An Agency Perspective on Immigration Federalism

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Abstract

Over the past few decades, American local law enforcement agencies have engaged in an unprecedented degree of cooperation with the federal government to police immigration in the nation's interior. I argue that this regime of "cooperative federalism" in immigration enforcement is an intentional and strategic use of the federal executive's authority. Drawing insight from the bureaucratic agency literature, I develop a formal model that analyzes the president's decision to invite subnational participation in policymaking. An empirical analysis of the 287(g) program highlights the model's central trade-off: gains from cost-sharing versus losses from extremism. By deputizing local officers to act as federal Immigration and Customs Enforcement agents, 287(g) induced a dramatic increase in immigration policing at little federal expense. But the localities that selected into the program were preference outliers who wielded their newfound agency differently from their federal counterparts: they escalated enforcement by aggressively policing misdemeanors, particularly traffic offenses.

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1 Introduction

In America's multitiered system of governance, the success of federal initiatives hinges on state and local cooperation. From education to health care to redistribution, the major pillars of national social policy are structured and implemented by subnational governments. By the same token, federal programs such as the Affordable Care Act and Medicaid have faltered when undermined by state and local actors through legal challenges, adverse legislation, or simply inaction (Dinan 2020; Hertel-Fernandez 2019; Michener 2018).

How the federal government induces and maintains local cooperation is therefore a question of the utmost academic and practical importance. An active literature on this topic of "vertical diffusion" has documented several mechanisms. First, federal authorities rely on financial incentives and grants-in-aid, as when the Civil Rights Acts of 1964 and 1968 made abiding by national anti-discrimination standards a condition for receiving federal moneys. Congress also has the power to preempt state action or to issue mandates (Advisory Commission on Intergovernmental Relations 1984). And a more recent strand of the literature has noted the power of devoting national attention to an issue, thus setting the agenda for subnational actors (McCann, Shipan, and Volden 2015; Karch 2012; Roh and Haider-Markel 2003).

But in the current era of extreme partisan polarization and geographic sorting (Brown and Enos 2021), inducing local cooperation in a federal agenda is more challenging than ever before. Indeed, congressional gridlock coupled with the growing ideological diversity of subnational governments—who are increasingly attuned to national political battles (Hopkins 2018)—may have rendered the standard vertical diffusion toolkit largely ineffectual: financial incentives may no longer be enough to bring ideologically opposed actors on board; persistent legislative inaction makes the threat of federal preemption less credible; and national attention can be a double-edged sword, mobilizing supporters and opponents alike.

And yet, in spite of these challenges, there is one policy area that has undergone an *intensification* of intergovernmental cooperation over recent decades: immigration enforce-

ment. Having historically operated almost exclusively at the nation's territorial boundaries, the focus of immigration policing has gradually shifted toward the nation's interior (Provine et al. 2016; Stuesse and Coleman 2014). Federal authorities now depend on state and local law enforcement agencies (LEAs) for support in identifying, detaining, and deporting undocumented immigrants (Armenta 2017). What is more, the construction of this collaborative regime—established with the Secure Communities program under George W. Bush, and expanded under Barack Obama's first term in office—did not follow any of the traditional scripts known to the vertical diffusion literature. Local agencies were neither mandated nor financially incentivized to participate in enforcement efforts, and President Obama's public pronouncements on immigration generally took a positive, not punitive, tone (Eshbaugh-Soha and Juenke 2022).

This study looks through the lens of immigration enforcement to highlight a lever of intergovernmental influence that has not yet received adequate scholarly attention: the extension of federal authority. I argue that an unusual power in the hands of the national executive is *power itself*: the ability to include subnational agents in the policy process, or conversely to maintain central control. To analyze this strategic delegation problem, I borrow insights from a rich theoretical literature on the bureaucracy. I argue that, much like a principal granting discretion to an agent, the federal government seeks ideologically aligned subnational actors to contribute costly effort toward enacting its preferred policies. But local governments would rather free-ride on federal contributions, and absent coercion or monetary rewards, their only incentive to participate lies in the freedom to pursue their own policy goals. The localities that most value this discretion are preference outliers; in other words, it is precisely *divergence* from the center that motivates local contributions. It is this fundamental trade-off between sharing costs and making policy concessions that the federal government delicately balances in deciding whether to extend authority.

The rest of this paper proceeds as follows. In the next section, I bring together insights from somewhat disparate literatures on cooperative federalism, bureaucratic delegation, and

immigration. Then, building on these insights, I develop a formal model in which both national and subnational governments are empowered to make costly contributions toward immigration enforcement. The model illustrates two mechanisms simultaneously at work: a *selection effect* and a *treatment effect*. First, it predicts that the localities that will voluntarily participate in immigration enforcement are the ones with the highest demand for it. Second, as a result of their participation, total enforcement in those jurisdictions (from both local and federal sources) will be higher than what the federal government would have unilaterally chosen under a regime of central control.

As an empirical test of the theory, I examine a recent policy innovation: the federal 287(g) program. Throughout this analysis, my primary outcome of interest is the issuance of immigration detainers. Conceived as a tool to marshal routine local law enforcement efforts to advance federal immigration enforcement goals, detainers are formal requests for local jails to hold people who have been arrested for any suspected crime in custody beyond their scheduled release time in order to investigate their immigration status. Whereas such requests usually originate from federal Immigration and Customs Enforcement (ICE) agents and require local cooperation, 287(g) empowered local authorities to initiate them as well. Using detailed data on the entire universe of immigration detainers issued from 2002 through 2015—over 2 million unique observations—I can thus measure federal and local inputs into immigration enforcement, both under the collaborative 287(g) regime and under the counterfactual of greater federal control.

I find support for the predicted selection and treatment effects associated with expanding the potential scope of local participation in immigration enforcement. As evidence of the selection effect, I show that 287(g) participants had an unusually high—and growing—record of triggering, and honoring, ICE-issued detainer requests in the year before joining the program. This pattern reflects not only a preexisting willingness to cooperate with federal authorities, but the use of policing strategies that bring more people who are suspected of immigration violations into local jails. Nevertheless, a matching with difference-in-differences

design allows me to causally identify the treatment effect of 287(g) participation on detainer outcomes. I find a dramatic increase in the volume of detainers issued and honored among 287(g) participants—an average effect that reaches 609 more detainers in the third year since entry compared to a counterfactual of no participation.

Detailed data on the subsequent criminal process allows for a deeper dive into how 287(g) restructured immigration policing. I show that the expansion of local authority led participating jurisdictions to pursue enforcement strategies that were fundamentally different from those of their federal counterparts. Local agents in 287(g) jurisdictions devoted new resources to policing misdemeanors, with nearly one-fifth of the total treatment effect being driven exclusively by traffic violations. I therefore show on a national scale what qualitative work has carefully documented in more limited settings (Armenta 2017): that 287(g) enabled an evolution from using the immigration system to support the policing of violent crime, toward using the criminal justice system to police immigration.

I conclude with a broader assessment of authority as a tool for national governments to pursue their policy agendas. Not unlike a bureaucracy that cannot sustain a regime of "neutral competence" (Gailmard and Patty 2007), the federal principal cannot have subnational agents who are at once ideologically aligned and willing to subsidize a shared set of policy goals. Rather, the federal government buys local contributions with the discretion to implement more extreme local policies than it would ideally prefer. Thus, not only is federal authority a tool of vertical influence for an ideologically polarized polity, but—by promoting divergent outcomes across jurisdictions—it may reinforce that very same polarization in the long run.

