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URBAN POLITICS AND THE ASSIMILATION OF IMMIGRANT VOTERS

Rick Su*

INTRODUCTION

In the run-up to the contentious presidential election of 2012, the immigrant vote was once again a matter of political concern. There was growing alarm within the Republican Party that their platform on immigration alienated Latinos, the fastest growing demographic in the country.[1] Conversely, Democrats hoped that their failure to enact comprehensive immigration reform would not dissuade immigrant supporters from going to the polls.[2] All the while, efforts to mobilize immigrant voters were unveiled. A broad coalition of immigrant-advocacy organizations announced a massive naturalization drive to help immigrants apply for and gain U.S. citizenship, thus adding them to the voter rolls for the November election.[3]

The lip service directed towards immigrant voters by both major parties shows just how much the latest wave of immigration has reshaped the demographic landscape of American politics. Yet, as the naturalization drive reveals, immigrants have not fully taken advantage of their political power, and political parties have not been all that active in mobilizing them. Immigrant groups today vote at lower rates than natives.[4] They also vote at lower rates than earlier immigrant groups at the mid-nineteenth and turn of the twentieth century.[5] Moreover, there is growing evidence to suggest that immigrant political participation in newer destination cities like Los Angeles, where the immigrant population has exploded in recent decades, is particularly depressed, especially when compared to older gateway cities like New York.[6]

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[1] *See* Jonathan Weisman, *Rubio, in Appeal to G.O.P.'s Conscience, Urges Compromise on Dream Act*, N.Y. TIMES, Apr. 20, 2012, at A14.

[2] *See* Julia Preston, *While Seeking Support, Obama Faces a Frustrated Hispanic Electorate*, N.Y. TIMES, June 11, 2012, at A10.

[3] *See Campaign 2012: Voting Naturalization Push Advances*, HOUS. CHRON., Apr. 22, 2012, at A6.

[4] *See* Adam Nagourney, *Latino Growth Not Fully Felt at Voting Booth*, N.Y. TIMES, June 10, 2012, at A20N (discussing lower rates of voter registration among Hispanics—though not necessarily immigrants—than among white or black Americans).

[5] *See* RON HAYDUK, DEMOCRACY FOR ALL 30 (2006).

[6] *See generally* John Mollenkopf et al., *Immigrant Political Participation in New York and Los Angeles*, *in* GOVERNING AMERICAN CITIES 17, 50, 57–59 (Michael Jones-Correa ed., 2001).

What accounts for these different rates of political participation? Explanations thus far have largely focused on the immigrants themselves. Legal scholars have turned their attention to how legal rules have redefined the political life of immigrants—from the obstacles they face in naturalizing,[7] to the changing significance of citizenship in a world of globalization, temporary residency, and dual citizenship.[8] At the same time, social scientists have offered a rich account of the political lives of immigrants by focusing on their individual and group characteristics. Level of education, proficiency with English, cultural norms, and even the political system of their home countries have been used to explain the voting behavior of immigrants today.[9]

Each of these accounts offers important insights. Yet, the explanation they offer is incomplete. This is because the legal and social characteristics of immigrants today are only one half of the political equation. What has largely been overlooked is the political structure that immigrants face in the United States once they arrive. In other words, in our eagerness to identify how immigrants today are different from those in the past, we have failed to appreciate how the political system has changed as well.

To address this gap, this essay foregrounds political structure in explaining the voting behavior of immigrants in the United States. In particular, it focuses on one aspect of the American political system that is closely intertwined with the political life of immigrants but is often ignored in the immigration literature: big city politics. Immigrant groups have long settled in concentrated residential patterns, and often in America's major cities.[10] Moreover, since the early days of industrialization, big city governments have controlled a disproportionate share of the resources and opportunities in American society, raising the stakes of urban politics.[11] Given these two dynamics, it is often in big cities that immigrant groups begin to wield political influence, and also translate that influence into tangible gains.[12] It is therefore not surprising that few political institutions in the United States have evolved as much in response to immigrant political participation as those that govern the nation's major cities.

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[7] *See, e.g.*, Linda Bosniak, Essay, *Universal Citizenship and the Problem of Alienage*, 94 NW. U. L. REV. 963, 976 (2000).

[8] *See* PETER J. SPIRO, BEYOND CITIZENSHIP 6 (2008).

[9] *See, e.g.*, S. KARTHICK RAMAKRISHNAN, DEMOCRACY IN IMMIGRANT AMERICA 72, 160, 165–66 (2005).

[10] *See* Michael Jones-Correa, *Comparative Approaches to Changing Interethnic Relations in Cities*, *in* GOVERNING AMERICAN CITIES, *supra* note 6.

[11] SVEN BECKERT, THE MONIED METROPOLIS: NEW YORK CITY AND THE CONSOLIDATION OF THE AMERICAN BOURGEOISIE, 1850–1896, at 3–4 (2001) ("Capital and capitalists gather in cities, and nowhere did economic, social, and political power coalesce more than in New York City. . . . [T]heir economic, social, and political power reverberated from California to South Carolina, from the factory to the farm, from City Hall to the White House.").

[12] *See infra* text accompanying notes 130–34.

Simply stated, my argument is that the disparate political behavior of immigrants corresponds with different eras in urban governance, each of which developed in response to the growing political power of immigrants. For the first wave of immigrants who arrived in the mid- to late nineteenth century, their political lives were shaped by the rise of machine politics, which maintained power through mass political mobilization and the exchange of votes for tangible goods and services.[13] The arrival of the second wave of immigrants in the early twentieth century coincided with the growth of the reform city, which sought to disentangle urban governance—and the spoils associated with it—from the political process, and were maintained in large part through voter suppression.[14] The legacies of the machine and reform cities still remain with us today, which help to explain different political behavior in different cities.[15] Yet it is also true that with the increasing suburbanization and "districting" of our metropolitan regions, immigrants of the third wave are also increasingly encountering a fragmented city, in which voting with one's feet by moving from one jurisdiction to another is more effective than voting at the ballot box.[16]

At the most basic level, this historical analysis of urban political structures presents an alternative account of immigrant political participation in the United States. It offers an explanation for why immigrant political participation varies throughout American history and across different regions. It also shows how the very legal structure of the city has been continuously shaped by and in response to the fact that cities often serve as the first site of immigrant political mobilization.[17] Taken together, all of this highlights the long legacy that these earlier struggles, and the political structures that they produced, have on immigrant political participation today.

At a deeper level, however, the evolving structure of urban politics is also important for what it means about the political assimilation of immigrants into American society. Indeed, if local politics are, as many describe it, a "schoolhouse-of-democracy,"[18] the constantly evolving structure of urban politics reveals that the lesson immigrants learn can vary widely from one jurisdiction to another, and from one generation to the next. In other words, not only are there many different paths to political assimilation, but what counts as political assimilation can also vary widely depending on the existing political structure. We may look back nostalgically

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[13] *See infra* text accompanying notes 70–82.

[14] *See infra* text accompanying notes 203, 211–18.

[15] *Cf.* STEPHEN MACEDO ET AL., DEMOCRACY AT RISK 86 (2005) ("[M]achine politics left a legacy of higher turnout than in cities that adopted reform institutions.").

[16] *See infra* text accompanying notes 309–11.

[17] *See* AMY BRIDGES, MORNING GLORIES 7–9 (1997) (discussing how the reform movement's restructuring of city government was partially a response to immigrants' participation in the patronage programs run by machine politics, and their later rise to power within those machines); Jones-Correa, *supra* note 10, at 1–2.

[18] *See, e.g.*, Roderick M. Hills, Jr., *Romancing the Town: Why We (Still) Need a Democratic Defense of City Power*, 113 HARV. L. REV. 2009, 2028 (2000).

at the immense political mobilization of urban immigrants in the nineteenth century as a type of political assimilation that immigrants have failed to undergo today. Yet, for reformers at the time, it was precisely this kind of mass mobilization that was upheld as evidence that immigrants were incapable of assimilating into the political culture of the United States.[19]

This essay proceeds as follows. Part I sets out in more detail the reasoning behind the approach taken in this study. Namely, it explains why urban politics provide a good lens for understanding immigrant political participation, and why immigration is a good lens for studying the development of urban political structures. Part II outlines three models of urban governance—the machine city, the reform city, and the fragmented city—and shows how each were a response to, and also served to shape, the political behavior of immigrants in the United States. Part III discusses some of the implications of this for how we think about political assimilation in the United States, and the promises and dangers of political participation by immigrants.

I. NEGOTIATING IMMIGRANT POLITICAL PARTICIPATION

Designing a system of immigration is difficult for any nation. It is particularly challenging in a democracy. The recurring controversy over immigration in the United States is not only fueled by competing views about the social and economic impact of admitting immigrants, it is also spurred by divisions over the question of when, and to what degree, immigrants can make demands on our political system and shape how substantive policies are made.[20] In short, the stakes of immigration policymaking are raised substantially when it must address not only the physical entry of immigrants, but also their political admission into the national polity.

This tension between the demands of our immigration system and the values of our democratic system is only partially negotiated through federal policymaking on immigration or naturalization. Rather, as I argue here, much of this negotiation also takes place at the local level. Indeed, for much of American history, the political behavior of successive waves of immigrant groups has been shaped by the structure of the urban political system.[21] At the same time, given the tremendous role that immigrants have historically played in nearly every significant period of urban development in the United States, the structures of America's cities have also been made and remade in response to perceptions about immigrants' political assimilation.[22]

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[19] *See* HAYDUK, *supra* note 5, at 29–30.

[20] *See* Adam B. Cox & Eric A. Posner, *The Rights of Migrants: An Optimal Contract Framework*, 84 N.Y.U. L. REV. 1403, 1421, 1425 (2009).

[21] *See* STEVEN P. ERIE, RAINBOW'S END: IRISH-AMERICANS AND THE DILEMMAS OF URBAN MACHINE POLITICS, 1840–1985, at 19, 22–23, 35 (1988) (analyzing how changing political machine structure influenced immigrant political involvement).

[22] *See infra* Part II.A.3 (describing the relationship between mass immigration and the rise of machine politics and the patronage system); *infra* notes 326–29 and accompanying

The historical connection between immigrant politics and the evolving structure of big city governments will be the focus in subsequent parts. The goal here is to set out in more detail why cities have come to assume this role. To be sure, immigration scholars have not traditionally given much attention to *urban* political structure as a means of understanding the incorporation of immigrants into the *national* polity.[23] Yet, as I argue below, there are good reasons to turn our focus from the national to the local in thinking about immigrant political participation. More specifically, I present the following three lines of argument. First, it is often in urban settings that significant political conflicts between immigrants and natives first arise. Second, the malleability of urban political structure offers a useful and flexible means of negotiating the political impact of immigration. Third, because urban political structures shape and are shaped by immigrant political behavior, studying these structures tell us a lot about the changing conceptualizations of immigrant political assimilation over time.

A. The Site of Political Conflict

Urban political structures are important for understanding immigrant political assimilation because it is often in urban settings that political conflicts between immigrants and natives first arise.[24] The reasons for this are twofold.

The first reason is simply a matter of demographics. Immigrants have historically congregated with fellow members of their ethnic group, and have done so disproportionately in America's largest cities.[25] Combined with the relative ease by which immigrants can naturalize as citizens, early residential concentration among immigrants can often lead to significant political power later on.[26] The foreign-born population in the United States has never exceeded 15%.[27] Yet, their proportion of the urban electorate is usually significantly larger. For example, in the 1920s, the percentage of foreign-born voters in cities with more than 250,000 residents was approximately

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text (explaining how nativist groups that called for voter suppression were motivated by the concern that immigrants had not been sufficiently assimilated); *see also* RICHARD ALBA & VICTOR NEE, REMAKING THE AMERICAN MAINSTREAM 22 (2003) (discussing immigrants' movement from ethnic neighborhoods to working-class neighborhoods or suburbs as they assimilate); Part II.C.1 (showing how the modern fragmentation of political spaces into separate and autonomous towns, counties, and districts has lead to weakened local governments and a decline in voter-mobilization efforts by political parties).

