's evaluations of various political objects, here general immigration policy preferences, that make no explicit reference to "legality" nor "illegality" and evaluations of political candidates, is dwarfed by their attitudes toward "illegal" immigrants. I attribute this, in large part, to news media coverage of that disproportionately focuses on "illegality," and thus makes it more salient and mentally accessible to survey respondents.⁵ Formally, I hypothesize the following.

Hypothesis: Feelings toward "illegal" immigrants should be a stronger determinant of how people evaluate relevant political objects than should feelings toward "legal" immigrants.

Data and Methods

I test my hypothesis with survey data from the 2019 American National Election Pilot Study (ANES Pilot), supplemented with data from the 1994 General Social Survey (GSS). I use these data to test the comparative explanatory power, i.e., the ability to shape evaluations of various political objects, of public attitudes toward "legal" vs. "illegal" immigrants, noting that while such group distinctions are socially constructed, mass attitudes toward them are still likely to be politically consequential. In doing so, I assume, consistent with a long-standing and well-established group-centric view of public opinion (e.g., Converse 1964; Elder and O'Brian 2022; Nelson and Kinder 1996), that people draw upon their sentiments toward various salient social groups to form their specific political opinions, e.g., their various policy preferences and views toward prominent political figures.⁶

In the following sections, I first describe my research design for the 2019 ANES Pilot (my main data source) and then present the substantive results in Tables 3 and 4. I next discuss my research design associated with the 1994 GSS (my secondary analysis) and then present the substantive results of these data in Table 5.

ANES Pilot Study, 2019

The 2019 ANES Pilot is a survey of the U.S. adult citizen population. It was fielded online from December 20–31, 2019. This sample is intended to be representative, via weighting, of the U.S. adult citizen population. Of course because it is not a probability sample, it may differ from the target population in unknown ways and/or on unmatched demographic characteristics. These limitations aside, the 2019 ANES Pilot is the best available survey to test the comparative political impact of attitudes toward "legal" and "illegal" immigrants.⁷

Dependent Variables

I examine two categories of dependent variables. The first is general immigration policy preferences. By this, I mean the extent to which people generally favor (or disfavor) a government policy that is more welcoming and accommodating toward immigrants and refugees. The second is electoral choice. By this, I mean the extent to which people favor Republican candidates over Democratic candidates (or vice versa).

I use two questions to measure general immigration policy preferences. Importantly, neither question makes *any* explicit references to "illegality," meaning that there is nothing in these questions that should "prime" people to think about "illegal" immigrants. Rather, to the extent such feelings matter, it is likely to be due to a media-fueled "spillover" of "illegality" into the mass public's thinking.

The first question asks do you think the number of immigrants from foreign countries who are permitted to come to the United States to live should be increased, decreased, or kept the same as it is now?." Valid responses to this question are as follows (1 = decreased a lot; 2 = decreased a moderate amount; 3 = decreased a little; 4 = kept the same as now; 5 = increased a little; 6 = increased a moderate amount; 7 = increased a lot). The second question asks do you favor, oppose, or neither favor nor oppose allowing refugees who are fleeing war, persecution, or natural disasters in other countries to come to live in the U.S.?. Valid responses to this question are as follows (1 = oppose a great deal; 2 = oppose a moderate amount; 3 = oppose a little; 4 = neither favor nor oppose; 5 = favor a little; 6 = favor a moderate amount; 7 = favor a great deal). I re-scale responses to both questions to range between 0 and 1, with lower (higher) values indicating more restrictive (accommodating) immigration policy preferences.⁸

I measure my second category of dependent variable, presidential candidate evaluations, with feeling thermometer differences between Donald Trump and various Democratic presidential candidates. These feeling thermometer ratings range from 0 to 100 (cold \rightarrow warm, with 50 indicating "neutral" feelings). The 2019 ANES Pilot asked respondents to rate a variety of political candidates, objects, and social groups on a 100-point feeling thermometer scale. This included then-President Donald Trump, as well as five Democratic presidential candidates. They are as follows (in alphabetical order): Joe Biden, Pete Buttigieg, Kamala Harris, Bernie Sanders, and Elizabeth Warren. Each variable thus ranges from -100 to +100 (Trump – Democrat), with lower (higher) values indicating lower (higher) support for Donald Trump, relative to each Democratic candidate.⁹