2 An Agency Perspective on Immigration Federalism

In her influential work on American federalism, Martha Derthick described the U.S. as a "compound republic," comprised of multiple levels of government alternately sharing and

competing for authority (Derthick 2001). And while some degree of intergovernmental tension is rarely far from view, the dynamic of *cooperative federalism*—in which "the strengths of different levels of governments have paired in such a way as to advance a shared project of governance" (Cebul, Tani, and Williams 2017, pp. 239–240)—has also unmistakably guided American political development. Throughout the nineteenth century, the federal government enacted transformative social programs by empowering local governments "as a way of building auxiliary state capacity and legitimizing the extension of federal authority" (Ibid., p. 241), a pattern observed from New Deal statebuilding (Cebul and Williams 2019) to the making of the carceral state (Hinton 2017).

While it makes sense in the context of any given historical case to view national and subnational governments as willing participants in a mutually beneficial project, the higher-level decision to engage subnational actors in policymaking ultimately lies with the center. And there has been a great deal of variation—across time, space, and policy domains—in whether national authorities open the door to cooperative federalism or try to go it alone, with few broad theoretical frameworks to help explain these divergent outcomes. One line of thinking associates devolution and localism with late twentieth-century neoliberalism, seeing decentralization as a de facto way to shrink the size of government. Of course, in many regards, localities do have resource constraints and incentives that may drive a "race to the bottom" in regulation or social service provision. But the literature is also replete with counterexamples in which the possibility of local participation *increases* local contributions. For instance, extending the enforcement of fair housing policy to local governments has been shown to increase the likelihood of outcomes favoring complainants compared to enforcement by the U.S. Department of Housing and Urban Development (Bullock III, Lamb, and Wilk 2017). Similarly, Chang, Sigman, and Traub (2014) show that partial decentralization can yield more stringent environmental protections than would otherwise be feasible, in particular when the cooperative regime is designed to select for local participants that actively want regulation.

In short, localities, just like the federal government, are concerned with both *costs* and *policy outcomes*; both sides prefer to have their expenditures subsidized by the other, but simultaneously wish to retain control. This precise interaction has been analyzed in great depth in the scholarship on bureaucratic delegation, which is concerned with how a principal should allocate discretion to an agent when both actors have their own, possibly divergent policy preferences (see Huber and Shipan (2008) for a review). One of this literature's recurring themes is the fundamental trade-off between bureaucratic expertise—a consequence of costly investment—and political control: organizations can foster either technical competence or ideological proximity between principal and agent, but rarely can they simultaneously achieve both goals (Bawn 1995; Gailmard and Patty 2007).

In line with a small but growing research agenda (Clouser McCann 2015; Bertelli, Travaglini, and Clouser McCann 2019), I apply this principal-agent framework to the problem of intergovernmental cooperation, and specifically, for the first time, to the domain of immigration federalism (Motomura 1999; Varsanyi et al. 2012). Scholars in this literature have noted two important developments over the past half century: the rising importance of subnational governments (Coleman 2012; Waslin 2007; Thacher 2005) and of the federal executive (Gulasekaram and Ramakrishnan 2016; Provine et al. 2016). On the one hand, states and localities have recently adopted a wide range of initiatives, including identification and employer verification laws, sanctuary ordinances, and policies extending social safety net provisions to recent and undocumented immigrants (Ramakrishnan and Wong 2010; Varsanyi 2010; Chavez and Provine 2009; Ridgley 2008). Some scholars have argued that state and local governments are therefore acting as "laboratories of innovation," stepping into a more active policymaking role in the face of congressional gridlock and federal inertia (Filindra and Tichenor 2012). But others have noted that increased subnational activity is not incompatible with a strong federalizing influence. Examining over five hundred immigration bills in state legislatures, Newton (2012) does not find systematic evidence of states pushing for autonomy from federal authority; instead, she shows that state legislation is promoting

vertical integration—that is, states playing a more active role in supporting national policy designs. Similarly, Filindra and Kovács (2012) show that one prominent theme of recent immigration-related legislation from Southern border states is pushing the issue back to federal decisionmakers.

Consistent with these findings, I argue that the concurrent rise of national and subnational actors on the immigration policymaking stage is neither contradictory nor coincidental. Rather, it is indicative of a rising tide of cooperative federalism—the consequence of an intentional set of delegation decisions taken by recent presidents and their executive agencies. Thus, my work also reveals how modern presidents, facing congressional gridlock and increasingly polarized subnational governments, can continue to exert influence over the policy process. The executive's strategic use of authority is yet another way in which "the government generally, [and] the president in particular, can... leverage decentralized political action by actors sympathetic to its aims" (Mehta and Teles 2011, p. 198).

3 A Theory of Collaborative Policymaking in a Federated System

I model immigration federalism as a collaborative policymaking process in which federal and subnational governments may each contribute costly inputs, and an output is generated by a production function. Inputs include activities such as policing and detaining people suspected of immigration violations, which combine to produce the output of immigration enforcement. Each of the governments has single-peaked preferences over the level of restrictionism in its jurisdiction, which reaches zero undocumented immigrants at its maximum.

The model enables a comparison of immigration outcomes and utilities under a collaborative regime and a counterfactual regime of centralized control, in which federal authorities unilaterally set policy in all jurisdictions and bear all the associated costs. This analysis yields two key insights. First, when subnational agents are empowered to contribute, there

is both a *selection effect* and a *treatment effect*: those that voluntarily participate in equilibrium are the ones with the highest demand for enforcement, and total enforcement in those jurisdictions rises relative to centralized control. Second, the federal government benefits from the collaborative regime when these high demanders want *more enforcement* than it does, but are still *sufficiently proximate* to its ideal point.

The model is a modified public goods game in which the players are jurisdictions $j \in \{1, ..., J\}$ and a federal government f. All players simultaneously make a contribution x_f or $x_j \in \mathbb{R}_+$ that represents a commitment of resources toward enforcement, or else they opt out and contribute nothing. Contributions monotonically shift enforcement in the restrictionist direction. The federal government makes one investment choice that applies uniformly to all jurisdictions; it cannot differentially target resources to specific regions.[1]

The model diverges from a public goods game in that preferences over policy outputs are single-peaked rather than nonsatiable: for both federal and subnational governments, there is negative utility from overprovision even absent costs. Each actor has an ideal point $\bar{y}_f$ or $\bar{y}_j \in \mathbb{R}_+$.[2] There are no spillovers, so subnational governments care only about their own policy outcomes, while the federal government wants to minimize deviations from its ideal point across all jurisdictions. To reduce the complexity of the problem, I fix initial conditions, costs, and production functions to be the same across jurisdictions, allowing only their ideal points to vary. I further assume linear costs and an additive production function in which the inputs are pure substitutes: $y_j(x_j, x_f) = x_j + x_f$.

The basic insights of the model can be derived with two jurisdictions, L and H, with

[1]This assumption greatly simplifies the analysis without driving the model's main results. However, see Ciancio and Garcia-Jimeno (2019) for an analysis of how federal authorities do strategically target more effort toward localities with a higher propensity to cooperate. These dynamics are best understood by modeling federal and local efforts as strategic complements, which the basic framework can easily accommodate with a change to the production function.

[2]Because my focus is on intergovernmental relations, I need to collapse federal and local governments into unitary actors. Of course, there is a large and established literature on inter-branch bargaining at the federal level, and a more recent and growing literature on the motivations of locally elected officials in general (Anzia 2022; Tausanovitch and Warshaw 2014) and law enforcement agents in particular (Zoorob 2020; Thompson 2020; Farris and Holman 2017). Here, I treat the various actors' ideal points as exogenous, or alternatively as the reduced form of other (unmodeled) strategic games.