[23] Jones-Correa, *supra* note 10, at 2.

[24] *See* Michael Jones-Correa, *Structural Shifts and Institutional Capacity: Possibilities for Ethnic Cooperation and Conflict in Urban Settings*, *in* Governing American Cities, *supra* note 6, at 183, 196 (discussing clashes involving new immigrants in urban areas).

[25] *See, e.g.*, ROGER DANIELS, COMING TO AMERICA 185 (2d ed. 2002).

[26] *See* Mollenkopf et al., *supra* note 6, at 21 (describing groups as "ripe for political mobilization").

[27] *See* RAMAKRISHNAN, *supra* note 9, at 28.

40%; when the children of the foreign-born were added to the tally, the figure jumped to nearly 70%.[28] What this means is that long before an immigrant group assumes any significant degree of influence on national politics, it is likely to have already become a formidable, if not dominant constituency in a particular local community.

Second, immigrant politics matter more in cities than any other local jurisdiction because there is simply more at stake. Over the years, many different types of communities have seen a large influx of immigrants: rural villages, frontier settlements, company towns.[29] In none of those, however, are their associated local governments able to control as much wealth and as many opportunities as big city governments.[30] Because of the tremendous amount of human and financial capital contained in cities, urban governments normally have more resources to draw from.[31] Redistributive possibilities are also enhanced by the higher degrees of class diversity that are typically found in urban settings.[32] In other words, for the immigrant groups that succeed in securing local political power, urban politics often offers a larger pie from which they can seek to carve out their share.

Given the higher likelihood that immigrant groups can exercise real and meaningful power in urban America, it is no wonder that urban politics has long been a backdrop for immigrant-native tensions.[33] In the late nineteenth and early twentieth centuries, urban politics pitted immigrants against natives on such issues as religious schooling, temperance, and labor practices.[34] In the late twentieth century and into the first decade of the twenty-first, cities have also become the site of political battles over language education, government services, and immigration enforcement.[35] To be sure, few of these issues are necessarily about immigrants as immigrants per se. In many of these fights, the immigrant label is merely shorthand for the working class, the urban poor, or a racial other.[36] Yet, because of the role that immigrants have historically played in America's urban development, it is not uncommon for conventional urban issues to be portrayed as struggles between immigrant and native residents.[37]

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[28] *See* NILES CARPENTER, DEP'T OF COMMERCE, IMMIGRANTS AND THEIR CHILDREN 167–68 (1927).

[29] *See, e.g.*, Christopher W. Post, *The Making of a Federal Company Town: Sunflower Village, Kansas*, *in* COMPANY TOWNS IN THE AMERICAS 111, 114 (Oliver J. Dinius & Angela Vergara eds., 2011); Yda Schreuder, *Americans by Choice and Circumstances: Dutch Protestant and Dutch Catholic Immigrants in Wisconsin, 1850–1905*, *in* WISCONSIN LAND AND LIFE 320, 320–21 (Robert C. Ostergren & Thomas R. Vale eds., 1997).

[30] *See* BECKERT, *supra* note 11, at 79.

[31] *See id.*

[32] *See* AMY BRIDGES, A CITY IN THE REPUBLIC: ANTEBELLUM NEW YORK AND THE ORIGINS OF MACHINE POLITICS 45–48 (1984).

[33] BECKERT, *supra* note 11, at 82.

[34] *See* MALDWYN ALLEN JONES, AMERICAN IMMIGRATION 216–20 (2d ed. 1992).

[35] *See, e.g.*, PETER SCHRAG, NOT FIT FOR OUR SOCIETY 174–77 (2010).

[36] *See id.* at 5; *see also* BECKERT, *supra* note 11, at 82.

[37] *See* SCHRAG, *supra* note 35, at 213–14.

B. Managing Immigrant Political Power

Urban politics is not only where most immigrant groups first secure meaningful political power;[38] it is also the means by which Americans have long sought to manage the potential political power of immigrant newcomers.[39] Indeed, altering and adjusting the structure and incentives of urban politics is often an easier and more effective means of responding to the political impact of large immigrant influxes than turning to federal naturalization or immigration laws.[40]

Urban political structures are useful in this regard because, in most cases, they are highly malleable. Unlike the state and federal government, there are few, if any, constitutional constraints on how local governments can be organized. Indeed, in most states, all that is required is a state legislative act or a local referendum.[41] Nor are there as many moral constraints when it comes to the structure of local governments; principles of political equality and democratic representation have traditionally been less established at the local level than at the state or federal level.[42]

Not only is the structure of urban politics malleable, but it is also quite effective as a means of influencing political behavior. Many have argued that different structural arrangements—such as whether a city is governed by mayor or a city manager, or whether local offices are selected through at-large or district elections—not only affects overall turnout at the polls, but also who is likely to vote.[43] As such, local political structures offer ways to adjust the political impact of any particular vote on the ultimate electoral outcome. They also offer ways to alter the incentives to local political participation by changing the amount of real power that local governments possess. All of these offer ways in which immigrant political power can be expanded or contained once it blossoms in urban political settings.

The flexibility and effectiveness of urban political structures as a means of negotiating immigrant political power is most evident when compared to more traditional means of doing the same: federal naturalization and immigration laws. Urban political reforms ordinarily do not evoke as many moral objections compared to naturalization reform,[44] even though in some cases it might be just as effective a means of managing immigrant political power.[45] At the same time, it can be targeted more

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[38] *See* Jones-Correa, *supra* note 10, at 10–13.

[39] MACEDO ET AL., *supra* note 15, at 86.

[40] *Compare* HAYDUK, *supra* note 5, at 3 (describing the political exclusion of immigrants at the national level), *with* MACEDO, *supra* note 15, at 86 (describing the mobilization of urban politics among immigrants).

[41] *See* TERRY CHRISTENSEN & TOM HOGEN-ESCH, LOCAL POLITICS 90–91 (2d ed. 2006).

[42] *See id.* at 98.

[43] *See* MACEDO ET AL., *supra* note 15, at 86–87, 162; *see also* Robert R. Alford & Eugene C. Lee, *Voting Turnout in American Cities*, 62 AM. POL. SCI. REV. 809–10 (1968).

[44] *See* Bosniak, *supra* note 7, at 963–64 (noting the dramatic public policy debates relating to naturalization and the privileges of citizens).

[45] *See* Cox & Posner, *supra* note 20, at 1425.

narrowly than immigration regulations, which is effective at excluding or removing certain immigrant groups, but not so good at calibrating their political influence while still permitting their physical presence in the country. This is not to say that managing immigrant political power in this manner is right or even wise. It is simply to say that for those who are interested in doing so, urban political structures offer an unconventional but effective tool.

C. Reshaping Immigrant Political Assimilation

What may be most striking about the role of urban political structures in the immigration context is how they shape the very definition of what constitutes political assimilation in this country. At the most basic level, it is because urban political structures themselves are designed around the prevailing model of political citizenship at the time.[46] Given the extent to which the immigrant exposure to the American political process begins at the local level,[47] the structure of our urban political system presents not only a model for immigrants to follow, but also a rubric through which their assimilation can be assessed.

At a deeper level, however, studying urban political structures also exposes how the process of incorporating immigrants politically has, in return, shaped political structures in the United States. As Professors Richard Alba and Victor Nee remind us, assimilation is a two-way street—as immigrants adjust to fit into American society, the American society they are assimilating into is also being changed in the process.[48] This is not only true with respect to the social and the cultural dimensions of the assimilation process. It is also the case when it comes to the political assimilation of immigrants into the American polity.[49] As we will see, this is especially true at the local level, where political responses to each wave of immigration have made and remade the legal and political identities of the city time and time again. As a result, excavating the different layers of our urban political structure offers important insights into not only how our political institutions have changed immigrants, but also how immigrants have changed our political institutions.

II. THE ROLE OF URBAN POLITICAL STRUCTURE

As we considered in Part I, there are good reasons to believe that immigrant political power in the United States is shaped in large part by the legal and political structure of its cities. It is often in cities and metropolitan areas where immigrant

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[46] *See* MICHAEL SCHUDSON, THE GOOD CITIZEN 173–82 (1998) (discussing changing ideas on citizenship and political performance).

[47] *See* Jones-Correa, *supra* note 10, at 1–2.

[48] ALBA & NEE, *supra* note 22, at 11.

[49] *See* JONES, *supra* note 34, at 297–99 (discussing immigrant influence on American politics).

groups first gain access to political power.[50] It is also frequently in these urban contexts that political rifts between immigrants and natives first arise.[51] This Part turns to an examination of the historical record. More specifically, it compares the relationship between immigrant political behavior and urban political structure during each of the three great waves of immigration to the United States: the first from 1820 to 1860,[52] the second from 1890 to 1920,[53] and the third from 1970 to the present day.[54]

For each of these periods I make three separate observations. First, I outline the urban political structures that immigrants faced in each of these periods, which I refer to as the machine city, the reform city, and the fragmented city. Second, I examine the extent to which these urban forms were not only a response to, but also an influence on the political behavior of immigrants at the time. Third, I comment on the different "lessons" that these urban political structures offered to immigrants, and how they were received as models of immigrant political assimilation.

A. Political Mobilization and the Machine City

The immigrants of the first great wave of immigration were no strangers to the political process.[55] This was particularly true for the large number of Irish immigrants who settled in America's fast-growing cities.[56] It is widely assumed today that immigrants participate in politics only after a long period of political assimilation.[57] Yet, for the immigrants who arrived in the mid-nineteenth century, the stereotype could not have been more different.[58] They naturalized quickly and voted often.[59] Indeed, in many electoral districts, immigrant turnout at the polls frequently exceeded that of natives.[60] The main concern was not their political apathy, but rather that they were too heavily involved in the political process.[61]

At the center of the relationship between immigrants and the political process were the urban political machines—partisan organizations that exploited the evolving

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[50] *See* Jones-Correa, *supra* note 10, at 1–2.

[51] *See* JONES, *supra* note 34, at 130–31.

[52] *See id.* at 78–80.

[53] *See id.* at 152–56.

[54] *See* SCHRAG, *supra* note 35, at 163–64.

[55] *See* JONES, *supra* note 34, at 99.

[56] *See* BRIDGES, *supra* note 32, at 4 (suggesting that certain values and expectation common to Irish immigrants, along with their tendency to settle in the same neighborhoods, gave rise to "ethnic politics" which allowed machine politics to flourish).

[57] *See* John R. Logan et al., *The Impact of Race and Ethnicity, Immigration, and Political Context on Participation in American Electoral Politics*, 90 SOC. FORCES 993, 994 (2010).

[58] *See* JONES, *supra* note 34, at 121–23.

[59] *See* HAYDUK, *supra* note 5, at 30 (noting the high voter turnout during the nineteenth century, before there was widespread disenfranchisement of noncitizens).

[60] Mollenkopf et al., *supra* note 6, at 49.