Main Independent Variables

My explanatory variables of interest are feelings toward "legal" and "illegal" immigrants. As previously mentioned, the 2019 ANES Pilot differs from traditional ANES surveys, i.e., the quadrennial survey fielded during each presidential election year, in that it queries feelings toward both of these groups, rather than just the latter.¹⁰

I measure feelings toward "legal" and "illegal" immigrants by using two questions that ask people to place each group on a feeling thermometer scale that ranges from 0 to 100 (with lower values indicating "colder" feelings, a value of 50 indicating "neutral" feelings, and higher values indicating "warmer" feelings). As was the case with presidential candidate feeling thermometer ratings, respondents were asked the following question before rating each object: We'd like to get your feelings toward some people, groups, and countries who are in the news these days using something we call the feeling thermometer. Ratings between 50 degrees and 100 degrees mean that you feel favorable and warm toward the person, group, or country. Ratings between 0 degrees and 50 degrees mean that you don't feel favorable and warm toward the person, group, or country. You would rate them at the 50 degree mark if you don't feel particularly warm or cold toward them.

The first feeling thermometer question (to measure attitudes toward immigrants) in the 2019 ANES Pilot study specifically asks about "legal immigrants," while the second question specifically asks about "illegal immigrants."¹¹ I re-scale valid responses to these two feeling thermometer questions to range between 0 and 1, so that lower (higher) values indicate colder (warmer) feelings.

Control Variables

In the immigration policy preference models (Table 3), I include a small set of control variables. I specifically account for party identification (0 = Democrat/Independent; 1 = Republican), and a few demographics. These are: age (in years), gender (0 = male; 1 = female), race/ethnicity (0 = non-White; 1 = White, non-Hispanic), and education (0 = less than 4-year college degree, 1 = college degree). My objective here is simply to compare the explanatory power of feelings toward "legal" vs. "illegal" immigrants.¹²

In the candidate evaluation models (Table 4), I include controls for several of the most important determinants of voting behavior (e.g., Kinder and Kalmoe 2017, Chapter 6). I do this to ensure that there is actually a statistically and substantively significant relationship between "legal" and/or "illegal" immigrant feelings and presidential candidate evaluations in general, something that is necessary to establish before testing which of these

immigration attitudes is more politically consequential. I specifically control for policy conservatism (a 10-item scale consisting predominately of economic issue attitudes), retrospective economic evaluations (in the past year; higher values = more positive evaluations), and partisanship (7-point scale; higher values = stronger Republican partisanship). I re-scale all of these continuous independent variables to range between 0 and $1.^{13}$

Results – Immigration Policy Preferences

In Table 3, I use data from the 2019 ANES Pilot to test how feelings toward "legal" and "illegal" immigrants shape general immigration policy preferences, using two policy questions that are (a) permitted under federal law and (b) make no explicit reference to "illegality."

Overall, the results in Table 3 show that feelings toward "illegal" immigrants dominate feelings toward "legal" immigrants, in terms of their statistical impact and explanatory power. Indeed, the only models where feelings toward "legal" immigrants are positively related, to a substantively significant degree, to general immigration policy preferences and support for refugee admissions are in Columns 1 & 4, the models that *do not* control for feelings toward "illegal" immigrants. In contrast, the coefficients for feelings toward "illegal" immigrants are substantively large and statistically significant, regardless of whether I control for feelings toward "legal" immigrants. The most important findings here are that when these attitudes are jointly included into a simple model of general immigration policy preferences (Columns 3 & 6), attitudes toward "illegal" immigrants dominate.

	DV = Immigration Levels			DV = Refugee Allowance		
	(1)	(2)	(3)	(4)	(5)	(6)
FT: "Legal" Immigrants	0.193*		0.011	0.259*		0.044
	(0.030)		(0.030)	(0.031)		(0.032)
FT: "Illegal" Immigrants		0.422*	0.418*		0.507*	0.491*
5 5		(0.024)	(0.030)		(0.026)	(0.029)
Additional Controls	Yes	Yes	Yes	Yes	Yes	Yes
Observations	1,446	1,444	1,444	1,449	1,447	1,447
<i>R</i> ²	0.243	0.374	0.374	0.238	0.380	0.381

 Table 3. Feelings Toward "Legal" vs. "Illegal" Immigrants and General Immigration Policy Preferences, 2019.