$\bar{y}_L < \bar{y}_f < \bar{y}_H$. Under these assumptions, the utilities are given by:

$$u_j(x_j) = -\frac{1}{2}\left(x_j + x_f - \bar{y}_j\right)^2 - cx_j \tag{1}$$

$$u_f(x_f) = -\frac{1}{2}\sum_{j\in\{L,H\}}\left(x_j + x_f - \bar{y}_f\right)^2 - 2cx_f \tag{2}$$

The federal government's utility-maximizing contribution, x_f^*, equates marginal benefit with marginal cost:

$$x_f^*(x_L, x_H) = \max\left(0, \bar{y}_f - \frac{x_L + x_H}{2} - c\right) \tag{3}$$

Thus, the federal government supplies the difference between the average input across all jurisdictions and its own ideal point, net of costs. Similarly, each jurisdiction's best response is defined by:

$$x_j^*(x_f) = \max\left(0, \bar{y}_j - x_f - c\right) \tag{4}$$

Lemma 1 (*Free-Riding*): *There is no generic equilibrium in which all three players contribute.*[3]

All proofs are in Appendix A. The underlying logic of Lemma 1 is the same as that of a public goods game: the lowest demander free-rides on the others' contributions, or prefers a level of enforcement below what is already achieved by federal efforts.

Further analysis depends on the location of the federal ideal point relative to $\bar{y}_L$ and $\bar{y}_H$; complete characterizations of all equilibria can be found in Appendix A. From this point forward, I focus on the configuration of preferences relevant to the Obama Administration: where the federal government demands a relatively high level of enforcement, but there are high-demanding jurisdictions that want even more.

Proposition 1 (*Selection Effect*): *In any equilibrium in which the federal government and one jurisdiction contribute, that jurisdiction must be the high demander. Then, contributions*

[3]There is a knife-edge equilibrium in which all three players contribute under the condition that $\bar{y}_f$ equals exactly $(\bar{y}_H + \bar{y}_L)/2$.

are:

$$\begin{aligned} x_f^* &= 2\bar{y}_f - \bar{y}_H - c \\ x_L^* &= 0 \\ x_H^* &= 2(\bar{y}_H - \bar{y}_f) \end{aligned} \tag{5}$$

This equilibrium holds under the following conditions:

$$\begin{aligned} &\text{(i) } \frac{\bar{y}_L + \bar{y}_H}{2} < \bar{y}_f < \bar{y}_H \\ &\text{(ii) } \bar{y}_H < 2\bar{y}_f - c \end{aligned} \tag{6}$$

Intuitively, this collaborative equilibrium rests on there being a high-demanding jurisdiction that demands more enforcement—but not too much more—than the federal government; if the distance is too large, then only the high demander will contribute. When preferences align in this way, the federal government can achieve the same aggregate enforcement levels as it would under a centralized regime, with the high demander shouldering some of the costs.

Proposition 2 (*Treatment Effect*): *In this collaborative equilibrium, aggregate enforcement is the same as it would be under central control. However, compared to the centralized benchmark, enforcement under the collaborative regime is higher in the high-demanding jurisdiction and lower in the low-demanding jurisdiction, with the high demander bearing some of the costs of provision.*

To complete the analysis, I compare the federal government's equilibrium utility under the collaborative regime and the counterfactual of centralized control in order to derive conditions under which a national executive would rationally extend authority downward.

Proposition 3 (*Rational Extension of Authority*): *The federal government benefits from a collaborative regime compared to a centralized regime as long as* $\bar{y}_H - \bar{y}_f < 2c$.

This upper bound on the ideological distance between the federal government and the high

demander is an incarnation of the ally principle from the bureaucratic delegation literature: the federal government benefits from sharing power with local decisionmakers when they are ideologically aligned. However, it is precisely ideological *divergence* that motivates local agents to overcome free-rider problems and participate—a trade-off that federal authorities must manage in their choice of policy regime.

4 The 287(g) Program as an Empirical Test

In this section, I present a brief description of the 287(g) program within its larger policy context, and I discuss why it presents a unique opportunity for applying my theory. Then, I propose a set of hypotheses derived from the theory that a study of 287(g) is well-suited to test. Finally, I walk through the data sources, measurement strategies, and estimation approaches that I use for the empirical analysis.

The Development of Interior Immigration Enforcement

The infrastructure for local collaboration in interior immigration enforcement was put in place by the George W. Bush Administration under the Secure Communities program (S-Comm). S-Comm extended preexisting information-sharing capabilities that had been used for criminal investigation to the realm of immigration enforcement. Previously, when people were booked into local jails, their fingerprints would be entered into a biometric database of criminal records maintained by and shared with the FBI. Under S-Comm, this information would simultaneously be shared with ICE. The fingerprints would be matched to a federal database containing records of all immigration applicants. If ICE could not verify their current status at that point, they could issue a *detainer*, or a request for the LEA to hold the individual for up to 48 hours beyond their scheduled release time so that ICE could investigate the matter further, transfer the individual into their custody, and initiate deportation proceedings. Though participation in S-Comm was voluntary when the program

was introduced in 2008, the Obama Administration made it a priority to phase in biometric data-sharing capacity in every LEA across the nation, a goal that was achieved in January 2013.

The 287(g) program was established by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 as a loose framework for selectively delegating federal immigration enforcement powers to willing states and localities. However, the program only came into use and took shape with the development of S-Comm's data-sharing infrastructure. Through Memoranda of Understanding (MOAs) negotiated on a case-by-case basis with ICE, specific federal enforcement powers such as the ability to initiate detainer requests, to investigate and issue warrants for immigration violations, and to start deportation proceedings could be delegated to county sheriffs, city police forces, and state highway authorities. Although ICE provided a brief basic training to the deputized local agents, there was little further oversight or financial support; local LEAs performed these duties at their own discretion and expense.

Mapping 287(g) to the Formal Model

While my formal model considers two starkly contrasting regimes—fully centralized versus collaborative—U.S. immigration policy can be understood as operating along a continuum between these two extremes. S-Comm was one important shift toward collaboration: it created opportunities for local agents to shape immigration outcomes by contributing resources toward enforcement, including bringing people suspected of immigration violations into local custody and cooperating with detainer requests. 287(g) represents another discrete shift in the same direction. By circumscribing a specific set of federal rights and responsibilities that localities could undertake, the program empowered LEAs to contribute inputs toward enforcement that were substitutes for federal efforts.

Thus, 287(g) and S-Comm are both treatments representing a regime change from centralization toward collaboration, which should have clearly observable policy implications

according to my theory. However, 287(g) has a few distinct advantages for theory-testing over S-Comm. Whereas building biometric data-sharing capabilities was a long, gradual, and often untransparent process, 287(g) clearly delineated the start and end date of participation as well as the exact scope of federal responsibilities that LEAs could undertake. This information is captured in publicly available MOAs. The policy production process in the formal model therefore reflects the structure of intergovernmental collaboration under 287(g), where the same activities—issuing detainers, or initiating deportation proceedings from within the jails—can be undertaken by either local or federal agents, and the two combine to determine the total level of enforcement in a jurisdiction.

Since the policy preferences of local jurisdictions relative to the federal government determine the prevailing equilibrium and thus the model's predictions, I focus here on one particular preference configuration: the one observed under the Obama Administration. As President Obama made clear through his executive orders and dealings with Congress, he favored an aggressive immigration policy that included increasing the number of border control agents and enhancing penalties for illegal border crossers. At the same time, he emphasized that the targets of his enforcement efforts were "felons, not families," and proposed a pathway to legal status for long-time residents.[4] Thus, ICE under President Obama was without a doubt a relatively high demander for enforcement. But there were also LEAs that had even more restrictive preferences, as evidenced by the Department of Justice's ongoing efforts to rein in jurisdictions who were overstepping the bounds of their 287(g) authority.[5]

Hypotheses

With this mapping from the model to 287(g) in place, I derive four context-specific hypotheses related to the treatment of entering the program.