[61] *See* HAYDUK, *supra* note 5, at 29–30.

structure of big city governments to seize control of local political power.[62] America's first great wave of immigration coincided with the rise of machine politics.[63] It was largely due to the machines that the immigrants of this era came to be so deeply integrated into the political system.[64] For most of the nineteenth century, then, immigrants faced an urban political system that was both tailored to and organized around their involvement and participation.[65] Yet, this relationship also became a point of contention. Although it led to the mass political participation of immigrants at the polls, critics were quick to portray it as a breakdown of political assimilation.[66]

1. The Rise of the Machine

The political system that immigrants encountered in the mid-nineteenth century was one in transition. On the one hand, the elite-controlled politics of the post-revolutionary period was giving way to an era of mass political mobilization.[67] On the other hand, with the onset of urbanization, the political center of American life was shifting away from town hall meetings and rural country elections, and towards the hustle and bustle of big city politics.[68] What emerged was a political system that rewarded broad-based organizing through political parties, and a service-oriented model of government.[69]

No political institution did more to capitalize on this new political reality than the urban political machine.[70] Some, like the famed Tammany Hall that operated out of New York, managed to consolidate power and rule the city with few other competitors.[71] In other cities, as was the case in Chicago and Boston, a number of different machines competed.[72] Although some prominent political machines would go on to develop some power and influence at the state and federal level, most found success largely at the local level and in America's largest cities.[73] Indeed, machines came to dominate the political life of urban residents in nearly every major urban center of the nineteenth century.[74]

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[62] *See generally* JOHN M. ALLSWANG, BOSSES, MACHINES, AND URBAN VOTERS (1986) (exploring "bossism," the success of political bosses in urban politics, and why it has attracted so much scholarly interest).

[63] *See* BRIDGES, *supra* note 32, at 4.

[64] *See* JONES, *supra* note 34, at 121–23.

[65] *See* ALLSWANG, *supra* note 62, at 29–30.

[66] *See* HAYDUK, *supra* note 5, at 29–30.

[67] SCHUDSON, *supra* note 46, at 5–6.

[68] *See* BRIDGES, *supra* note 32, at 5.

[69] *See* Alan DiGaetano, *The Origins of Urban Political Machines in the United States: A Comparative Perspective*, 26 URB. AFF. Q. 324, 324 (1991).

[70] See BRIDGES, *supra* note 32, at 146.

[71] *See* ALLSWANG, *supra* note 62, at 41.

[72] *See* ERIE, supra note 21, at 41–42; CYBELLE FOX, THREE WORLDS OF RELIEF 35 (2012).

[73] *See* FOX, *supra* note 72, at 35 (describing machines and their success at the local level).

[74] *See id.* (listing cities with prominent machines).

Machines were frequently accused of "stealing" elections through fraud and manipulation at the polls.[75] Yet, their initial political strategy was fundamentally populist in nature.[76] Machines rose to power because they succeeded more than any other organization in mobilizing the urban electorate.[77] And patronage was at the heart of this populist strategy.[78] Simply stated, the "spoils" of political victory were offered to voters for their support at the polls. For some, this meant jobs on the city's fast-growing payroll.[79] For others, it was social services and direct aid, like turkeys for the holidays and coal in the winter.[80] Indeed, nearly every aspect of the machine's political organization revolved around cultivating a symbiotic relationship between the machine and its urban supporters.[81] As George Washington Plunkitt, a prominent member of New York's Tammany Hall once said, "How are you goin' to interest our young men in their country if you have no offices to give them when they work for their party?"[82]

Political machines succeeded because they were attuned to the urban political structure of their time. More specifically, they were the first to take advantage of two developments—one political and one economic—that reshaped the nature of big city government in the mid-nineteenth century. The first was the rise of populist politics following the abolition of the property requirement for voting.[83] By granting suffrage for the first time to nearly all white men in the country, politics was no longer the pastime of the elite, but also of the common man.[84] This shifted the locus of political power in the United States so that mass mobilization became an effective electoral strategy.[85] Moreover, it gave rise to a new political culture, one targeted towards the broad voting public.[86] Simply stated, politics in the nineteenth century became a ruckus and rowdy affair. As a form of identification, it instilled loyalties and incited brawls.[87] As a form of entertainment, it drew crowds and prompted spontaneous parades.[88] What emerged was a political system that rewarded candidates who

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[75] *See* ALLSWANG, *supra* note 62, at 5–6 (calling the perception of vote stealing largely "inaccurate").

[76] *Id.*

[77] *See* DiGaetano, *supra* note 69, at 329.

[78] *See* FRANCES FOX PIVEN & RICHARD A. CLOWARD, WHY AMERICANS STILL DON'T VOTE 53 (2000).

[79] *See* SCHUDSON, *supra* note 46, at 147.

[80] *See* DAVID KNOKE, POLITICAL NETWORKS 21 (1990).

[81] *See* ALLSWANG, *supra* note 62, at 5–6.

[82] WILLIAM L. RIORDON, PLUNKITT OF TAMMANY HALL 11 (1963).

[83] *See* SCHUDSON, *supra* note 46, at 94–97.

[84] *See id.* at 96–97.

[85] *See* ALLSWANG, *supra* note 62, at 9 (describing the "mass base of the [political] machine" as well-organized and powerful).

[86] *See* DiGaetano, *supra* note 69, at 326, 329 (noting the extension of the franchise to the working class).

[87] *See* RICHARD B. STOTT, WORKERS IN THE METROPOLIS 238 (1990).

[88] *See* GLENN C. ALTSCHULER & STUART M. BLUMIN, RUDE REPUBLIC 225 (2000).

were able to weave politics into many aspects of their constituents' lives.[89] This was a task to which the organizational structure of political machines was well suited.[90]

Second, the growing wealth and economic opportunities in cities provided the machine leadership with the incentive and resources to focus on urban politics.[91] Building and maintaining political machines requires a tremendous amount of organization and effort.[92] Doing so through the use of patronage is also expensive and taxing.[93] The onset of urbanization, however, made the development of machine politics possible at the local level. As capital and industry accumulated in America's major cities, urban governments were offered a tremendous pool of resources to collect and redistribute.[94] Moreover, as the cities grew, residents sought a more active role for city governments.[95] They demanded an expanded slate of local services—such as policing, sanitation, utilities—which added tremendously to the municipal payroll.[96] They wanted more regulatory oversight of business and development, which expanded the number of licenses and permits issued by the city.[97] Residents also sought additional infrastructure, which turned the city into a major source of construction projects.[98] Political machines were adept at finding ways to use these new municipal responsibilities to bolster patronage operations, and thus political power.[99]

If the changing structure of big city governments provided political machines with the means to secure and maintain political power, it also shaped the policies that machine administration pursued once in office. Regardless of their partisan affiliations, Republican and Democratic machines alike pursued expansive and expensive policies that sought to increase the role of government, and the role of the machine in turn.[100] This strategy placed them at substantial odds with the city's elite, who preferred low-tax, pro-growth strategies.[101] Yet, it played well with the city's working-class base, who made up a majority of most urban electorates and saw local government as a possible vehicle for redistribution.[102]

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[89] DiGaetano, *supra* note 69, at 394.
[90] *See id.*
[91] *See* BECKERT, *supra* note 11, at 4.
[92] *See* ALLSWANG, *supra* note 62, at 22.
[93] *See id.*
[94] *See* BRIDGES, *supra* note 32, at 146.
[95] *See* ALTSCHULER & BLUMIN, *supra* note 88, at 81.
[96] *See id.*
[97] *See* DiGaetano, *supra* note 69, at 324.
[98] *See id.*
[99] *See id.*
[100] *See* ROGER DAVID WALDINGER, STILL THE PROMISED CITY? AFRICAN AMERICANS AND NEW IMMIGRANTS IN POSTINDUSTRIAL NEW YORK 207–11 (1996); *see also* ALLSWANG, *supra* note 62, at 92–95 (discussing competition between parties in Chicago).
[101] *See* BECKERT, *supra* note 11, at 82.
[102] *See* BRIDGES, *supra* note 32, at 4.

2. Mass Mobilization and Mass Immigration

Immigrants arriving in the mid-nineteenth century had to navigate a fast-changing political landscape, from the shift towards populist politics to the rise of the political machine. Yet, one of the most significant political transformations of this period was actually the tremendous influx of the immigrants themselves.[103] More than four million immigrants arrived between 1840 and 1860, at a time when the country's population was approximately twenty million.[104] This number was especially high in America's cities.[105] By 1870, nearly every one of America's largest cities had a foreign-born population of at least 30 %.[106] Indeed, in cities like New York, Chicago, and San Francisco, the figure was closer to half.[107]

How did the urban political machines respond to this influx of immigrants? They mobilized them.[108] It is important to note that many of the bosses of these early political machines had no great love for the immigrant newcomers.[109] Anti-immigrant sentiment ran rampant at this time, especially against Catholics, and the Protestant leadership of many early political machines was just as prejudiced as their political rivals.[110] Yet, nearly all of the political machines courted the immigrant vote for one simple reason: in the contested political environment of the nineteenth century, political machines needed the immigrant vote to win.[111] Notwithstanding their outsized reputations, very few political machines in the nineteenth century had an entirely secure hold on local political power.[112] Thus, for them, immigrant mobilization was simply a matter of numbers: "No ambitious political organization could with impunity ignore such a large group of potential voters."[113]

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[103] *See* JONES, *supra* note 34, at 178–79.

[104] *See id.* at 79.

[105] CAMPBELL GIBSON & KAY JUNG, U.S. CENSUS BUREAU POPULATION DIV., HISTORICAL CENSUS STATISTICS ON THE FOREIGN-BORN POPULATION OF THE UNITED STATES: 1850 TO 2000, at 89 (2006).

[106] *Id.*

[107] *See id.*

[108] *See* ERIE, *supra* note 21, at 12 (discussing the success that the machines had in "mobilizing and wooing" immigrant voters).

[109] *See id.* at 12 ("Tammany's Yankee party chieftains in the 1860s had as much revulsion toward the Irish as Irish bosses after the turn of the century would have against Southern and Eastern Europeans.").

[110] *See* TYLER ANBINDER, NATIVISM AND SLAVERY: THE NORTHERN KNOW NOTHINGS AND THE POLITICS OF THE 1850S, at 87–88 (1992) ("[E]ven 'Boss' William M. Tweed, famed for perfecting the immigrant-backed political machine, dabbled in nativism in the early 1850s.").

[111] *See* ALLSWANG, *supra* note 62, at 41.

[112] *See id.* at 93–95; ERIE, *supra* note 21, at 67.

[113] *See* ALLSWANG, *supra* note 62, at 41.

For the most part, immigrants were quite receptive to this recruitment.[114] Indeed, they responded quite well to the machine's patronage operations. Immigrants were drawn to the services and aid that the machines offered; though "haphazard" and "petty,"[115] they filled a need that was not met by other political institution or organization.[116] Immigrants also gravitated to the jobs that the political machines offered for their political support.[117] Though largely blue-collar and low-wage,[118] they represented an opportunity to gain an economic foothold in their new adopted country. It was during this time that immigrant groups like the Irish established a strong ethnic niche in public employment,[119] one that would persist well into the twentieth century. It was also during this time that many ethnic occupational stereotypes (e.g., the Irish policeman) were born.[120]

Of course, for immigrants to be useful to the political machines, they had to be eligible to vote. The goal of the machines, after all, was to win elections. Unfortunately, very few of the major American cities in which machines fought for power were located in the states that still permitted noncitizens to vote.[121] As a result, machines not only worked hard to recruit immigrant supporters, they also went to great lengths to naturalize them as voting citizens.[122] Sometimes they did this on an unprecedented scale.[123] By all accounts, New York's Tammany Hall operated not only the largest "naturalization" operation of all the political machines in the country, but quite possibly the largest effort attempted by any organization.[124] As early as the 1820s, a naturalization bureau had already been established to guide immigrants through the naturalization process.[125] By mid-century, the naturalization operation had matured to include not only headquarters in every ward that provided the necessary paperwork and witness signatures to initiate the naturalization process, but also ready access to machine-backed judges who were willing to turn a blind eye to

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[114] *See* PETER MCCAFFERY, WHEN BOSSES RULED PHILADELPHIA 125–26 (1993).

[115] *See id.* at 125.

[116] *See id.* (describing the many unmet needs of the machine's constituents).