Note: Dependent variables are preferred immigration levels and support for allowing refugees (both range 0–1; high = pro-immigration/pro-refugee). Feeling thermometer ratings (FT) both range 0–1 (high = warm). OLS coefficients with robust standard errors in parentheses. Constant terms are omitted here. Additional Controls are for party ID and demographics. Source is the 2019 ANES Pilot. * p<0.05, two-tailed test. See Appendix Table B8 for the full model.

These results manifest even though the dependent variables in Table 3 both describe policies permitted by federal law and make no explicit references to "illegality;" peoples' attitudes toward "illegal" immigrants were powerfully and significantly associated with their immigration policy opinions. This suggests that many Americans are still thinking about illegal immigrants even when survey questions about immigration policy make no explicit references to "illegality," something that I attribute, in large part, to the nature of news media coverage of immigration, with a long-standing "hyper-focus" on "illegality."

In short, the results in Table 3 suggest that Americans appear to strongly link their feelings toward "illegal" immigrants with their general immigration/refugee policy preferences, even when there is no explicit mention of "illegality," but do not appear to meaningfully link feelings toward "legal" immigrants with their general immigration/ refugee policy preferences.

Results – Presidential Candidate Evaluations

In Table 4, I use data from the 2019 ANES Pilot to test the comparative explanatory power of feelings toward "legal" and "illegal" immigrants on how ordinary Americans evaluate prospective (at the time) candidates who were all seeking the presidency in the 2020 election. My dependent variables here are feeling thermometer differences between Donald Trump, who was the incumbent president and presumptive 2020 Republican presidential nominee at the time, and various Democratic challengers. Each dependent variable thus ranges from -100 to +100 (anti-Trump \rightarrow pro-Trump).

 Table 4. Feelings Toward "Legal" vs. "Illegal" Immigrants and Presidential Candidate Evaluations, 2019.

	Trump vs. Biden	Trump vs. Buttigieg	Trump vs. Harris	Trump vs. Sanders	Trump vs. Warren
FT: "Legal" Immigrants	5.973	0.887	5.323	7.876	-1.101
5 5	(5.947)	(5.469)	(5.260)	(5.973)	(5.683)
FT: "Illegal" Immigrants	-40.894*	-37.609*	-43.217*	-38.410*	-39.519*
	(5.191)	(5.037)	(4.899)	(5.065)	(4.669)
Policy Conservatism	51.390*	55.914*	60.906*	77.420*	77.028*
	(4.932)	(4.827)	(4.729)	(4.812)	(4.497)
Economic Evaluations	54.241*	48.070*	53.638*	59.190*	57.702*
	(4.877)	(4.510)	(4.507)	(4.811)	(4.825)
Partisanship	72.359*	59.360*	59.138*	61.947*	63.678*
	(3.941)	(3.417)	(3.428)	(3.581)	(3.664)
Constant	-77.944*	-63.667*	-68.512*	-91.578*	-83.052*
	(5.839)	(5.638)	(5.641)	(5.825)	(5.489)
Observations	1,430	1,412	1,423	1,432	1,426
R ²	0.742	0.727	0.784	0.792	0.807

Note: Dependent variables are differences in feeling thermometer ratings (Trump – Dem; ranges – 100 to +100). All independent variables range from 0–1 (higher values = warmer feelings toward immigrant groups, more conservative policy preferences, more positive economic evaluations, and stronger Republican partisanship). OLS coefficients with robust standard errors in parentheses. Source is the 2019 ANES Pilot, survey weights applied. *p < 0.05, two-tailed test.

Overall, the results in Table 4 show that feelings toward "legal" immigrants are not significantly associated with presidential candidate evaluations. In contrast, feelings toward "illegal" immigrants are strongly associated with such evaluations. This is consistent with existing work (e.g., Enns and Jardina 2021) and is not surprising, given Trump's frequent and bombastic anti-immigrant rhetoric (e.g., Flores 2018). On average, a shift from the "coldest" to the "warmest" feeling toward "illegal" immigrants (from 0 to 1 on a continuous scale) is associated with an approximately 40 point shift (on a -100 to +100 scale) toward the Democratic candidate, relative to Republican Donald Trump. Interestingly, the results are quite similar regardless of whether Trump is pitted against more moderate Democratic candidates such as Joe Biden and Pete Buttigieg, or against more liberal Democrats such as Kamala Harris, Bernie Sanders, and

Elizabeth Warren. In each case, feelings toward "illegal" immigrants but not toward "legal" immigrants appear to matter for how ordinary Americans evaluated these [Trump-era] candidates. Overall, the results in Table 4 provide further support for my hypothesis, by demonstrating that attitudes toward "illegal" immigrants are far more consequential for how ordinary Americans evaluate relevant political objects, here presidential candidates, than are their attitudes toward "legal" immigrants.