First, I can test for the selection effect given in Proposition 1, which states that under a

[4] https://www.washingtonpost.com/politics/transcript-obamas-immigration-speech/2014/11/20/14ba8042-7117-11e4-893f-86bd390a3340_story.html?utm_term=.fb0207b331b9

[5] See, for instance, *Manuel De Jesus Ortega Melendres v. Arpaio*, 989 F. Supp. 2d 822 (D. Ariz. 2013).

collaborative regime, any jurisdiction that participates must be a high demander. How can we observe whether 287(g) participants already preferred high enforcement levels before entering the program? Here, the presence of more limited preexisting opportunities for collaboration under S-Comm is an advantage. Even though LEAs could not themselves issue detainers before signing 287(g) agreements, they could nonetheless make policing choices that would lead to greater enforcement, such as focusing on neighborhoods where immigrants live and work, making frequent traffic stops and checking identification, and bringing people into local jails for minor offenses rather than releasing them (Armenta 2017). Thus, the first hypothesis (*H1*) states that *287(g) jurisdictions should have more detainers issued even before entering the program than non-287(g) jurisdictions, adjusting for the size of their immigrant populations.*

Next, I test for the treatment effect given in Proposition 2, which states that participating jurisdictions will see more total resources contributed toward enforcement than they would have under a centralized regime. I propose three measurable implications of this treatment effect, each of which is compared against a counterfactual of no 287(g) participation. First, *H2a* states that *the total number of detainers will increase among 287(g) participants after they enter the program.* This increase should be driven in part by *local* contributions, so the next two hypotheses predict an increase in specifically local immigration enforcement efforts. Straightforwardly, *H2b* states that LEAs will actually use their newfound authority, so *we should expect an increase in detainers originating from local authorities after a jurisdiction enters the program.* Yet a more interesting way to observe changes in local contributions stems from the way in which immigration enforcement is intertwined with the criminal justice system. Whereas the architects of S-Comm envisioned an infrastructure for policing immigration as a by-product of policing crime, 287(g) opened the door for LEAs to use the criminal justice system to police immigration. Thus, *H2c* states that *287(g) jurisdictions will channel resources used for policing crime toward immigration enforcement after entering the program.*

Proposition 3 of the model—the condition under which a federal executive prefers collaboration to centralization—cannot be tested with a single case beyond a trivial revealed preference argument. However, in the conclusion I return to a discussion of shifting presidential preferences for immigration enforcement within and across administrations, and the implications for the executive's use of strategic extension of federal authority.

Data and Measurement

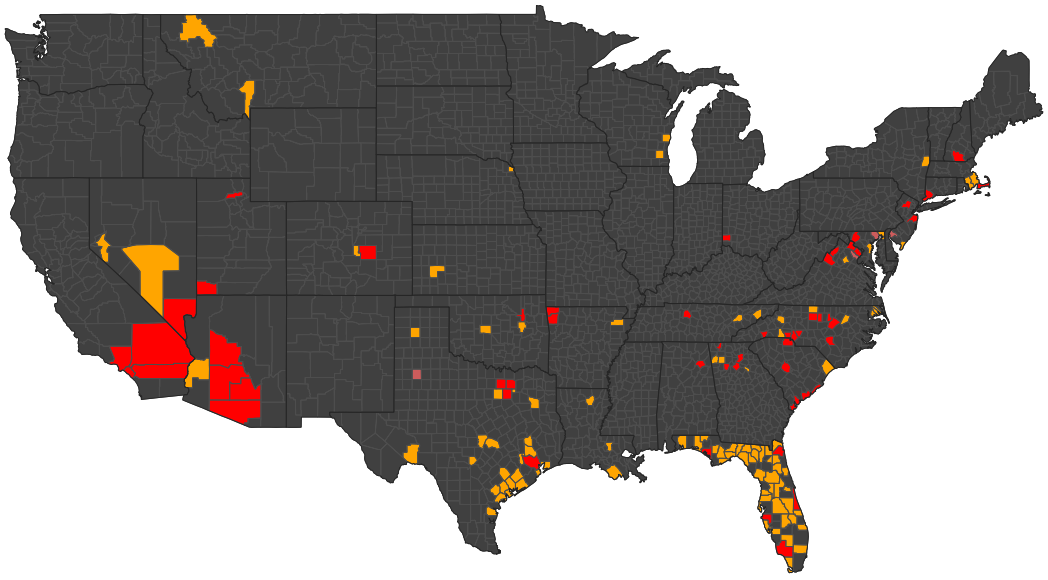
I construct a county by month panel dataset covering every U.S. county from October 2002 through November 2015, which includes information on 287(g) participation, immigration enforcement activities by local and federal agents, and county population statistics.

I collect data on the treatment—287(g) participation—from ICE, which maintains a record of all past and present MOAs online.[6] From these documents, I record the month and year of every signing, the LEA that signed the agreement (usually a county sheriff's office, but sometimes a police force), and whether it was the county's first signing or a renewal of a preexisting agreement. Figure 1 shows the nationwide distribution of all counties that ever participated in the program, with the analysis sample—counties that joined under President Obama—in red, and the 102 additional counties that first entered the program under President Trump in orange.

I obtain information on immigration detainers—the primary outcome variable of interest—from the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, an organization whose mission is to gather information on the staffing, spending, and enforcement activities of the federal government. By filing Freedom of Information Act (FOIA) requests, TRAC has collected the entire universe of detainer requests issued from 2002 through 2015, with information about the facility and date of each request, whether it was honored or rejected by the LEA, whether there was a subsequent criminal charge or conviction, and the highest level crime, if any, for which the individual was ultimately convicted. For *H1* and

[6]ICE FOIA Library, `https://www.ice.gov/foia/library`.

Figure 1: All Counties That Have Ever Signed 287(g) Agreements



Notes: The 56 counties that had a 287(g) agreement in place at any point from 2005 to 2012 and that constitute the analysis sample in this paper are shown in bright red. Four additional counties that entered the program under the Obama Administration but lack sufficient detainer data are shown in light red. The 102 counties that first entered the program under the Trump Administration are shown in orange.

H2a, I aggregate detainers to the county-month level, excluding those that were rejected by the LEA. Appendix Figure B.1 illustrates trends in the raw detainer data over time, showing a dramatic increase in detainers from 2006 to 2010 as S-Comm was implemented across the nation, a peak from 2010 to 2012 as the program approached its maximum capacity, and a decline from 2013 onward as the Obama Administration reoriented its immigration policies in a less restrictionist direction.

To test *H2b*, one would ideally observe whether a detainer was issued by ICE or a local agent deputized with 287(g) authority. While TRAC's data does not directly capture this information, it does record the *type* of facility—county, federal, ICE, state, or local—in which the detainer was issued. Thus, for the 287(g) agreements signed by county officials—45 sheriffs and one county department of corrections—I test for an increase in detainers in only facilities that are controlled by county authorities, rather than all facilities within county lines. A concentrated increase in detainers coming from facilities controlled by same agency

that signed the 287(g) is strong evidence that any effects are driven by local contributions, not ICE ramping up enforcement in that area.

TRAC's rich data on the criminal justice outcomes associated with detainers allows me to speak in several ways to *H2c*: the extent to which 287(g) jurisdictions deploy their broader law enforcement resources toward immigration policing after entering the program. First, I compute how many detainers never result in a criminal charge. This captures the rate at which officers identify crime as opposed to engaging in racial profiling or making apprehensions that do not hold up to legal scrutiny—conceptually similar to the metric of "hit rates" in the stop-and-frisk literature (see Goel, Rao, and Shroff (2016) for a review). Since detainers lead to deportation proceedings regardless of whether there is any criminal wrongdoing, localities that bring more people in without cause are likely to be focused on policing immigration. A second measure with a similar interpretation is the number of detainers that lead to charges, but no convictions—an example of the same sort of spurious policing, but in which local prosecutors are also complicit. Finally, I examine how many detainers lead to criminal charges for misdemeanor crimes as opposed to felonies—specifically, charges arising from policing tactics such as traffic stops, vehicle searches, and identification checks. Seeing an increase in misdemeanor charges, and traffic violations in particular, is further evidence that law enforcement resources are being directed toward immigration policing.