[117] *See* ERIE, *supra* note 21, at 58–61.

[118] *See id.* at 61.

[119] *See* WALDINGER, *supra* note 100, at 209.

[120] *See id.* (explaining how the Irish came to hold so many civil service positions, especially in the police force).

[121] *See* HAYDUK, *supra* note 5, at 16–30 (describing waves of anti-immigrant sentiment which led states to disenfranchise noncitizens).

[122] *See* ALLSWANG, *supra* note 62, at 52; WILLIAM V. SHANNON, THE AMERICAN IRISH 69–70 (1966).

[123] *See* ALLSWANG, *supra* note 62, at 52; SHANNON, *supra* note 122, at 69–70.

[124] *See* ALLSWANG, *supra* note 62, at 52 ("Gustavus Myers estimated that in the six weeks prior to the 1868 election, between 25,000 and 30,000 new citizens were naturalized, of whom '85 percent' went on to vote for Tammany."); SHANNON, *supra* note 122, at 69–70.

[125] *See* GUSTAVUS MYERS, THE HISTORY OF TAMMANY HALL 151–52 (1901).

inconsistencies or improprieties.[126] On top of all this, all fees were paid for by Tammany Hall.[127] The number of citizens created through this effort is staggering. From 1856 to 1867, about 9,207 immigrants a year naturalized, while, in 1868 alone, an additional 41,112 became citizens in anticipation of that year's gubernatorial race.[128] By 1886, it is estimated that nearly eighty percent of New York City's Irish, German, and Western European population from the first wave had been naturalized through this operation.[129]

Recruited, naturalized, and given incentives to vote, the immigrants of the first wave were steadfast supporters of the political machines.[130] In time, however, they would also come to run them.[131] To be sure, the integration of immigrants into the machine's political leadership was a gradual process.[132] While some were recruited into positions of power as early as the 1850s and 1860s, most remained "foot soldiers" in the machine's sprawling political organization.[133] But political machines soon recognized the importance of recruiting ward bosses and precinct captains from the immigrant communities themselves, and by the turn of the twentieth century, immigrants began to assume prominent roles in urban government at the highest level.[134] This was particularly true for the Irish, although Germans made political gains as well.[135] As Edward Alsworth Ross complained:

> [O]f the eighteen principal personages in the city government of Chicago [in 1912], fourteen had Irish names and three had German names. Of the eleven principal officials in the city government of Boston, nine had Irish names. . . . In San Francisco, the mayor, all the heads of the municipal departments, and ten out of eighteen members on the board of supervisors bore names reminiscent of the Green Isle.[136]

Indeed, he would go on to remark that "[t]he Irish domination of our Northern cities is the broadest mark immigration has left on American politics."[137]

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[126] *See* SHANNON, *supra* note 122, at 69–70.
[127] *See* ERIE, *supra* note 21, at 51.
[128] *See id.*
[129] *See id.* at 53.
[130] *See* MYERS, *supra* note 125, at 151–52.
[131] *See* ERIE, *supra* note 21, at 3 ("Not only did the Irish predominate among urban ethnic party bases, but they were also the architects of the strongest and most long-lived big-city machines.").
[132] See id. at 2–3.
[133] *See id.*
[134] *Id.* at 117.
[135] *See* ERIE, *supra* note 21, at 3.
[136] *See* EDWARD ALSWORTH ROSS, THE OLD WORLD IN THE NEW 259 (1914).
[137] *Id.* at 260.

3. Political Assimilation in an Era of Mobilization

Political behavior in the mid- to late nineteenth century was defined by mass political mobilization and high turnout at the polls.[138] It was organized around political parties that offered voters a service-oriented model of government in which tangible goods were exchanged in return for political support.[139] It was, as one commentator described, an era when one "could smell and taste the material benefits in politics."[140] By all accounts, immigrants learned this lesson well.[141] Yet, it was for precisely this reason that many felt the immigrants of the day were being misled in their political assimilation.[142] Indeed, many saw the machine mobilization of immigrants as a threat to the stability of the American political system as a whole.[143]

To be sure, no organization has been as successful as political machines in making immigrants *act* like citizens. They "took the immigrant in charge, cared for him, made him feel that he was a human being with distinct political rights, and converted him into a citizen."[144] They facilitated and incentivized immigrants to participate at the polls.[145] And it was under the political machine's tutelage that immigrants of the nineteenth century began to think of the vote as a valuable article of exchange.[146] Voting might lead to a job opportunity.[147] It might mean having a friend when one had to navigate the government bureaucracy.[148] At the very least it could be traded for a few dollars or a glass of beer on election day.[149] If the goal of political assimilation is to get immigrants to participate in America's democratic process, this was a path that immigrants understood well.[150] Indeed, the turnout in many immigrant wards outpaced those in wealthy, native-dominated wards.[151]

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[138] *See generally* ERIE, *supra* note 21, at 1–66.

[139] *See* JONES, *supra* note 34, at 121.

[140] *See* SCHUDSON, *supra* note 46, at 185.

[141] *See* JONES, *supra* note 34, at 121; MYERS, *supra* note 125, at 152.

[142] *See* JONES, *supra* note 34, at 121 ("[I]mmigrants were unfamiliar on arrival not only with American political issues but with the democratic process itself. The result was that many newcomers became tools of unscrupulous politicians.").

[143] *See also* JONES, *supra* note 34, at 121–25 (discussing how patronage-based politics and the rise of nativism and sectional controversy undermined the American democratic notions of freedom and liberty).

[144] *See* MYERS, *supra* note 125, at 152.

[145] *Id.* at 151–52.

[146] *See* JONES, *supra* note 34, at 121.

[147] *See* MCCAFFERY, *supra* note 114, at 125–26.

[148] *See* RICHARD FRANKLIN BENSEL, THE AMERICAN BALLOT BOX IN THE MID-NINETEENTH CENTURY 84–85 (2004) (explaining that voting was often based on personal relationships and social networks).

[149] *See id.* at 59 ("At least a dollar was the most common sum men reported as the going rate for votes at most precincts in the middle of the nineteenth century."); SCHUDSON, *supra* note 46, at 21–22.

[150] *See* JONES, *supra* note 34, at 121.

[151] Mollenkopf et al., *supra* note 6, at 50–51.

Yet, in the end, it was their eagerness to participate at the polls that alarmed so many Americans.[152] More importantly, the manner in which they were getting involved came to be portrayed not as evidence of their political assimilation, but rather their inability to assimilate.[153] Allegations that political machines were operating fraudulent naturalization mills cast a pall over the votes of all immigrants.[154] Moreover, the fact that they were being drawn to the polls by the promise of patronage struck many middle and upper-class Americans as a perversion of the democratic system.[155] If anything, it was evidence that immigrants were not yet ready to be a part of America's political community. Of course, immigrants were hardly the only segment of the electorate to cast their support for machine candidates, or to look for tangible benefits in return for their political activity.[156] Immigrants were an easy target, however, and many critics of the political machines began to see the system as an old-world import brought to the United States by the immigrants themselves.[157]

B. Political Suppression and the Reform City

For as long as there have been political machines, there have been municipal reformers who opposed them.[158] Indeed, for much of the nineteenth century, the competition between the two came to be a defining narrative of American political life.[159] To be sure, the contest appeared one-sided at the start: despite their best effort to woo voters, reformers were only able to claim a handful of victories at the polls against machine-backed candidates.[160] By the turn of the twentieth century, however, there were concrete signs that the reformer's agenda was beginning to take hold.[161] The era of the reform city had begun, and with it came another major shift in the legal and political identity of the American city.

That this urban restructuring took root at the same time as the second great wave of immigration (from approximately 1890 to 1920) was no coincidence. Indeed, the strong public perception that immigrants and political machines were linked proved

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[152] ALEXANDER KEYSSAR, THE RIGHT TO VOTE 66–67 (rev. ed. 2000).

[153] *See* SUSAN WELCH & TIMOTHY BLEDSOE, URBAN REFORM AND ITS CONSEQUENCES 4 (1988).

[154] *See* ANBINDER, *supra* note 110, at 118.

[155] *See id.* at 124.

[156] *See generally* BENSEL, *supra* note 148.

[157] *See* ERIE, *supra* note 21, at 1–2; JONES, *supra* note 34, at 124–25 (discussing how immigrant voters continued to champion European causes and that "the groups most inclined to perpetuate Old World interests were those whom American society was most adamant in rejecting").

[158] *See* BRIDGES, *supra* note 17, at 6–7.

[159] *See* RAPHAEL J. SONENSHEIN, THE CITY AT STAKE: SECESSION, REFORM, AND THE BATTLE FOR LOS ANGELES 3–4 (2004).

[160] *See* BRIDGES, *supra* note 17, at 3, 9.

[161] *See id.* at 9.

to be a potent catalyst for the reform movement when the immigration influx resumed after the Civil War.[162] For the established immigrant groups of the first wave, most notably the Irish, reform did not severely affect their political standing.[163] The "new" immigrant groups (the Italians, Jews, and Eastern Europeans concentrated on the East Coast, along with the Mexican, Chinese, and Japanese immigrants out in the West), however, found a political system that was not only uninterested in their vote, but was in many ways specifically structured to discourage their participation.[164] This is not to say that immigrants of the second wave were not politically active. Many found political outlets in labor unions, churches, and civic organizations.[165] In sharp contrast to their predecessors, however, they found fewer opportunities to mobilize within the political system itself.[166]

1. The Reform Agenda

The municipal reform movement was both an idealistic and political endeavor. As idealists, municipal reformers were interested in transforming the basic foundation of municipal government.[167] In place of politics, they sought to institute an urban administration defined by professionalism and expertise, operated with "business-like efficiency," and led by the "best men."[168] As politicians and candidates, however, the objective of municipal reformers was much more instrumental. Having suffered many losses to machine candidates in the past, they also became fixated on eradicating machine politics as a path to reform.[169] In this regard, reformers were not unlike the political bosses that they wanted to dethrone. Both sought political advantages where they could get them, and neither was afraid to, in Professors Amy Bridges and Richard Kronick's words, "write the rules to win the game."[170]

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[162] *See id.* at 8 ("Municipal reformers were often politically allied with nativists. . . . [T]he [council-manager] plan appealed to a good many people as a convenient means of putting the Catholics, the Irish, the Italians, the labor unions, and all other 'underdogs' in their places." (quoting EDWARD C. BANFIELD & JAMES Q. WILSON, CITY POLITICS 171 (1963)) (internal quotation marks omitted)).

[163] *Cf.* WELCH & BLEDSOE, *supra* note 153, at 8 (noting that the reform movement had the greatest impact in cities with "small ethnic populations" and in the West and Mid-West).

[164] *See* Evelyn Savidge Sterne, *Beyond the Boss: Immigration and American Political Culture from 1880 to 1940*, *in* E PLURIBUS UNUM? CONTEMPORARY AND HISTORICAL PERSPECTIVES ON IMMIGRANT POLITICAL INCORPORATION 33, 34–39 (Gary Gerstle & John Mollenkopf eds., 2001).

[165] *See id.* at 34.

[166] *Id.*

[167] *See* BRIDGES, *supra* note 17, at 7.

[168] *See id.*; MARTIN J. SCHIESL, THE POLITICS OF EFFICIENCY 8 (1977).

[169] *See* Amy Bridges & Richard Kronick, *Writing the Rules to Win the Game: The Middle-Class Regimes of Municipal Reformers*, 34 URB. AFF. REV. 691, 693 (1999).

[170] *Id.* ("[R]eformers were able to win where they could shape the electorate by disenfranchising their opponents . . . .").