GSS, 1994

In this section (Table 5), I provide an additional test of my hypothesis, using data from the 1994 General Social Survey (GSS). The GSS is a long-running nationally representative survey of the American mass public (since 1972) and is considered, alongside the ANES, to be a "gold standard" in public opinion survey research.¹⁴

I chose this year (1994) because it is, at the time of this writing, the only GSS survey that includes valid measures of attitudes toward both "legal" and "illegal" immigrants. Overall, my objective here is to test whether there is support for my hypothesis in an additional earlier ("pre-Trump") year and when using different question wording to measure my concepts of interest. Such evidence would underscore the robustness and validity of my main findings and provide additional support for my hypothesis regarding the comparative explanatory power of American mass attitudes toward "legal" vs. "illegal" immigrants.

Dependent Variable

In the GSS, I examine one dependent variable (it lacks appropriate measures of candidate evaluations). This question asks about preferred immigration levels and also makes no explicit references to illegality. GSS respondents are specifically asked what they think regarding *the number of immigrants to America nowadays*, and whether this number *should be* increased, decreased, or maintained. Valid responses to this question are as follows (1 = decreased a lot; 2 = decreased a little; 3 = left the same as it is now; 4 = increased a little; 5 = increased a lot). Because very few GSS respondents said that they favored an increase (a total of 6.3%), I code this variable to be dichotomous (0 = decreased a lot/ decreased a little; 1 = left the same as now/increased a little/increased a lot; mean = 0.346).

Independent Variables

My main independent variables are two questions that tap attitudes toward "legal" vs. "illegal" immigration. These are both measured in 1994, the only GSS survey year, as of the time of this writing, that queried attitudes toward *both* "legal" and "illegal" immigrants. In contrast to the 2019 ANES Pilot, which used feeling thermometer ratings, the 1994 GSS measures this via stereotype ratings, specifically the degree to which respondents think members of those groups are "lazy" vs. "hard-working."

The specific wording is as follows: now I have some questions about different groups in our society. I'm going to show you a seven-point scale which the characteristics of people in a group can be rated. In the first statement a score of 1 means that you think almost all of the people in that group are "hardworking." A score of 7 means that you think almost everyone in the group are "lazy." A score of 4 means that you think that the group is not towards one end or another, and of course you may choose any number in between that comes closest to where you think people in the group stand: Legal immigrants [Illegal immigrants].¹⁵

I reverse the coding for these two variables so that higher values indicate more positive stereotype ratings, i.e., beliefs that members of the group are more hard-working. I also re-scale these variables to range between 0 and $1.^{16}$

Control Variables

In addition to my main independent variables that seek to capture attitudes toward "legal" vs. "illegal" immigrants, I include controls for a set of factors that are likely to correlate with Americans' attitudes toward "illegal" immigrants (e.g., Gravelle 2016). Here, these are: party identification (0 = Democrat/Independent; 1 = Republican), age (measured in years), gender (0 = male; 1 = female), race/ethnicity (0 = non-White; 1 = White), whether a respondent was born in the United States (0 = no; 1 = yes; a question that is not, unfortunately, available on the 2019 ANES Pilot), and education (0 = less than 4-year college degree, 1 = 4-year college degree or higher). Again, my objective here is not to fully nor comprehensively model American public opinion toward immigration, but rather to further supplement my main (2019 ANES Pilot) analyses by conducting an additional simple "horse race" test between attitudes toward "legal" vs. "illegal" immigrants.¹⁷

Results – Immigration Policy Preferences

I have argued that a disproportionate focus on "illegality," in terms of how the news media covers immigrants/immigration, should result in attitudes toward "illegal" immigrants being more salient in ordinary Americans' minds, and thus more accessible and consequential than are attitudes toward "legal" immigrants, when they are evaluating various political objects. My analyses of the 2019 ANES Pilot (see Tables 3 and 4) yield support for this, showing that feelings toward "illegal" immigrants are powerfully associated with general immigration policy preferences, even for policies that are allowed under federal law and which make no explicit references to "illegality." However, it is important, data permitting, to test whether results hold in different contexts. I do so in Table 5, with data from the 1994 GSS.