To adjust any detainer counts by the "supply" of potential detainers, estimates of the local undocumented immigrant population are needed. Since no reliable measure of this variable exists at the county level, I construct an approximation based on available data sources. I obtain state-level estimates of the undocumented immigrant population from Pew,[7] which I combine with Census ACS estimates of the total number of foreign-born to compute the proportion of the immigrant population that is undocumented in every state and year. I

[7]Estimates are available for the years 2000, 2007, 2009, 2012, 2014, and 2017, and I use linear interpolation to fill in the missing years. Source: `http://www.pewhispanic.org/2016/09/20/appendix-b-additional-tables-4/`.

then multiply this proportion by the county-level counts of foreign-born people from the ACS. This measure is imperfect to the extent that there is within-state heterogeneity in the share of all immigrants that is undocumented; however, as I show after presenting my main results, none of the findings hinge on the particular measure of the immigrant population that I use.

Estimating Selection and Treatment Effects of 287(g) Participation

Because counties enter and leave 287(g) agreements at different times, there is no uniform pre- or post-treatment period in this study. To construct the counterfactuals against which my hypotheses are assessed, I apply a matching with difference-in-differences design (Imai, Kim, and Wang 2021).

First, to compare treated counties' pretreatment enforcement trajectories to those of untreated counties (*H1*), I create a "control set" for each treated county corresponding to its time of treatment. For instance, consider Maricopa County, Arizona, which signed its first 287(g) agreement in February 2007. I am interested in Maricopa's law enforcement record in the 12 months before and after 287(g) entry, and the relevant comparison is all nonparticipants over the same period. For these observations, I code a time variable t relative to Maricopa's time of treatment, February 2007 ($t = 0$). I repeat this process for every county's first 287(g) signing, pooling all treated observations and all the control sets. Then, I compute the means by treatment status within every time bin from $t = -12$ to $t = 12$.

If the predicted selection effect is indeed present, how can we recover causal estimates of the treatment effect of 287(g) participation (*H2a-H2c*)? I do so by applying a matching step prior to a difference-in-differences analysis, refining the control sets as defined above so that they have the most similar pretreatment trajectories by construction. Then, I compute differences in the means of the immigration enforcement outcomes of interest before and after 287(g) entry among treated and control units, comparing the year before treatment to each of

four post-treatment years. This estimator identifies the causal effect of 287(g) participation under the assumption that, absent the program, both treated and control units would have continued along the same pretreatment trajectories. Explicitly matching on pretreatment trends maximizes the likelihood that this identification assumption is satisfied.

Concretely, to construct a matched comparison group for a county that signed a 287(g) at time t, I first take the entire pool of counties that had never participated in the program up to time t, and would not do so for at least three subsequent years. Then, I implement nearest neighbor matching on the number of detainers not denied per thousand undocumented immigrants estimated to live in that county in each month from $t = -12$ to $t = -1$. I select the six control counties that minimize the Mahalanobis distance to the same sequence for each treated county. I additionally include two key characteristics of counties as matching covariates: their total population as well as their undocumented immigrant population in the year of signing. The inclusion of these covariates ensures that the matched sets contain counties that are similar to one another in size and supply of potential detainers, lending more plausibility to the identification assumption.

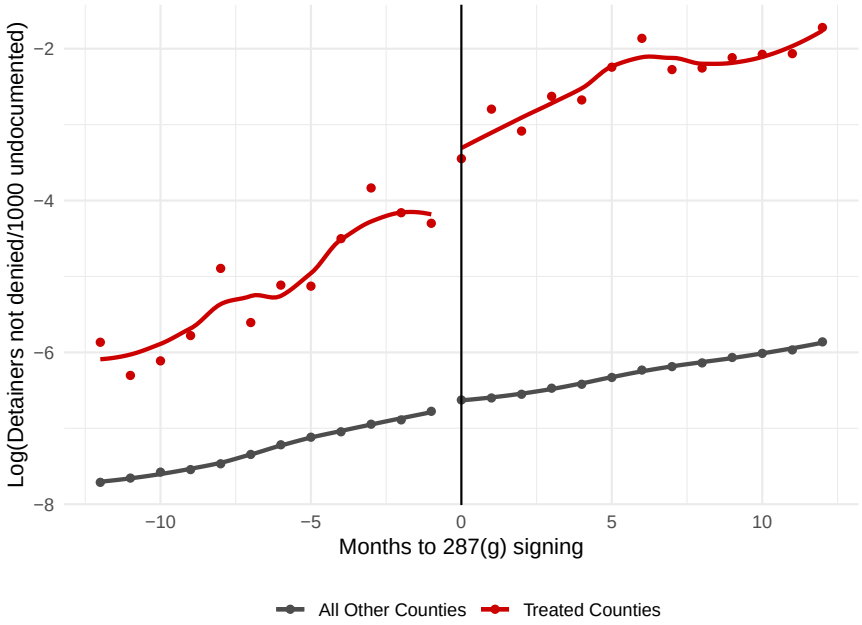
5 Results

I present results in the same order as the hypotheses: first, evidence of a selection effect, followed by three treatment effects on 287(g) participants: an increase in total detainers, an increase in detainers initiated specifically by local agents, and an increased allocation of local law enforcement efforts toward immigration policing.

In Figure 2, I use the approach outlined above to compare 287(g) participants' pretreatment enforcement trajectories to those of all nonparticipating counties (*H1*). The logged number of detainers not denied per thousand undocumented immigrants is plotted on the y-axis, with time to 287(g) signing on the x-axis. Consistent with theoretical expectations, participants were already high demanders for enforcement: not only does their detainer rate

start at a higher baseline, but it grows at a slightly faster rate over the twelve months before signing.[8]

Figure 2: Detainers per Thousand Undocumented Immigrants, 287(g) vs. All Other Counties



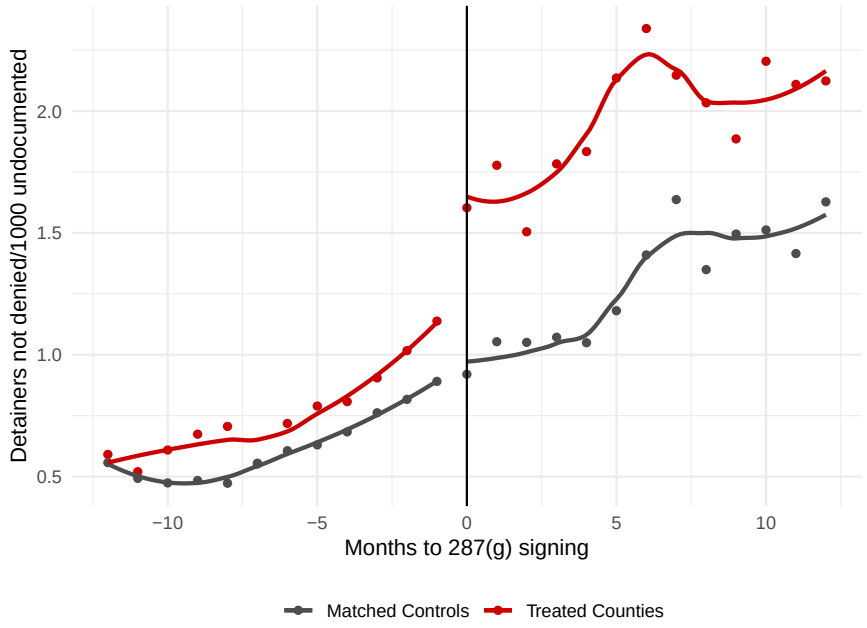
Notes: Points represent means within bins for every time period from $t = -12$ to $t = 12$ months from first 287(g) signing. Treated units, defined as those that signed a 287(g) agreement for the first time from 2005 to 2012, are shown in red, and all other U.S. counties are shown in gray. Plotted outcome is the natural log of the number of detainers issued that were not denied by the LEA, scaled by the estimated number of undocumented immigrants in the jurisdiction (in thousands) and aggregated by month. Loess-smoothed lines are fitted through the data on each side of $t = 0$.