These dual motivations—the transformation of urban governance and the overthrow of the political machines—shaped the reform agenda at the turn of the twentieth century. At the most basic level, reformers sought to depoliticize the process by which local leaders were selected.[171] To this end, they advocated the elimination of ward representation in favor of city-wide elections so that the "best" candidate could be selected.[172] They also advocated for nonpartisan ballots to reduce the influence of political parties on the voting process.[173] In addition, reformers took steps to eliminate patronage as a means of rewarding supporters.[174] They proposed civil service requirements so that merit, rather than political loyalties, would be the basis on which municipal employees were selected.[175] They also urged competitive bidding for city contracts so that competence and value, rather than political connections, would be the basis on which municipal projects were awarded.[176] All of this was "aimed at breaking the ties of voter to officeholder."[177]

The reform movement's grandest vision, however, was to reimagine the basic structure of local governments altogether.[178] In short, they wanted to throw out the mayor-council system, which they thought was too politically motivated, for entirely new administrative structures that would be more insulated from political demands and pressures.[179] A natural disaster gave the reform movement a significant boost in this endeavor. After it was destroyed by a hurricane in 1901, the city of Galveston, Texas, adopted a model of government run by commissioners, each in charge of a different municipal department. The commissioners' success in rebuilding the city and reforming its government brought it national attention as a model of reform.[180] Following this, reformers pushed for all cities to adopt its "commission" form of government.[181] Later, when dissatisfaction with the commission model began to mount, reformers urged the adoption of the council-manager model, in which an elected city council "hires" a city manager (in place of a mayor) to run the day-to-day operations of the city.[182]

Reformers never had much success in attracting voter support in an era of mass political mobilization.[183] This was especially true in the big machine cities of the

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[171] *See* WELCH & BLEDSOE, *supra* note 153, at 6–7.
[172] *See id.* at 7–8.
[173] *See id.* at 7.
[174] *See* SCHIESL, *supra* note 168, at 29–33.
[175] *See id.* at 31–32.
[176] *See id.* at 106.
[177] BRIDGES, *supra* note 17, at 58.
[178] *See id.*
[179] *See id.* at 58–59.
[180] *Id.* at 57.
[181] *See id.*
[182] *See* SCHIESL, *supra* note 168, at 172–73.
[183] BRIDGES, *supra* note 17, at 3, 9.

Northeast where the municipal reform movement first got its start.[184] Yet by the early twentieth century, reformers could point to a number of developments in their favor. Poll restrictions and electoral reform were dampening the mobilization fervor that characterized the nineteenth century.[185] State-appointed officials and non-political public authorities were assuming more prominent roles in various aspects of municipal administration, bypassing the local political leadership.[186] Reformers were able to implement these changes by going directly to the state level, where the political leadership might be more conducive to their cause.[187] As a result, the reform era witnessed a dramatic recalibration of the relationship between state and local governments.[188] One example was the Massachusetts takeover of the Boston police department in 1885.[189] Though sold as an effort to reduce corruption, it was widely understood to be a strategic move by the native-controlled Republican statehouse to wrest control of a powerful institution (and a large source of patronage jobs) from the increasingly Irish-controlled Democratic city.[190]

These and other reforms made patronage operations more difficult in established machine cities.[191] They also changed the political culture in important ways.[192] For the most part, however, reformers were never able to topple the dominance of established machines outright in certain northern cities, much less effectuate the kind of broad-based structural reforms that they proposed.[193] Although reformers never achieved the level of success that they desired in the machine-dominated cities like New York and Chicago, it was an entirely different story in the newer cities in the South and the Southwest.[194] In cities like Houston, Dallas, Phoenix, and San Diego, municipal reformers got everything that they wanted.[195] Cities in these regions were among the first to adopt the "commission," and later the "manager" forms of government touted by municipal reformers.[196] Reform-minded candidates were also

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[184] *See id.* at 6–7.

[185] *See* PIVENS & CLOWARD, *supra* note 78, at 78.

[186] *See id.* at 77–78 ("[M]any smaller municipalities whose machine leaders carried less weight in state governments were simply put under the control of 'expert' city managers or commission forms of government . . . .").

[187] *See id.* at 77.

[188] *See id.*

[189] *See* JACK TAGER, BOSTON RIOTS 157 (2001) (explaining that the Massachusetts legislature's new charter for Boston took away the mayor's power to appoint the police commissioner).

[190] *Id.*

[191] *See* PIVENS & CLOWARD, *supra* note 78, at 78.

[192] *See id.* at 81 (explaining that parties were weakened particularly in their ability to reach and mobilize voters, which resulted in an "erosion of party-line voting").

[193] BRIDGES, *supra* 17, at 69.

[194] *See id.* at 5–6, 65–69.

[195] *See id.*

[196] *See supra* text accompanying notes 179–82 (discussing Galveston, Texas, and its early commission-run government).

able to dominate local political power in ways that the machines were never able to achieve.[197] In addition, they all shared certain "distinguishing characteristics" when the reform process was complete: "very low participation, rhetorical narrowness, lack of competition at the polls, government by men who claimed to be civic statesmen rather than politicians, and carefully targeted distribution of limited amenities."[198]

This was possible because the most significant opponents of reform—political machines and the immigrants they mobilized—were never as numerous or organized in the new cities of the Southwestern frontier as they were in the established East Coast cities.[199] Moreover, at the time that these cities made this transition, none of them were considered major cities,[200] which is why many early scholars of the municipal reform movement ignored them at first. In the years since, however, the national standing of reform cities like Houston, Phoenix, and others along the so-called "Sunbelt" could not be more different: they are among some of the largest and fastest-growing cities in the United States.[201] In addition, for our purposes, they are hosts to a significant proportion of the immigrants living in the United States today.[202]

2. Reform and the Second Great Wave of Immigration

The second great wave of immigration from 1890 to 1920 coincided with the rise of the municipal reform movement.[203] How did these two developments interact? As a matter of principle, there was no reason that reformers needed to align themselves against immigrants or immigration.[204] Indeed, the social reformers' call for good government was directed as much towards the betterment and welfare of the city's foreign-born population as it was for the sake of its native residents.[205] In the words of one New York reformer: the goal of reform was a municipal government that was

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[197] *See id.* at 5, 65–67.

[198] *See id.* at 210.

[199] *See* Martin Shefter, *Regional Receptivity to Reform: The Legacy of the Progressive Era*, 98 POL. SCI. Q. 459, 459–60, 476 (1983) (explaining why political machines played a larger role in politics in East Coast cities and why the reform movement found more support among immigrants in the West).

[200] *See* BRIDGES, *supra* note 20, at 5.

[201] *See* Press Release, U.S. Census Bureau, Texas Dominates List of Fastest-Growing Large Cities Since 2010 Census, Census Bureau Reports (June 28, 2012), http://www.census.gov/newsroom/releases/archives/population/cb12-117.html.

[202] *See* Audrey Singer, *The Rise of New Immigrant Gateways*, *in* 2 REDEFINING URBAN AND SUBURBAN AMERICA: EVIDENCE FROM CENSUS 2000, at 41 (Alan Berube et al. eds., 2005).

[203] *See* WELCH & BLEDSOE, *supra* note 153, at 4–5; *see also* JONES, *supra* note 34, at 152–56.

[204] *See* Sterne, *supra* note 164, at 43 (explaining that "the machine was far less powerful than it seemed as an institution that incorporated immigrants" because a number of "ethnic leaders" opposed the machines and only a minority of immigrants voted).

[205] *See* WELCH & BLEDSOE, *supra* note 153, at 4 (distinguishing social and structural reformers).

not only responsive to those "who live above Fourteenth Street," but also to "the Italian of the 'Bend' and of 'Little Italy,' the Chinaman of Mott Street, the Jew of Hester Street, and the African of Thompson Street."[206]

Yet, the strong tie that was established between political machines and the immigrant vote during the first great wave of immigration continued to frame the thinking of most reformers during the second wave.[207] This was so even though, as we will see below, the political bond between old immigrant machines and newer immigrant voters was never actually all that clear.[208] In the reformers' minds, however, the general welfare of the city and all its residents would best be served by disentangling all immigrants from the political process altogether.[209] As such, reformers set out to suppress the immigrant vote.[210]

Part of this effort involved enforcing limitations that were already in place. For example, in response to allegations that political machines like Tammany were fraudulently naturalizing immigrants through their control of the local judiciary, reformers successfully pushed for the federal government to centralize the naturalization process on the belief that federal judges would be less prone to corruption.[211] Another part of this effort focused on imposing new restrictions to filter out immigrant (and other undesirable) voters, the central component of which was the literacy test.[212] Many states like Massachusetts had already implemented some kind of literacy requirement for voting during the apex of the nativist Know-Nothing movement in the 1850s.[213] By the early twentieth century, however, more rigorous literacy examinations were proposed (requiring *English* literacy and not just any literacy), and states that had resisted such restrictions in the past began to adopt them as well.[214] Immigrant voters and the political organizations that depended on them mounted strong opposition to these and other new voting requirements.[215] Reformers, however, were able to exploit the concentrated nature of immigrant political power to their advantage.

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[206] *See* WILLIAM HOWE TOLMAN, MUNICIPAL REFORM MOVEMENTS IN THE UNITED STATES 27 (1895); *see also* PAUL BOYER, URBAN MASSES AND MORAL ORDER IN AMERICA, 1820–1920 173 (1978).

[207] *See* BRIDGES, *supra* note 17, at 8–9.

[208] *See* ERIE, *supra* note 21, at 6–7 (noting that the Irish-dominated political machines had neither the resources nor the desire to incorporate, naturalize, or register later waves of immigrants).

[209] *See* BRIDGES, *supra* note 17, at 8.

[210] *See id.* ("[R]eformers and nativists proposed voter registration, literacy testing, extending the residency period required for voting, and the poll tax.").

[211] *See* LOUIS DESIPIO, COUNTING ON THE LATINO VOTE 145 (1998) (explaining that the Bureau of Naturalization was created in 1907).

[212] *See id.* at 144–45 (describing Congress's 1906 requirement that applicants for naturalization speak English); KEYSSAR, *supra* note 152, at 117 (noting that by the mid-1920s more than a dozen states disenfranchised illiterate people who were otherwise eligible to vote).

[213] *See* ANBINDER, *supra* note 110, at 138–39.

[214] *See* KEYSSAR, *supra* note 152, at 116–17.

[215] *Id.*

Knowing that they could not always prevail at the local level, reformers turned to the state and federal level where immigrant political influence was weaker.[216]

Voter suppression was not the only major component of the reform agenda. It also gave rise to further structural reforms. As Amy Bridges and Richard Kronick argue, reformers were successful in restructuring Southwestern cities because they had already reshaped the electorate in those states to disenfranchise those who would be most likely to oppose to municipal reform.[217] And just as it was in the East, the target was often the newest immigrants, which included Hispanics and Asians in the West.[218] As Bridges and Kronick note, electoral reform came before, and not as a part of, the success of municipal reforms.[219] Political turnout was already low in the Southwestern cities when reform charter proposals were placed on the ballot.[220]

Even though the reformers were ultimately unable to defeat the established political machines of the Northeast in the same way that they conquered the Southwest, the strategy of the established political machines came to resemble that of the reformers. As Professor Steven Erie argues in his reexamination of Irish political machines, many of the reform strategies designed to cripple machine politics were actually adopted by the machines themselves.[221] They did so in large part to avoid having to meet the demands of the immigrants of the second wave.[222] Patronage politics is expensive, and there is only a limited pool of municipal goods to go around.[223] Having already secured a solid political base that expected to be recipients of patronage goods, machines reoriented their strategy towards voter suppression and elite politics in the same way that the reformers advocated.[224] In other words, machines entered a maintenance phase, more intent on preserving the status quo rather than recruiting new supporters.[225]

Not unlike the reformers, the early twentieth century political machine focused less on mobilization and more on suppression.[226] Gone were the efforts to naturalize, register, or turnout the immigrant vote.[227] This shift allowed the existing political machines to keep the limited patronage that remained within their established base.[228]

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[216] *See* DESIPIO, *supra* note 211, at 145 (discussing the "disparate practices" at the local level and the success of naturalization reform at the federal level).