Overall, the results in Table 5 show that, in 1994, ordinary Americans' general immigration policy preferences (decrease vs. maintain/increase levels) are powerfully associated with their attitudes toward "illegal" immigrants, but weakly and non-significantly associated with their attitudes toward "legal" immigrants. As shown in Table 5, Americans who have the most favorable views (measured via stereotypes ratings) toward "illegal" immigrants (a value of "1" on the 0–1 scale) are approximately 22 percentage points more likely than their counterparts who view members of this socially constructed group extremely unfavorably (a value "0" on the 0–1 scale) to support maintaining/ increasing (vs. decreasing) immigration to the United States. In contrast, there is no statistically nor substantively significant difference for attitudes toward "legal" immigrants (also measured via stereotype ratings).

	DV = Immigration Levels
Stereotypes: "Legal" Immigrants	-0.049
	(0.076)
Stereotypes: "Illegal" Immigrants	0.217*
	(0.054)
Additional Controls	Yes
Observations	1,188
R^2	0.079

Table 5. Stereotypes of "Legal" vs. "Illegal" Immigrants and General Immigration Policy Preferences, 1994.

Note: Dependent variable is dichotomous (0 = decrease; 1 = maintain/increase). OLS coefficients from a linear probability model with robust standard errors in parentheses. A probit model yields very similar results. Additional controls are for party ID and demographics. Source is the 1994 GSS. *p < 0.05, two-tailed test. See Appendix Table B9 for the full model.

In short, the results in Table 5 support my main findings, which used data from the 2019 ANES Pilot, and, by extension, provide support for my hypothesis regarding the comparative explanatory power of attitudes toward "legal" vs. "illegal" immigrants. These findings also suggest that the predominance of "illegality" in ordinary Americans' thinking about immigration does seem to be an exclusively "Trump-era" phenomenon.¹⁸

Does "Illegal" Immigrant Mean Latin American?

One possibility is that ordinary Americans equate "illegal" immigrants with Hispanic and/or Latin America, and then judge such groups more harshly than "legal" immigrants, who are less likely, on average, to be perceived as being Hispanic/Latin American (e.g., Hartman, Newman, and Bell 2014; Newman and Malhotra 2019; Pérez 2010). As such, my results my simply reflect anti-Hispanic/anti-Latino animus. I test this in Table 6 with survey data from the 2019 ANES Pilot and the 1994 GSS. I specifically examine the correlation between stereotypes of "legal" and "illegal" immigrants with stereotypes toward Hispanics (in the 1994 GSS) and feelings toward "legal" and "illegal" immigrants with feelings toward Mexico (in the 2019 ANES Pilot).

Overall, the results in Table 6 generally do not support the claim that "illegal" immigrant simply means, in the American public mind, "Hispanic" or "Latin American." Indeed, data from the 1994 GSS suggests that Americans are just ask likely to associate Hispanics with "legal" (r = 0.499) and "illegal" immigrants (r = 0.500), while data

Table 6. The Correlation (Pearson's r)	Between Attitudes	Toward "Legal"	vs. "Illegal	" Immigrants and
Views Toward Hispanics and Mexico,	1994 & 2019.			

	GSS, 1994 Stereotypes: Hispanics	ANES Pilot, 2019 FT: Mexico
Stereotypes: "Legal" Immigrants	0.499*	
Stereotypes: "Illegal" Immigrants	0.500*	
Feeling Thermometer: "Legal" Immigrants		0.384*
Feeling Thermometer: "Illegal" Immigrants		0.580*

Note: Shows the correlation between stereotypes (lazy \rightarrow hardworking) of "legal" and "illegal" immigrants and stereotypes (lazy \rightarrow hardworking) of Hispanics (in 1994) and the correlation between feelings (cold \rightarrow warm) toward "legal" and "illegal" immigrants and feelings (cold \rightarrow warm) toward the country of Mexico (in 2019). Sources are the 1994 GSS and the 2019 ANES Pilot Study. N ranges from 1,262 to 1,501. *p<0.05, two-tailed test.

from the 2019 ANES Pilot suggests that while Americans are more likely to associate "illegal" immigrants with Mexico (r = 0.580) than they are to associate "legal" immigrants with Mexico (r = 0.384), but both correlations are substantively and statistically meaning-ful. In short, Americans' attitudes toward both "legal" and "illegal" immigrants are, as expected, related to their attitudes toward Hispanics (in 1994) and Mexico (in 2019), but are also not a mere proxy.