Nonetheless, it is possible to find a subset of 287(g) nonparticipants whose enforcement trends are close to those of treated units (pretreatment). After applying the matching approach outlined above, I plot in Figure 3 the month-binned means of detainers not denied per thousand undocumented immigrants for treated units and their associated controls. A loess-smoothed curve is fitted to either side of $t = 0$. After matching, treated counties and their controls look similar in both levels and trends of the outcome variable all along the twelve-month pretreatment period.

[8]One might hypothesize that this demand is driven by crime, not political preferences. Wong (2012) shows no systematic relationship between county-level crime rates and 287(g) participation. Rather, political factors such as partisan composition coupled with recent demographic changes drive participation in his analysis.

Parallel trends alone do not assure identification of a causal effect; rather, it must also be the case that the trends would have continued in parallel in the absence of the intervention. Although this assumption is fundamentally untestable, it becomes likelier to hold the more similar the groups are to one another along other observable dimensions. Upon closer inspection, this appears to be the case. A two-sample t-test detects only one statistically significant difference between groups (with $p < .05$) out of fourteen tested population and enforcement outcomes measured in the year of 287(g) signing (see Appendix Table B.1). The two sets of counties also tend to cluster in the same geographic regions, with a large share of treated counties sharing a border with at least one control (see Appendix Figure B.2).[9]

Figure 3: Detainers per Thousand Undocumented Immigrants, 287(g) vs. Matched Controls



Notes: Points represent means within bins for every time period from $t = -12$ to $t = 12$ months from first 287(g) signing. Treated units, defined as those that signed a 287(g) agreement from 2005 to 2012, are shown in red, and matched control counties are shown in gray. Plotted outcome is the number of detainers issued that were not denied by the LEA, scaled by the estimated number of undocumented immigrants in the jurisdiction (in thousands) and aggregated by month. Loess-smoothed lines are fitted through the data on each side of $t = 0$.

Treating these comparable counties as counterfactuals for 287(g) participants, the esti-

[9]Full lists of treated and control observations are available in Appendix Tables B.2 and B.3, respectively.

mated effects of the program on the volume of local immigration enforcement (*H2a*) are dramatic. Table 1 presents effects for each of four periods: the year of signing (t), and each subsequent year until $t + 3$. (Note that in Table 1 t is measured in years, not months as in Figure 3, in order to capture the long-term effects of the program.) Standard errors are calculated by weighted bootstrap, accounting for the fact that counties may enter the control set multiple times for different treated units. The number of detainers issued in 287(g) counties grows steadily over time relative to the counterfactual, reaching 609 additional detainers in the third full year of the program ($p < .05$). And though the patterns of statistical significance vary slightly, the trend is the same however one scales detainers to the local immigrant population: when accounting for the denominator, the treatment effect peaks two years after signing, at 14.5 and 6.1 detainers per thousand undocumented immigrants and foreign-born residents, respectively ($p < .05$).

Table 1: Effects of First-Time 287(g) Signing on Detainers Honored, Difference-in-Differences Estimates

	t	$t+1$	$t+2$	$t+3$
Number of detainers, not denied	204.8	156.4	537.2*	608.6*
	(116.5)	(114.2)	(209.5)	(239.1)
Number of detainers, not denied	5.4	11.8*	14.5*	12.9
per 1000 undocumented immigrants	(3.2)	(5.4)	(6.9)	(7.5)
Number of detainers, not denied	2.2	5.4*	6.1*	5.3*
per 1000 foreign-born residents	(1.3)	(2.1)	(2.4)	(2.6)

Notes: *p<0.05; **p<0.01; ***p<0.001. Standard errors computed based on 1,000 weighted bootstrap samples are shown below estimates.

In Table 2, I restrict the analysis sample to the 46 counties where the 287(g) was signed by a county authority—usually the sheriff—and decompose the estimated effects by facility type. Consistent with *H2b*, the effects in Table 1 (row 1) are driven by detainers issued in *county* facilities, precisely where subnational agents gained federal enforcement powers.

Table 2: Effects of First-Time 287(g) Signing on Detainers Honored, Difference-in-Differences Estimates by Facility Type (46 Counties with 287(g) Signed by County-Level Officials)

	t	$t+1$	$t+2$	$t+3$
Number of detainers, not denied				
County facility	223.1*	189.9	476.4**	519.4*
	(104.8)	(108.4)	(174.3)	(209.9)
Federal facility	−1.6	2.7	19.0	23.0
	(3.9)	(8.9)	(20.1)	(26.6)
ICE facility	−1.7	−7.3	−10.1	−8.5
	(4.6)	(4.8)	(6.5)	(10.1)
State facility	51.9	47.4	34.5	56.9
	(30.7)	(31.7)	(34.5)	(37.3)
Local facility	−22.8***	−33.7	20.2	17.6
	(15.4)	(31.9)	(58.2)	(62.6)

Notes: *p<0.05; **p<0.01; ***p<0.001. Standard errors computed based on 1,000 weighted bootstrap samples are shown below estimates.

Table 3: Effects of First-Time 287(g) Signing on Law Enforcement Priorities, Difference-in-Differences Estimates

	t	$t+1$	$t+2$	$t+3$
Number of detainers, not denied	204.8	156.4	537.2*	608.6*
	(116.5)	(114.2)	(209.5)	(239.1)
By subsequent criminal process				
Detainers not denied, no criminal charge	116.2**	19.8	112.0*	103.6
	(51.7)	(23.3)	(47.7)	(55.8)
Detainers not denied, charge but no conviction	29.5	24.2	94.9*	120.8*
	(15.1)	(21.1)	(42.8)	(48.2)
Detainers not denied, conviction	59.1	112.4	330.4*	384.2*
	(51.6)	(88.8)	(140.6)	(158.2)
By type of criminal offense				
Misdemeanor charge	25.6	66.0	188.1**	203.1**
	(22.5)	(44.4)	(65.6)	(72.5)
Traffic charge	7.1	35.9	99.2**	114.1***
	(9.3)	(22.1)	(32.9)	(36.3)
Felony charge (low)	9.2	14.7	39.7*	45.2*
	(6.4)	(11.7)	(16.5)	(18.4)
Felony charge (high)	28.1	32.2	108.0	139.5*
	(23.8)	(34.4)	(58.0)	(67.5)

Notes: *p<0.05; **p<0.01; ***p<0.001. Standard errors computed based on 1,000 weighted bootstrap samples are shown below estimates. "High" level felonies are the subset classified by ICE as "aggravated felonies," which carry particularly harsh consequences for removal proceedings. For a complete list of qualifying offenses, see `https://www.law.cornell.edu/uscode/text/8/1101`.

Finally, in Table 3, I present difference-in-differences estimates for each category of detainers discussed under *H2c*. There is not strong evidence that treated counties detain more people without cause to ultimately charge them. While there are 116 more detainers without a charge in the year of signing ($p < .05$), the effect does not persist into all subsequent years. However, there is somewhat stronger evidence that new detainers translate into criminal charges without convictions; when these effects are statistically significant (two and three years after signing), they account for approximately one-fifth of all new detainers. Detainers with criminal charges *and* convictions account for the largest share of new detainers: 384 in total ($p < .05$), or nearly two-thirds of the overall treatment effect.