[217] *See* Bridges & Kronick, *supra* note 169, at 693 ("Municipal reformers were successful where they could write the rules to win the game.").

[218] *See id.* at 698.

[219] *Id.* at 693.

[220] *See id.* at 701.

[221] *See* ERIE, *supra* note 21, at 11–13 (detailing Tammany's voter repression scheme and refusal to assist new waves of immigrants with naturalization and registration).

[222] *See id.* at 10, 12–13.

[223] *See id.* at 9–13.

[224] *Id.* at 11.

[225] *See id.* at 9–12.

[226] *Id.*

[227] *See id.* at 11, 97.

[228] *See id.* at 100–01.

Many of the reform efforts actually assisted the machines in their restructuring.[229] For example, as Professor Roger Waldinger pointed out, because the new immigrants from eastern and southern Europe had "little chance of doing well in essay-type exams against the Irish, who were, after all, native English speakers. . . . [T]he introduction of a civil service system had the opposite of its intended effect—increasing the opportunities for the Irish."[230]

Of course, it must be noted that there is a certain degree of irony to the reformer's opposition to the "new" immigrants of the second wave. Reformers sought to weaken the urban political machines by imposing obstacles to the immigrants' political participation.[231] Yet, unbeknownst to them at the time, some of their most significant victories against the established political machines would be on the backs of the Italians, Jews, and new immigrant groups that the political machines began to neglect.[232] For example, the election of reform-minded Fiorello LaGuardia as Mayor of New York in 1934 marked the beginning of the end for the city's famed Tammany Hall. This victory was possible in large part because LaGuardia appealed to and won the political support of the Italians and Jews who had been excluded from Tammany's organizing efforts.[233] Had Tammany been more attentive to the new immigrants, as was the case in Chicago,[234] it might have survived into the mid-twentieth century. Or if the reformers had mobilized the new immigrants earlier, instead of working to suppress their political influence, such a victory might have come a lot sooner.

3. Political Assimilation in an Era of Suppression

Much like the political machines that they opposed, municipal reformers were deeply interested in the political assimilation of immigrants.[235] The model of political assimilation that they presented to immigrants at the turn of the twentieth century, however, could not have been more different than what the machines presented to their predecessors: "The model citizen, in the reform vision, would be disciplined enough to register, educated enough to read, thinking enough to choose candidates with little or no party guidance, and docile enough to leave many matters to the experts."[236]

This was a threshold of political assimilation that many immigrants would eventually reach.[237] Yet, it was not one that could easily have been met by simply living in

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[229] *See* WALDINGER, *supra* note 100, at 209.
[230] *See id.*
[231] *See* BRIDGES, *supra* note 17, at 8.
[232] *See* ERIE, *supra* note 21, at 12.
[233] *See id.*
[234] *See id.*
[235] *See* SCHUDSON, *supra* note 46, at 182–85.
[236] *Id.* at 185.
[237] *See generally* JONES, *supra* note 34.

the United States for five years and demonstrating proficiency in English—the standard for naturalization at the time.[238] When it came to immigration, the goal of municipal reformers was not to parrot the federal standards.[239] Rather, in their own way, they sought to shape them. What emerged was not only a different way of thinking about American citizenship, but also a new way of measuring immigrant assimilation.[240] In the reformer's mind, they were doing this to "benefit American society as well as immigrants themselves."[241]

Eventually, the belief that immigrants were to blame for the sorry state of urban governance (and the moral decay of the city as a whole) became a powerful impetus for more stringent naturalization controls.[242] In this regard, measures initially implemented as municipal reforms came to serve as the model for federal immigration laws.[243] It is no coincidence, for example, that after many states adopted literacy requirements for the vote, Congress debated and eventually enacted a literacy requirement for immigration and an *English* literacy requirement for naturalization.[244] Nor should it be surprising that "the founding of the Immigration Restriction League in 1894," which proposed the literacy requirement and advocated for more stringent immigration reforms, "coincided almost perfectly with the time when the old Yankees began to lose their grip on northeastern cities, places they'd regarded as theirs by birthright for 250 years."[245]

C. Political Isolation and the Fragmented City

With the liberalization of immigration laws in 1965, immigration is once again reshaping the political demographic of urban America.[246] Yet, thus far, more recent immigrants have had far less political impact than their numbers would suggest.[247] There are few signs of any meaningful political mobilizations.[248] Indeed, more than any other segment of the American electorate, immigrants are least likely to have any political affiliation at all.[249] It has become commonplace to blame this on the

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[238] *See* Louis DeSipio & Harry Pachon, *Making Americans: Administrative Discretion and Americanization*, 12 CHICANO-LATINO L. REV. 52, 52 (1992).

[239] *See id.*

[240] *See id.* at 116 ("[L]iteracy was essential for the foreign-born to become properly acquainted with American values and institutions.").

[241] *See id.* at 116.

[242] *See id.* at 66–67.

[243] *See* SCHRAG, *supra* note 35, at 108.

[244] *See* ERIE, *supra* note 21, at 92–93. For a discussion on the enactment of the federal literacy test, see DANIEL J. TICHENOR, DIVIDING LINES 141 (2002).

[245] *See* SCHRAG, *supra* note 35, at 48.

[246] *See* ZOLTAN L. HAJNAL & TAEKU LEE, WHY AMERICANS DON'T JOIN THE PARTY 8–9 (2011).

[247] *See id.* at 152.

[248] *See id.* at 150.

[249] *See id.* at 158–59.

immigrants themselves, especially their lack of familiarity with democratic politics.[250] Yet, as some scholars are pointing out, many immigrant groups actually come from countries in which the political culture is more vibrant than that of the present-day United States and is, in fact, a scene more reminiscent of our own era of mass mobilization.[251] Why then, upon arriving, do these immigrants seem so uninterested in political participation, especially at the local level where they are capable of making a significant impact?

One reason for this, I argue, is the political fragmentation of urban political power today. Whereas a single city government might have controlled the vast majority of an urbanized area in the nineteenth and early twentieth centuries, the metropolitan areas of today are governed by a long list of independent and politically isolated local governments—the city, suburbs, towns, and sometimes villages.[252] This fragments the political power of immigrant groups, and obstructs the kind of broad-based political organization that is often necessary to exercise political influence. It also isolates the political power of immigrants who manage to gain control over a local government jurisdiction. Like the political mobilization of the mid-nineteenth century and the voter suppression of the early twentieth century, this too has been an effective means of managing the potential political power of immigrant newcomers.

1. The Political Landscape of Fragmentation

Commenting on the lack of political participation at the turn of the twenty-first century, Professor Arthur Meier Schlesinger asked: "What has happened to the American as political animal?"[253] Turnout for presidential elections has dropped to new lows in the last few decades, sometimes drawing a little more than half of eligible voters.[254] The figure is even worse in local elections, where it is not uncommon for a quarter or less of the electorate to participate at the polls.[255] It is not that local issues are no longer important. Even in an era of globalization, people are still intensely concerned about their immediate community—from local job conditions to the state of public schools.[256]

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[250] *See* MICHAEL JONES-CORREA, BETWEEN TWO NATIONS 88–89 (1998).

[251] *See* CAROL HARDY-FANTA, LATINA POLITICS, LATINO POLITICS 178 (1993).

[252] *See* Richard Briffault, *Our Localism: Part I—The Structure of Local Government Law*, 90 COLUM. L. REV. 1, 77 (1990).

[253] ARTHUR M. SCHLESINGER, JR., THE CYCLES OF AMERICAN HISTORY 256 (1986).

[254] *See id.*; John T. Woolley & Gerhard Peters, *Voter Turnout in Presidential Elections: 1828–2008*, AM. PRESIDENCY PROJECT, http://www.presidency.ucsb.edu/data/turnout.php (last visited Dec. 6, 2012).

[255] *See* Zoltan L. Hajnal & Paul G. Lewis, *Municipal Institutions and Voter Turnout in Local Elections*, 38 URB. AFF. REV. 645, 645–46 (2003).

[256] *See* WILLIAM A. FISCHEL, THE HOMEVOTER HYPOTHESIS 4 (2001) (positing that homeowners care about how local conditions impact the value of their property and therefore follow local issues closely).

The difference is that most people today do not think that any meaningful difference can be made through local politics.[257]

This state of affairs is not inherent to the nature of local government. Rather, it is the product of layers of policy choices and structural reforms that have taken place in the past.[258] In today's local political structure, we see signs of the old machine city.[259] Though few political machines operate today, most local jurisdictions are dominated by political parties with little or no political competition, thus little need for political mobilization.[260] At the same time, there are also traces of the reform city. There are more city managers in the United States than mayors.[261] We are also more likely to talk about the "business" of running a city rather than the politics.[262]

Both of these models continue to shape the structure of local governments, and through that, local political participation. If there is one distinguishing feature of local politics today, however, it is its fragmentation. And the biggest consequence of this is the lack of any meaningful local political power.[263] The machine and the reform models imagined cities being run in different ways, by different people, and for different purposes.[264] But both imagine the city as centralized and a powerful institution, capable of shaping the destiny of urban America. In the metropolitan areas of today, however, this is no longer true. The city now is often but a single political community in a sea of independent local jurisdictions.[265] This urban landscape is further overlaid by a proliferation of public authorities and special districts, each beholden to a different constituency (or none at all) and acting independently of one another.[266]

People often complain about the tremendous local authority (sometimes known as "home rule") that local communities possess today.[267] Yet, the most direct effect of this political fragmentation has actually been to increase the powerlessness of each local government.[268] Most local issues today concern social and economic developments happening region-wide.[269] As such, whether we are talking about crime, poverty,

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[257] *See* MARK LAWRENCE KORNBLUH, WHY AMERICA STOPPED VOTING 160 (2000) (arguing that elections lost their significance when politics came to be dominated by deep-pocketed special interest groups).

[258] *See id.* at 154–56.

[259] *See* JONES-CORREA, *supra* note 250, at 74–75.

[260] *See id.* at 73.

[261] *See* FISCHEL, *supra* note 256, at 23 (citing Tari Renner & Victor DeSantis, *Municipal Form of Government: Issues and Trends*, *in* THE MUNICIPAL YEARBOOK 1998, at 32 (1998)).

[262] *See id.*

[263] *See* Briffault, *supra* note 252, at 111–12.

[264] *See* BECKERT, *supra* note 11, at 82–83 (reform model); DIGAETANO, *supra* note 69, at 324 (machine model).

[265] *See* NANCY BURNS, THE FORMATION OF AMERICAN LOCAL GOVERNMENTS 4 (1994).

[266] *See id.* at 7–16.

[267] *See* Briffault, *supra* note 252, at 10.

[268] *See id.* at 11–12.

[269] *See id.* at 14.

segregation, or local tax revenue, the fate of most local communities are often tied up with the policy choices being made in other communities, over which they have no direct control and no effective means of influencing.[270]

All of this has changed the structure and incentives of urban politics—not only for the political establishment, but also for the individual voters. First, political fragmentation has dramatically increased the importance of line-drawing in constructing political victories.[271] Thanks to redistricting, most political contests today are won before any campaigning actually starts.[272] Self-sorting of American residents into distinct neighborhoods of shared interest has made it easier to calculate and predict the political behavior of likely voters long before they actually step into the polls.[273] This has allowed political parties to establish more sophisticated strategies on where to focus their attention and resources.[274] In addition, it has given increased significance to where jurisdictional lines are drawn.[275] This is why the start of every decade is filled with fierce political contests over redistricting; the boundary lines that are produced usually determine the overall balance of political power for the rest of the decade.[276] It also means that political parties have little incentive to mobilize or change the voting behavior of the electorate in a significant manner. Being able to accurately calculate and predict voting behavior is, in many cases, more valuable.