Furthermore, attitudes toward "legal" vs. "illegal" immigrants are related to one another, but are not synonymous. This is evidenced by the relatively modest correlation (Pearson's r) between these attitudes in the 2019 ANES Pilot, measured via cold-warm feeling thermometers ratings (r = 0.338) and in the 1994 GSS, measured via lazy-hard-working stereotype ratings (r = 0.526). In short, mass attitudes toward "legal" and "illegal" immigrants appear to be, in the American public mind, distinct from attitudes toward Hispanics/Latin America and also distinct from each other.

I view the results in Table 6 as evidence to support the idea that "illegal immigrant" (and likely similarly for "undocumented immigrant") is not merely code for Hispanic or non-Latin American, while "legal immigrant" is not merely code for non-Hispanic or non-Latin American. If this was the case, then we would observe a correlation near one between attitudes toward "illegal" immigrants and Hispanics/Mexico. These results do not, of course, comprehensively demonstrate how ordinary Americans think about immigrants nor about which factors, ethnicity vs. "legal" status are more consequential for mass opinion. Indeed, such questions are better suited to experiments that can randomly assign such characteristics (e.g., Abramyan and Alexander 2021; Hartman, Newman, and Bell 2014; Landgrave 2021).

Alternatively, if "legal" immigrant implies "non-Hispanic/non-Latino," e.g., potentially being associated, in the American public mind with Europeans and/or Asians, then we would observe a correlation near zero between respondents' attitudes toward "legal" immigrants and their attitudes towardHispanics/Mexico. And while this design (in Table 6) is not experimental in nature, e.g., it cannot "hold ethnicity" constant and then see how randomly assigned information about legal status shapes political attitudes, it can still, I argue, help to address, albeit imperfectly, concerns about "information equivalency" (e.g., Dafoe, Zhang, and Caughey 2018), specifically it can, at least partially, assuage concerns that questions asking about "illegal" vs. "legal" immigrants might lead survey respondents to think exclusively about one particular racial/ethnic group.

Additional Robustness Tests

In the Supplemental Appendix, I conduct a series of tests to help shore up my main results. I first (Tables B1 and B2) show that my 2019 ANES Pilot analyses (Tables 3 and 4) are robust to controls for feelings toward Mexico. This helps to ensure that my results are not simply driven by views toward Latinos. Second, I similarly show (Table B3) that my analysis of the 1994 GSS (Table 5) is robust to controls for stereotypes of Hispanics.

Next (Table B4), I show that the results are stronger, i.e., attitudes toward "illegal" immigrants are more strongly associated with general immigration policy preferences, among respondents who are more interested in politics (2019 ANES Pilot) and among respondents who report reading a newspaper more often (1994 GSS). This shows,

consistent with my theoretical argument, that attitudes toward "illegal" immigrants are more strongly associated with general immigration policy preferences among Americans who are more attentive to news and political events, which are likely to include a general [over] emphasis of "illegality" when discussing immigrants/immigration.

Finally (Tables B5, B6, and B7), I show that my results (Tables 3, 4, and 5) hold up when accounting for state fixed effects (2019 ANES Pilot) and region fixed effects (1994 GSS). These are simply dummy variables for respondents' state and/or region (the GSS does not have state-level information) of residence and help to control for factors such as proximity to the U.S.-Mexico border and the size of/changes in the foreign-born population, factors that may correlate with ordinary Americans' immigration attitudes.

Conclusion and Political Implications

In this paper, I have differentiated between two types of immigration attitudes, those involving "legal" immigrants and those involving "illegal" immigrants, characteristics that are socially constructed, but also, I argue, politically consequential. Overall, my analyses show that while the American mass public feels much "warmer" toward "legal" immigrants than "illegal" immigrants, attitudes toward the latter dominate, something I attribute, in large part, to media coverage that hyper-focuses on "illegality" and thus makes such attitudes more mentally accessible and relevant to the decision-making process when people, here ordinary Americans, are evaluating their general immigration policy preferences, that make no explicit references to illegality, and their view of prominent politicians. In short, the social construction of these immigrant groups and the negative connotations associated with "illegality" matter for American public opinion and electoral politics.