By far the most dramatic effect of 287(g) participation is the increase in misdemeanor charges and, quite often, convictions. By the time counties have spent three full years in the program, they are responsible for 203 more misdemeanor charges than the counterfactual ($p < .05$). More than one-half of these misdemeanors are traffic offenses; thus, traffic offenses alone account for nearly one-fifth of the overall treatment effect. By contrast, the effects on felony charges are either small or imprecisely estimated. These findings are consistent with qualitative evidence on how 287(g) changes policing practices. For instance, Nguyen and Gill (2016) recount how traffic checkpoints routinely appeared in front of a field where Mexican and Salvadoran migrants played soccer in Alamance County, NC. In Davidson County, Tennessee, random traffic stops were part of a broader strategy of "proactive policing," which emphasized officers acting on their own initiative and "doing something other than what's being directed" to increase police presence in the community (Armenta 2017, p. 57).

Robustness Checks

With any nearest neighbor matching analysis, an important source of researcher discretion is the number of controls to select for each treated unit. In Appendix B, I demonstrate that six nearest neighbors is the choice that best satisfies the competing demands of statistical power and covariate balance, but that the results do not hinge on this choice. Appendix Figure

B.3 replicates Figure 3 for three to eight matches, showing that the parallel pretreatment trends assumption is most plausible for four to six matches. Appendix Table B.1 shows the same patterns of covariate balance no matter how many matches are used within the range of three to eight, and Appendix Figure B.4 plots the main results for each of these matched sets, showing that the point estimates and patterns of statistical significance are generally the same all along this range.

To guard against potential measurement error in the undocumented immigrant population, I replicate Table 1 using estimates of the overall foreign-born population in the matching step everywhere that undocumented immigrant estimates are used. As shown in Appendix Table B.4, the resulting estimates are even larger. Finally, to ensure that the results do not pick up spurious correlations or secular trends, I conduct a placebo test that treats $t-2$ and $t-1$ as t and $t+1$, respectively, producing difference-in-differences estimates against the baseline year of $t-3$. As expected, Appendix Table B.5 shows that there are no statistically significant treatment effects in this analysis.

6 Discussion

This study has identified one more tool in the toolbox of diverse and creative strategies presidents use to influence state and local politics. Importing insights from theories of bureaucratic delegation, I have analyzed the federal executive's strategic problem of extending authority to subnational governments. A case study of the 287(g) program has highlighted the advantages of this "cooperative federalism": simply by creating opportunities for local participation, ICE under President Obama massively subsidized the costs of interior immigration enforcement through contributions from willing subnational agents.

I have also demonstrated a significant downside to this strategy. As predicted by a formal model and supported by empirical evidence, the subnational agents who elected to contribute their own resources toward immigration enforcement did not share the federal government's

priorities; they were extreme preference outliers. I illustrate this by way of both a selection effect and a treatment effect: not only did 287(g) participants already have a history of aggressive enforcement practices before entering the program, but they used their newfound authority to institute even more restrictive policies. Whereas President Obama wanted to target enforcement efforts at "felons, not families," 287(g) jurisdictions channeled people into the deportation pipeline largely through the use of traffic stops and heightened policing of misdemeanor offenses.

More broadly, I have provided a conceptual framework for understanding when a strategic federal executive will extend authority downward as opposed to centralizing policymaking. While an empirical test of these particular predictions is beyond the scope of the present study, a few words about the broader history of 287(g) illustrate the theory's basic logic. President Obama's uneasy relationship with the program suggests a federal executive teetering on the edge of the condition that drives a central government to invite local participation: that the high-demanding subnational agents demand somewhat more, but not too much more, enforcement than the president. Responding to criticism that the program promoted racial profiling and degraded community trust in the police, the Obama Administration rescinded seven agreements in Arizona and narrowed the scope of allowable 287(g) authority. Over President Obama's second term, the program contracted to less than half its previous size (see Appendix Figure B.1). Thus, as the president's ideal point shifted in a less restrictionist direction in response to constituency demands—and perhaps as certain jurisdictions revealed themselves to be more extreme in their preferences and policing strategies than the president initially anticipated—he exerted a more centralizing influence.

When President Trump assumed office in 2017—thus raising the immigration enforcement level preferred by the federal executive and the constituencies that brought him to power—the central government again pursued a more collaborative regime. An executive order titled "Enhancing Public Safety in the Interior of the United States," issued within one week of

Trump's inauguration, reactivated the dormant Secure Communities and 287(g) programs.[10] Not only did the Trump Administration (re)create opportunities for intergovernmental collaboration, but internal agency documents reveal an ICE-led campaign to actively recruit LEAs for 287(g) participation,[11] which drew in the 102 new counties shown in Figure 1.

One further refinement on the condition under which intergovernmental cooperation serves presidents' goals bears addressing: they must be willing to accept a high degree of variance in policy outcomes. In the analysis here, I have defined the federal executive's utility over the total or average policy—not its minimum, maximum, or variance, which could also be salient considerations. A case in point is President Obama's struggle with LEAs that used their 287(g) authority for unconstitutional policing. When no number of low-demanding jurisdictions can compensate for harms incurred by high demanders—and without effective ways to monitor, sanction, or exclude jurisdictions from participation—intergovernmental cooperation may be simply off the table. Neither was a collaborative enforcement regime sufficient to meet President Trump's restrictionist goals; he turned (unsuccessfully) to other strategies such as the threat of financial sanction to induce minimal cooperation from sanctuary jurisdictions.

But higher variance in policy outcomes has important implications not just for the executive, but for the entire federal system. Although shifting the locus of decisionmaking downward may lead to a closer alignment between local preferences and policy outcomes (Crémer and Palfrey 2000), this is not the only standard of democratic performance. Scholars have long observed that "policy makes politics": citizens' preferences and behavior are shaped by the policies in place in their local environment (Campbell 2012). Thus, downward extension of authority—a strategy to which the federal executive may increasingly turn in light of an already polarized and geographically sorted electorate—may have the perverse consequence of polarizing and segregating the electorate even further. And while divergent

[10] `https://www.federalregister.gov/documents/2017/01/30/2017-02102/enhancing-public-safety-in-the-interior-of-the-united-states`

[11] See Immigrant Legal Resource Center v. Department of Homeland Security FOIA documents, available at: `https://www.ilrc.org/immigrant-legal-resource-center-v-department-homeland-security`.

local political economies have at times been celebrated as "laboratories of democracy," more often they entrench profound inequalities in access to basic services or, in the present case, in how people are treated by the same criminal justice system.

References

Advisory Commission on Intergovernmental Relations. 1984. *Regulatory Federalism: Policy, Process, Impact and Reform*. Washington, D.C.: U.S. Government Printing Office.

Anzia, Sarah F. 2022. *Local Interests: Politics, Policy, and Interest Groups in US City Governments*. Chicago, IL: University of Chicago Press.

Armenta, Amada. 2017. *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement*. Berkeley: University of California Press.

Bawn, Kathleen. 1995. "Political Control Versus Expertise: Congressional Choices about Administrative Procedures." *The American Political Science Review* 89(1): 62–73.

Bertelli, Anthony Michael, Giulia Leila Travaglini, and Pamela J. Clouser McCann. 2019. "Delegation, Collaborative Governance, and Nondistributive Policy: The Curious Case of Joint Partnerships in American Federalism." *Journal of Politics* 81(1): 377–384.

Brown, Jacob R., and Ryan D. Enos. 2021. "The measurement of partisan sorting for 180 million voters." *Nature Human Behaviour* 5(8): 998–1008.

Bullock III, Charles S., Charles M. Lamb, and Eric M. Wilk. 2017. "Cooperative Federalism and Fair Housing Enforcement." *Social Science Quarterly* 99(2): 728–743.

Campbell, Andrea Louise. 2012. "Policy Makes Mass Politics." *Annual Review of Political Science* 15(1): 333–351.

Cebul, Brent, and Mason B. Williams. 2019. ""Really and Truly a Partnership": The New Deal's Associational State and the Making of Postwar American Politics." In *Shaped by the State: Toward a New Political History of the Twentieth Century*, ed. Brent Cebul, Lily Geismer Geismer, and Mason B. Williams. Chicago, IL: The University of Chicago Press.