Nor are the stakes associated with local politics the same in an era of political fragmentation. The truth is, although we care about local issues, most of us know that our local representatives are simply in no position to impact them.[277] To be sure, ideological issues can still mobilize people to the polls. But in terms of substantive outcomes, most find local political participation to be relatively pointless.[278] Indeed, this is a significant reason that African American groups' efforts to resurrect machine

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[270] *See id.*

[271] See DESIPIO, *supra* note 211, at 97.

[272] *See* Matthew Pierce, *Redistricting Roulette-Wheel*, FAIR VOTE: THE CENTER FOR VOTING AND DEMOCRACY, http://www.fairvote.org/redistricting-roulette-wheel (last visited Dec. 6, 2012).

[273] *See* BILL BISHOP, THE BIG SORT 42–47 (Mariner Books 2009) (2008) (describing Americans' tendency to self-sort residentially according to party affiliation).

[274] *See, e.g.*, Mike Riopell, *Absent from Convention, Schneider 'Focused on the District,'* DAILY HERALD, Sept. 6, 2012, http://www.dailyherald.com/article/20120906/news/709069554/.

[275] *See* Charles S. Bullock, *Redistricting: Racial and Partisan Concerns*, *in* LAW AND ELECTION POLITICS: THE RULES OF THE GAME 151 (Matthew J. Streb ed., 2005); *Voting Rights and Voting Wrongs: An Interview with Lani Guinier*, MASS. HUMANITIES (Spring 2006), http://www.masshumanities.org/index.php?p=s06_vrvw&searchlight=voting%20rights%20and%20voting%20wrongs.

[276] *See generally* Bullock, *supra* note 275, at 1–69 (discussing redistricting controversies).

[277] *See supra* text accompanying notes 265–70 (discussing the ineffectiveness of local governments in the face of regional issues).

[278] *See* Hajnal & Lewis, *supra* note 255, at 647 (explaining the correlation between voter turnout and voters' perception of the structure of local government).

politics in the 1970s and 1980s failed.[279] Having finally succeeded in securing political power in the cities, the political leadership found that there simply was not that much power or resources there, much less enough to sustain a meaningful patronage operation.[280] The base of urban political power today is metropolitan in scope.[281] The fragmentation of the urban political structure, however, ensures that there is no access to that base through local politics.

If there is less incentive to vote at the local ballot box today, there is nevertheless a political strategy that works well in an era of political fragmentation: voting with one's feet. In other words, the diversity of independent local jurisdictions that are available means that none of them have that much fate over their future or that of the metropolitan region as a whole.[282] Nevertheless, significant policy changes—a different tax rate, a higher or lower level of public services—can still be gained by moving from one community to the next.[283] Thus, for the individual resident, mobility is often the primary means of effectuating political changes.

2. Immigrants in the Fragmented City

How is the fragmented urban political system of today responding to the influx of immigrants today? The short answer is that it is not. There appears to be no significant effort among existing political parties to mobilize immigrants, much less naturalize them as voters.[284] There is not even the same degree of care being put into suppressing their political participation, especially in comparison to the reformers' response at the turn of the twentieth century.[285] This does not mean that there is not a lot of talk about immigrant political power.[286] Yet, it appears that as little as possible is actually being done among the parties to influence their voting practices (or lack thereof).[287] Given the potential impact of the Hispanic and Asian vote, this seems to be a grievous oversight.[288] Yet, as we will see, this non-response actually fits the logic and incentives of political fragmentation quite well.

What are the consequences of this political neglect? One is that many immigrants today are simply not voting.[289] Admittedly, interest in voting in the United

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[279] *See* ERIE, *supra* note 21, at 260, 264–66.

[280] *See id.* at 259–60.

[281] *See id.* at 262 (noting that "urban politics has been nationalized").

[282] *See* FISCHEL, *supra* note 256, at 58–59.

[283] *Id.* at 59.

[284] *See* Kristi Anderson, *Parties, Operations, and Political Incorporation: Immigrants in Six U.S. Cities*, *in* CIVIC HOPES AND POLITICAL REALITIES 77, 88 (S. Karthick Ramakrishnan & Irene Bloemraad eds., 2008).

[285] *See* JONES-CORREA, *supra* note 250, at 77 (describing passive demobilization).

[286] *See* Peter Kwong, *Ethnic Subcontracting as an Impediment to Interethnic Coalitions: The Chinese Experience*, *in* GOVERNING AMERICAN CITIES 89 (Michael Jones-Correa ed., 2001).

[287] *See* HAJNAL & LEE, *supra* note 246, at 13.

[288] *See id.* at 5–6.

[289] *See id.* at 150.

States has fallen across the board.[290] Among the newest Americans, however, the figure is even worse.[291] The growth of the Hispanic and Asian populations through immigration is one of the largest demographic shifts we have seen in recent decades.[292] Yet neither of these groups participates at the polls anywhere near the rate of Caucasians or African Americans.[293] Most Hispanics are slow to naturalize, and even after they do, only about half actually vote.[294] Asians show a slightly higher rate of naturalization, but a smaller percentage of citizens actually register to vote.[295]

Even more surprising than their voting behavior is that immigrants today have little sense of their political identity. When asked about their party identification, the category that received the most responses among Hispanics and Asians was not Republican, Democrat, or even Independent.[296] Instead, by a whopping 38% among Latinos and 36% among Asians, the most popular was what is often referred to as a "non-compliant" category: "no preference," "none," "neither," "other," "don't know."[297]

Not only are immigrants today less likely to participate in the formal political process, they are also less likely than their predecessors to be involved in other outlets of political activity. If labor unions, churches, and other voluntary organizations played an important role in the political activism of the second wave of immigrants, they play a much smaller role today.[298] This is not to say that other organizations have not emerged to fill the gap.[299] Yet, as Kristi Anderson notes, they tend to be single-issue outfits with limited scope and much more restricted access to institutions of political power.[300]

This may appear at first to present a wonderful opportunity for political entrepreneurs. Indeed, every political cycle we are reminded of the impact that this "sleeping giant" can have on electoral outcomes if it can only be awakened.[301] Most studies focused at the local level where political mobilization efforts are ordinarily centered, however, find that there is little enthusiasm in recruiting immigrant supporters.[302] This is even the case in urban neighborhoods that still retain remnants of the old political machines.[303] For example, in his analysis of the democratic organization in Queens, New York, Professor Michael Jones-Correa found that political elites were

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[290] *See* SCHLESINGER, *supra* note 253, at 256.
[291] *See id.* at 257.
[292] *See* HAJNAL & LEE, *supra* note 246, at 8–9.
[293] *See id.* at 150.
[294] *See id.* at 151.
[295] *See id.*
[296] *See id.* at 159.
[297] *See id.*
[298] *See* Anderson, *supra* note 284, at 100–01.
[299] *See id.* at 90.
[300] *See id.* at 90–92.
[301] See *supra* text accompanying notes 1–3.
[302] *See* JONES-CORREA, *supra* note 250, at 70.
[303] *See id.*

not only slow to reach out to the fast-growing immigrant population in their borough, but at times worked actively to discourage their participation in order to maintain the political status quo.[304]

It is easy to blame immigrants for their political apathy, just as it is convenient to blame parties for not fulfilling their role as electoral organizers. But in an era of political fragmentation, this behavior can be understood to be a rational response to the political structure that they face. For immigrant groups that find themselves in a position to influence or dominate local elections, there are increasingly fewer reasons to do so. Residential sorting along lines of race, class, and ideology has rendered most local elections noncompetitive (even for state or national offices).[305] At the same time, in an era of political fragmentation, control of local governments offers few of the benefits and opportunities that would have been available in both the machine and reform eras. Too much of the fate of a local community lies in the policies of its neighbors, over which it has no formal control, or even an institutional means of influencing indirectly.

If the current political structure offers little incentive for immigrants to participate at the local level, it also does not provide much to the political parties to motivate them. There is a certain kind of elegance to how political fragmentation divides and classifies the urban electorate. Self-sorting over the years has made it much easier to predict local electoral outcomes, which enables modern political parties to allocate their limited resources in strategic ways. It has also made it easier to draw electoral lines, which is now how most state and federal offices are won.[306] An aggressive immigrant mobilization effort might make some local jurisdiction or electoral districts more competitive. But the resources required to do so, combined with the uncertain outcome, make such efforts unlikely in today's fragmented political structure.[307] Currently, the political behavior of immigrant groups is a known element—easily predicted and conveniently segmented. With the exception of maybe a presidential or state-wide senate election, there is little incentive for any of the parties to alter that behavior.

3. Political Assimilation in an Era of Political Fragmentation

If neither immigrants nor the urban political system are responding to one another in any meaningful way, then what model of immigrant political assimilation

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[304] *See id.* at 82–87.

[305] *See* BISHOP, *supra* note 273, at 8–15 (describing a nationwide trend of people moving to counties where they share the social and political views of the majority of the other residents); *News Release: Lack of Competition in Elections Fails to Stir Public: Most Have Heard Little or Nothing about Redistricting Debate*, THE PEW RESEARCH CENTER FOR THE PEOPLE AND THE PRESS (Oct. 27, 2006), http://www.people-press.org/2006/10/27/lack-of-competition-in-elections-fails-to-stir-public/ (showing that in 2006 only forty congressional races, twelve governor's races, and nine senate races were competitive).

[306] *See* Bullock, *supra* note 275, at 167.

[307] *See id.* at 65.

does it portray? For immigrants who find themselves in a fragmented urban environment, like the ones that characterize nearly all of America's metropolitan regions, what, if anything, are they learning about political citizenship in the twenty-first century? At first blush, it may appear that they are learning nothing at all. The low rate of political participation and declining confidence in governments among all Americans seem to suggest that any ideal model of political citizenship that we may have held is fast disappearing.[308] If anything, it can be argued that immigrants are assimilating America's newfound political apathy quite well by avoiding any political identification and staying away from the polls.

Yet, politics in a fragmented political system is not without its own logic and set of incentives, and those appear to be what immigrants are learning. If they are not necessarily getting involved in local political contests, immigrants are nevertheless internalizing well the twentieth-century American tradition of voting with one's feet. In recent years, immigrants have followed the footsteps of native-born Americans by moving into the suburbs.[309] Indeed, the suburbanization of the immigrant population, which since 2000 accounts for more than half the foreign-born population in the United States, is one of the biggest demographic trends in the immigrant community.[310] By moving to the suburbs many immigrants have been able to find governments with packages of policies and services that are better suited to their needs in a shorter time and with less effort than through political activism.[311]

But adopting the political model of the mobile citizen also has risks in a fragmented political structure. On the one hand, suburbanization for some immigrants has only brought about further political isolation, as they move into communities that may have even less power or resources to manage the needs of immigrant residents.[312] On the other hand, conflicts between immigrants and natives that might have in the past been dealt with at the ballot box or in legislative negotiations are increasingly being waged today at the boundaries of local communities.[313] In other words, while there is little concern about there being too many immigrants in New York City, there has been explosive and sometimes violent conflict when immigrants have sought to become residents of communities like Farmingville in Long Island,[314] or those even

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[308] *See* Hajnal & Lewis, *supra* note 255, at 646.

[309] ROBERTO SURO ET AL., METROPOLITAN POL'Y PROGRAM AT BROOKINGS, IMMIGRATION AND POVERTY IN AMERICA'S SUBURBS 1, 4 (Aug. 2011), *available at* http://www.brookings.edu/~/media/research/files/papers/2011/8/04%20immigration%20suro%20wilson%20singer/0804_immigration_suro_wilson_singer.pdf.

[310] *See id.*

[311] *See id.* at 6.