Overall, these findings advance collective knowledge regarding public attitudes toward immigration (Hainmueller and Hopkins 2014) by helping us to better understand how ordinary Americans think about immigration across the "legal" vs. "illegal" divide (Wright, Levy, and Citrin 2016), and how such attitudes matter politically (Abrajano and Hajnal 2015). They also underscore the political relevance of how media outlets frame immigrants/immigration, demonstrating that such portrayals and emphasis on "illegality" vs. less pejorative terms such as "undocumented," a term that future high-quality academic surveys in the United States, e.g., the ANES and GSS, would do well to include among their questions, can shape mass opinion (Djourelova 2023; Merolla, Ramakrishnan, and Haynes 2013).

There are also several potentially fruitful paths for future research. For example, it would be worthwhile to further probe, perhaps via the use of open-ended survey questions, how ordinary Americans perceive "legal" vs. "illegal" immigrants. While I did not find an exceptionally strong correlation between attitudes toward Hispanics/Mexico and attitudes toward "illegal" immigrants, it would be worthwhile to explore this more fully to better understand what ordinary Americans are thinking about when they hear the terms "illegal immigrants" and/or "illegal immigration" (e.g., Pérez 2016).

Another path for future work could build on an important body of work that has explored how native-born citizens react to the size of and/or changes in the foreignborn population in their localities (e.g., Hangartner et al. 2019; Hopkins 2010; Newman 2013). While informative and impactful, such work has not sufficiently considered how Americans may differentially react to the size of/changes in the "legal" vs. "illegal" immigrant population (but see Hood and Morris 1998). This would be a valuable contribution to the broader immigration literature. It also might be worthwhile to consider how variation in the size of/changes in the "illegal" immigrant population in one's locality, and thus the presence of a potentially disfavored socially constructed "target group" (Schneider and Ingram 1993) for government spending and economic redistribution (e.g., Haselswerdt 2021), shapes Americans' attitudes toward economic redistribution, an important question in understanding the size and scope of the welfare state (e.g., Crepaz 2008). Future work could also test how attitudes toward "legal" vs. "illegal" immigrants may differentially shape opinion toward additional policies such as those involving the carceral state and/or economic redistribution (Abrajano and Hajnal 2015). Finally, future work could also use survey experiments to further test whether correcting public misperceptions about "legal" vs. "illegal" immigrants/immigration, which are fairly widespread in the U.S. electorate (Kustov and Landgrave 2025), has downstream political consequences (e.g., Hopkins, Sides, and Citrin 2019; Thorson and Abdelaaty 2023).

Overall, my findings here suggest that pro-immigrant politicians and interest groups would benefit from reorienting how immigration is discussed in American political discourse (e.g., Haynes, Merolla, and Ramakrishnan 2016), and covered in the mass media. If not, it seems likely that public attitudes toward "illegal" immigrants, a socially constructed, but also a salient and generally negatively stereotyped group, will likely continue to dominate the immigration debate and shape public opinion.

Notes

- 1. I recognize and also firmly believe that using "illegal" to describe a person and/or the broader immigrant population is normatively undesirable. I am, of course, not personally advocating for doing so. However, I employ it here, making sure to use quotations throughout, because of its inclusion in opinion surveys and its prevalence in American political discourse. *Indeed, the 2019 ANES Pilot, my main data source, specifically uses the phrase "illegal immigrants" when asking respondents about their attitudes.* Ideally this will be updated in future surveys, but because this is the term to which survey respondents are exposed and because "illegal" is still used in media coverage, even if it is simply reporting what politicians say, I opt to employ this terminology here. I also use quotations throughout in order to note that it is a socially constructed term, but also one that continues to be a relevant part of American political discourse and media coverage, a phenomenon that has important political consequences (Djourelova 2023).
- 2. A NYT search for "skilled" immigrants/immigration, a potential proxy indicator for "legal" status, from 2002–2023 yielded 389 results. A search for "H1-B" yielded 60 results from 2002–2023.
- 3. I used a similar approach for each of these newspapers as the NYT analysis in Table 1. I specifically searched for the keywords "legal immigrants," "legal immigration," "illegal immigrants," and "illegal immigration" in each newspaper's online article archives and set the time frame to range from Jan 1, 2002 Dec 31, 2023. See the following links for each newspaper. LA Times = (https://www.latimes.com/archives), Arizona Republic = (https://azcentral.newspapers.com/?xid=557), Albuquerque Journal = (https://abqjournal. newspapers.com/), Houston Chronicle = (https://houstonchronicle.newsbank.com/).
- 4. News coverage that focuses disproportionately on "illegality" is not simply being driven by right-wing media outlets such as *Fox News*. Moreover, news outlets that merely mention the "illegal" aspect of immigration more often, even if it is simply in the context of repeating and/or questioning what politicians are proposing, rather than trying to, for example,