Cebul, Brent, Karen Tani, and Mason B. Williams. 2017. "Clio and the Compound Republic." *Publius: The Journal of Federalism* 47(2): 235–259.

Chang, Howard F., Hilary Sigman, and Leah G. Traub. 2014. "Endogenous Decentralization in Federal Environmental Policies." *International Review of Law and Economics* 37: 39–50.

Chavez, Jorge M., and Doris Marie Provine. 2009. "Race and the Response of State Legislatures to Unauthorized Immigrants." *The Annals of the American Academy of Political and Social Science* 623: 78–92.

Ciancio, Alberto, and Camilo Garcia-Jimeno. 2019. "The Political Economy of Immigration Enforcement: Conflict and Cooperation Under Federalism." Available at: `https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377060` (accessed on 10/25/22).

Clouser McCann, Pamela J. 2015. "The Strategic Use of Congressional Intergovernmental Delegation." *The Journal of Politics* 77(3): 620–634.

Coleman, Mathew. 2012. "The 'Local' Migration State: The Site-Specific Devolution of Immigration Enforcement in the U.S. South." *Law & Policy* 34: 159–90.

Crémer, Jacques, and Thomas R. Palfrey. 2000. "Federal Mandates by Popular Demand." *Journal of Political Economy* 108(5): 905–27.

Derthick, Martha. 2001. *Keeping the Compound Republic: Essays on Federalism.* Washington, DC: Brookings Institution Press.

Dinan, John. 2020. "The Institutionalization of State Resistance to Federal Directives in the 21st Century." *Forum* 18(1): 3–23.

Eshbaugh-Soha, Matthew, and Eric Gonzalez Juenke. 2022. "The Politics of the President's Immigration Rhetoric." *American Politics Research* 50(1): 117–130.

Farris, Emily M., and Mirya R. Holman. 2017. "All Politics Is Local? County Sheriffs and Localized Policies of Immigration Enforcement." *Political Research Quarterly* 70(1): 142–154.

Filindra, Alexandra, and Daniel J. Tichenor. 2012. "Raising Arizona v. United States: Historical Patterns of American Immigration Federalism." *Lewis & Clark Law Review* 16.

Filindra, Alexandra, and Melinda Kovács. 2012. "Analysing US State Legislative Resolutions on Immigrants and Immigration: The Role of Immigration Federalism." *International Migration* 50(4): 33–50.

Gailmard, Sean, and John W. Patty. 2007. "Slackers and Zealots: Civil Service, Policy Discretion, and Bureaucratic Expertise." *American Journal of Political Science* 51(4): 873–889.

Goel, Sharad, Justin M. Rao, and Ravi Shroff. 2016. "Precinct or Prejudice? Understanding Racial Disparities in New York City's Stop-and-Frisk Policy." *The Annals of Applied Statistics* 10(1): 365–394.

Gulasekaram, Pratheepan, and S. Karthick Ramakrishnan. 2016. "The President and Immigration Federalism." *Florida Law Review* 68: 101–178.

Hertel-Fernandez, Alex. 2019. *State Capture: How Conservative Activists, Big Businesses, and Wealthy Donors Reshaped the American States—and the Nation.* New York, NY: Oxford University Press.

Hinton, Elizabeth. 2017. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America.* Cambridge, MA: Harvard University Press.

Hopkins, Daniel J. 2018. *The Increasingly United States: How and Why American Political Behavior Nationalized.* Chicago Studies in American Politics Chicago, IL: University of Chicago Press.

Huber, John D., and Charles R. Shipan. 2008. "Politics, Delegation, and Bureaucracy." *The Oxford Handbook of Political Economy* .

Imai, Kosuke, In Song Kim, and Erik Wang. 2021. "Matching Methods for Causal Inference with Time-Series Cross-Section Data." *American Journal of Political Science* .

Karch, Andrew. 2012. "Vertical Diffusion and the Policymaking Process: The Politics of Embryonic Stem Cell Research." *Political Research Quarterly* 65: 48–61.

McCann, Pamela J. Clouser, Charles R. Shipan, and Craig Volden. 2015. "Top-Down Federalism: State Policy Responses to National Government Discussions." *Publius: The Journal of Federalism* 45(4): 495–525.

Mehta, Jal, and Steven Teles. 2011. "Jurisdictional Politics: A New Federal Role in Education." In *Carrots, Sticks, and the Bully Pulpit: Lessons from a Half-Century of Federal Efforts to Improve America's Schools*, ed. Frederick M. Hess, and Andrew P. Kelly. Cambridge, MA: Harvard University Press.

Michener, Jamila. 2018. *Fragmented Democracy: Medicaid, Federalism, and Unequal Politics.* Cambridge: Cambridge University Press.

Motomura, Hiroshi. 1999. "Federalism, International Human Rights, and Immigration Exceptionalism." *University of Colorado Law Review* 70: 1361–94.

Newton, Lina. 2012. "Policy Innovation or Vertical Integration? A View of Immigration Federalism from the States." *Law & Policy* 34(2): 113–137.

Nguyen, Mai Thi, and Hannah Gill. 2016. "Interior Immigration Enforcement: The Impacts of Expanding Local Law Enforcement Authority." *Urban Studies* 53(2): 302–23.

Provine, Doris Marie, Monica W. Varsanyi, Paul G. Lewis, and Scott H. Decker. 2016. *Policing Immigrants: Local Law Enforcement on the Front Lines.* Chicago, IL: The University of Chicago Press.

Ramakrishnan, S. Karthick, and Tom Wong. 2010. "Partisanship, Not Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants." In *Taking Local Control: Immigration Policy Activism in the U.S. Cities and States*, ed. Monica W. Varsanyi. Stanford, CA: Stanford University Press pp. 73–93.

Ridgley, Jennifer. 2008. "Cities of Refuge: Immigration Enforcement, Police, and the Insurgent Genealogies of Citizenship in U.S. Sanctuary Cities." *Urban Geography* 29: 53–77.

Roh, Jongho, and Donald P. Haider-Markel. 2003. "All Politics is Not Local: National Forces in State Abortion Initiatives." *Social Science Quarterly* 84(1): 15–31.

Stuesse, Angela, and Matthew Coleman. 2014. "Automobility, Immobility, Altermobility: Surviving and Resisting the Intensification of Immigrant Policing." *City & Society* 26(1): 105–26.

Tausanovitch, Chris, and Christopher Warshaw. 2014. "Representation in Municipal Government." *American Political Science Review* 108(3): 605–641.

Thacher, David. 2005. "The Local Role in Homeland Security." *Law and Society Review* 39: 635–76.

Thompson, Daniel M. 2020. "How Partisan Is Local Law Enforcement? Evidence from Sheriff Cooperation with Immigration Authorities." *American Political Science Review* 114(1): 222–236.

Varsanyi, Monica W. 2010. "Neoliberalism and Nativism: Local Anti-Immigrant Policy Activism and an Emerging Politics of Scale." *International Journal of Urban and Regional Research* 35(2): 295–311.

Varsanyi, Monica W., Paul G. Lewis, Doris Marie Provine, and Scott Decker. 2012. "A Multilayered Jurisdictional Patchwork: Immigration Federalism in the United States." *Law & Policy* 34(12).

Waslin, Michele. 2007. "Immigration Enforcement by Local and State Police: The Impact on Latinos." *Law Enforcement Executive Forum* 7: 15–32.

Wong, Tom K. 2012. "287(g) and the Politics of Interior Immigration Control in the United States: Explaining Local Cooperation with Federal Immigration Authorities." *Journal of Ethnic and Migration Studies* 38(5): 737–56.

Zoorob, Michael. 2020. "Going National: Immigration Enforcement and the Politicization of Local Police." *PS: Political Science & Politics* 53(3): 421–426.