[312] *See id.* at 13.

[313] *See* Bart Jones, *Border Patrol Debate Hits Home: Neighborhood in Conflict: The View from Farmingville*, NEWSDAY, May 16, 2006, at A25.

[314] *See* Frank Eltman, *Long Island Town Is Battlefield in War Against Illegal Immigration*, RECORD, Aug. 7, 2005, at A4; Jones, *supra* note 313.

further out in the Hamptons.[315] It is not that these communities are not used to having immigrants around; many immigrants are moving out there to be closer to jobs that they have long worked.[316] Rather, the controversy arises from immigrants being neighbors and residents and thus formally part of these isolated and independent political communities.[317] If mobility is politics in an era of political fragmentation, then it makes sense that the boundary of political communities would be where the conflicts between immigrants and natives would be settled today.

III. LESSONS ON IMMIGRANT POLITICAL ASSIMILATION

As we have seen, the relationship between immigrant political participation and urban political structures is multifaceted. It is the political system that most immigrants encounter first, and as such, it plays an important role in molding their early political behavior. It has also been an effective means by which the United States, as a nation, has sought to manage the political impact of large immigrant influxes.[318] In each of the different eras of urban politics, immigrants were faced with a different set of political incentives and a different model of political assimilation. At the most basic level, this examination reveals the historical bonds between urban politics and immigrant politics.[319] This Part offers some additional thoughts on what this history tells us about citizenship, immigration policymaking, and conditions for political participation.

A. Fellow Citizens, Political Rivals

Among immigration scholars today, there is a lot of interest in drawing out the affiliation and ties that immigrants have with the United States.[320] Citizenship holds

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[315] *See* Elizabeth A. Harris, *Tension for East Hampton as Immigrants Stream In*, N.Y. TIMES, July 3, 2012, at A19.

[316] *See* Eltman, *supra* note 314; Harris, *supra* note 315.

[317] *See* Harris, *supra* note 315.

[318] *See* JONES-CORREA, *supra* note 250, at 69.

[319] *See generally* ALLSWANG, *supra* note 62, at 41 (discussing the urban political machines); ERIE, *supra* note 21, at 19–23 (discussing the history of the urban political machines).

[320] *See generally* TOMÁS R. JIMÉNEZ, MIGRATION POL'Y INST., IMMIGRANTS IN THE UNITED STATES 1 (May 2011) (finding that recent immigrants are "integrating reasonably well" based on a study of "five main indicators: language proficiency, socioeconomic attainment, political participation, residential locale, and social interaction with host communities"); MADELEINE SUMPTION & SARAH FLAMM, MIGRATION POL'Y INST., THE ECONOMIC VALUE OF CITIZENSHIP FOR IMMIGRANTS IN THE UNITED STATES (2012) (analyzing why naturalized citizens are more successful in the U.S. labor market than noncitizens and advocating for naturalization as a tool to increase immigrants' integration and their wages); Lauren Gilbert, *National Identity and Immigration Policy in the U.S. and the European Union*, 14 COLUM. J. EUR. L. 99 (2007) (comparing efforts in the United States and the European Union to reform immigration laws and integrate noncitizens); Laureen Laglagaron & Bhavna Devani, Migration Pol'y Inst., *The*

a vaunted position in these efforts because it is often portrayed as the finish line, an end goal.[321] Given the tremendous number of undocumented immigrants in the United States today, this perspective makes sense; for many immigrants, citizenship or even a path to citizenship dramatically elevates their legal standing in American society.[322] Citizenship confers rights. Citizenship grants protections. Citizenship signifies belonging. From a legal perspective then, citizenship is what transforms an "alien" into a full member of the national polity.

The fierce political competition between immigrants and natives throughout American history, however, reminds us that citizenship itself can be a source of conflict.[323] Politics is often portrayed as civic engagement among equals. In reality, however, it is often waged like a battle in which all sides are looking for a political advantage. In most cases, any shift in the balance of power comes on gradually. In eras of mass immigration, however, the possibility of radical restructuring is greatly increased by the potential to capitalize on new voters.[324] For some in the political game, this offers an incredible opportunity—it is no coincidence that both the rise and fall of the political machine occurred during periods of mass immigration.[325] For others, the formal admission of immigrants into the political process is a great source of apprehension, even more so than their initial presence in this country.[326] The short-lived Know-Nothing Party of the nineteenth century is still well-known for their fierce nativism.[327] Less well-known is the fact that they never sought any quotas or restrictions on immigration.[328] Instead, their focus was entirely on mitigating the *political* impact of the newcomers.[329] In short, immigrant *citizens* are sometimes rivals in ways that immigrant *aliens* are not.

Redesigned Citizenship Test, 6 MPI BACKGROUNDER (Sept. 2008) (examining the new citizenship test implemented by U.S. Citizenship and Immigration Services, which was created with the goal of having a test that was more "meaningful" to applicants for naturalization and which features an expanded civics portion); Cristina M. Rodríguez, *Language and Participation*, 94 CALIF. L. REV. 687 (2006) (arguing that embracing multilingualism in American society may require that we change our understanding of assimilation but will not threaten our democracy); Ashley Pettus, *End of the Melting Pot?*, HARV. MAG. 44 (May–June 2007) (reviewing research on immigration by various Harvard scholars and expressing concern that economic and social factors make it less likely that today's immigrants will assimilate with same rate of success as immigrants in the late nineteenth century).

[321] *See* Cox & Posner, *supra* note 20, at 1413.

[322] *See id.* at 1411–12.

[323] *See generally* SCHRAG, *supra* note 35 (illustrating political competition and conflict between immigrants and natives in American history).

[324] *See* Mollenkopf et al., *supra* note 6 (noting that immigrant voters mobilized by machine politics had higher voter turnout than native voters); Singer, *supra* note 202, at 41.

[325] *See* WELCH & BLEDSOE, *supra* note 153, at 2.

[326] *See* KEYSSAR, *supra* note 152, at 67.

[327] *See id.* at 66–67.

[328] *See* ANBINDER, *supra* note 110, at 106.

[329] *See* KEYSSAR, *supra* note 152, at 166.

B. Negotiating Immigration Policymaking

While many are focusing on how perceptions about membership and belonging shape our nation's approach to immigration, others are adding more depth to the classic "contractual model" of immigration policymaking.[330] Taking as their foundation that immigration policies are best understood as "contracts" reached between a host country and aspiring immigrants, Professors Adam Cox and Eric Posner have begun to outline the different incentives and specific mechanisms through which these deals are reached, amended, and enforced.[331] Two significant insights have emerged from this line of research. The first is an appreciation of the delicate balance that the immigration system has to strike between the interests of the immigrants that the host country wants to attract and the risks that the host country assumes in doing so.[332] The second is the importance of flexible and adaptive mechanisms that can deal with informational deficiencies and hidden costs.[333]

Much has been said about how the structure of federal immigration laws has been shaped by these principles.[334] Yet, as our examination of urban political structures shows, we need to look beyond the federal if we are to truly understand how the interests of immigrants and the host nation are actually negotiated on the ground. There is arguably no more significant a risk in immigration than to grant immigrants the right to vote, especially (as usually is the case) when there is little assurance that the political demands of immigrants are similar to that of natives. Yet, while our nation's naturalization laws have remained relatively stable,[335] a host of different institutional strategies were developed to negotiate the political power of immigrants. In the nineteenth century, they were coopted into political machines that frustrated many in the political establishment, but also had the effect of "insulat[ing] American elites by managing and deflecting mass pressures"[336] and thus preserving much of the status quo.[337] At the turn of the twentieth century, the urban political structure was transformed so that the political demands of immigrants were suppressed and then redirected to other channels.[338] Today, little effort is made to suppress immigrant political participation;[339] but by isolating the scope of their political

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[330] For a discussion and critique of the "contractual mode," see HIROSHI MOTOMURA, AMERICANS IN WAITING 26–37 (2006).

[331] *See* Cox & Posner, *supra* note 20, at 1405–10.

[332] *See id.* at 1422–26.

[333] *See* Adam B. Cox & Eric A. Posner, *The Second-Order Structure of Immigration Law*, 59 STAN. L. REV. 809, 812–13 (2007).

[334] *See generally* MOTOMURA, *supra* note 330, at 26–37 (giving examples on how contractual mode principles have shaped federal immigration laws).

[335] DESIPIO & PACHON, *supra* note 238.

[336] *See* PIVENS & CLOWARD, *supra* note 78, at 55.

[337] *See* WELCH & BLEDSOE, *supra* note 153, at 3.

[338] *See* Kwong, *supra* note 286, at 77.

[339] *See id.*

power, there is also little incentive for them to get involved. These are not developments that happened to occur at the same time that the federal government was negotiating immigration. Rather, they are part and parcel of the ongoing negotiation process between immigrants and the United States government.

C. The Changing Political Context

My last observation is an appreciation of how much the foundation of politics has changed over the years. It is common for us to compare the assimilation of today's immigrants with those in the past.[340] Yet, as we see, when it comes to political assimilation, to do so is comparing apples and oranges. Arriving during entirely different eras of electoral politics, it is difficult to make any meaningful comparisons of immigrant political behavior across time. If anything, doing so simply draws more attention to how radically our own political system has changed.

Take, for example, Hajnal and Lee's diagnosis of immigrant political apathy today.[341] Rather than focusing on why immigrants are not voting, they turned their attention to why immigrants are not identifying themselves politically to the same degree that native black and white people do.[342] Their answer is that most immigrants do not yet understand the nuances of America's ideological divide.[343] As they argue, the "ability to place themselves along the traditional American *ideological* spectrum from fervent liberals to ardent conservatives is likely to influence not only how these political newcomers place themselves on issues, but also whether they deem politics to be a civic activity worth pursuing."[344]

Given the importance of ideology, and the political significance of a small number of ideologically fused wedge issues, it makes sense that immigrants would be disinterested in politics until they've assimilated this important piece of America's collective conscious. Looking at the response of immigrants across time draws into sharp contrast how uniquely specific this path of political assimilation is to our modern political system. The political machines that the first wave of immigrants faced were notably non-ideological.[345] This meant that they often had no grand political vision once they assumed power, with the exception of maintaining that power.[346] But unlike today's ideological litmus, the "clientist" and "service-based" style of

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[340] *See* HAJNAL & LEE, *supra* note 246, at 150.

[341] *See id.* at 206.

[342] *See id.* at 179.

[343] *See id.* at 167.

[344] *Id.*

[345] *See* James C. Scott, *Corruption, Machine Politics, and Political Change*, 63 AM. POL. SCI. REV. 1142, 1144 (1969) ("The machine is rather a non-ideological organization interested less in political principle than in securing and holding office for its leaders and distributing income to those who run it and work for it.").

[346] *See id.*

politics was easily recognized and understood by the immigrants they recruited.[347] Assimilation then was easy, because politics simply asked immigrants to decide whether they expected to receive more benefit going with one party as opposed to the next.

CONCLUSION

Immigrant political assimilation in the United States is shaped in large part by the legal and political structure of its cities. It is here that most immigrants groups gain access to meaningful political power.[348] It is also here that political rifts between immigrant and native first arise.[349] As we have seen, for much of American history, the political behavior of successive waves of immigrant groups has been shaped by the structure of the urban political system. And in return, enthusiasm and concern about immigrant political participation has made and remade the political structure of America's cities. Understanding this relationship not only sheds light on how our nation has negotiated the political impact of immigration on the American polity. It also shows how the very model of political assimilation that immigrants face is shaped by the urban areas that they call home.

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[347] *See supra* notes 146–49 and accompanying text.

[348] *See* HAJNAL & LEWIS, *supra* note 255, at 646.

[349] *See, e.g.*, Harris, *supra* note 315 (giving an example of conflict between immigrants and natives in New York).