16 👄 D. MACDONALD

mobilize conservatives, should result in attitudes toward this socially constructed group ("illegal" immigrants) being more relevant for mass opinion.

- 5. While I cannot directly observe the mechanisms underlying my theoretical argument, I believe that the voluminous literature on media effects such as priming, combined with two decades of data on how often "legal" vs. 'illegal" immigrants/immigration is mentioned by major national U.S. newspapers (see Tables 1 and 2), can provide strong, albeit indirect, evidence in support of this argument.
- 6. There are, of course, many factors that shape public opinion toward various political phenomena, e.g., policies, parties, and/or candidates. My objective here is to simply consider how, in the U.S. context, attitudes toward "legal" vs. "illegal" immigrants/immigration may differentially play a meaningful role.
- 7. See the following link for greater detail, including the raw data, questionnaire, and codebook associated with the 2019 ANES Pilot. (https://electionstudies.org/data-center/2019-pilot-study/).
- 8. The weighted means (0–1) for immigration levels and refugee allowance are 0.502 and 0.598, respectively.
- 9. Kamala Harris had recently withdrawn, having suspended her campaign on December 3, 2019. The other four Democratic candidates were still running when this survey was fielded. This survey, of course, pre-dates her election as vice president in 2020 and then her 2024 presidential campaign following then-President Joe Biden's decision to drop out of the race in July, 2024.
- 10. In most years since 1988, the ANES has asked about feelings toward "illegal" immigrants, but has not asked equivalent questions about feelings toward "legal" immigrants.
- 11. Ideally the 2019 ANES Pilot (and surveys more broadly) would use the pejorative "undocumented immigrants" term here, or at least note that this is an alternative way of referring to this group of people. However, it does not. This means that 2019 ANES Pilot survey respondents are exposed to the phrase "illegal immigrants" and are asked about their attitudes toward this [socially constructed] group. Because people are asked specifically about this group, and because the phrase is still present in media discourse and political news coverage, I opt to use it (with quotations around it) throughout the paper.
- 12. A similar approach is taken by Jacoby (1994, Table 1), where a general measure of support for government spending is regressed on a closely related set of variables, support for spending on specific programs, e.g., welfare, the environment, defense, etc. and a small set of control variables.
- 13. Here I control for a measure of conservatism vs. liberalism based on issue positions. The main results are similar, however, if I also control for ideological self-placement. I also include survey weights here (results are similar regardless of whether I use the survey weights), given my lack of demographic controls.
- 14. See the following link for greater detail, including the raw data, questionnaire, and codebook associated with the GSS. (https://gss.norc.org//Get-The-Data).
- 15. Similarly to the 2019 ANES Pilot, survey respondents in the 1994 GSS are specifically asked to think about "illegal" vs. "legal" immigrants. Again, in an ideal world, these academic surveys would substitute or at least reference the less pejorative "undocumented" term.
- 16. In the 1994 GSS, the (weighted by *wtssall*) mean stereotype ratings (lazy vs. hardworking; continuous 0–1 scale) for "legal" immigrants = 0.579; the mean for "illegal" immigrants = 0.512.
- 17. The results are not dependent on a specific modeling choice nor how I choose to code my dependent variable or any of the control variables. For example, a probit specification, rather than a linear probability model, yields very similar results. Using OLS and measuring this variable on a 1–5 scale, re-coded to range from 0–1, yields very similar results. The results are also similar if the 1–5 coding is maintained and an ordered probit specification is employed instead.
- 18. Unfortunately the 1994 GSS does not ask appropriate candidate evaluation questions. As such, I focus here on general immigration policy preferences as an outcome.

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