

## **Going National: Immigration Enforcement and the Politicization of Local Police**

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### **Abstract**

This paper develops a theory of when and how political nationalization increases interest in local elections using evidence from county Sheriff elections. The quintessentially local office, the Sheriff has long enjoyed buffers from ideological or partisan politics. However, many Sheriff elections since 2016 were waged on ideological grounds as progressive challengers—often backed by outside money—linked their campaigns to opposition to the President. I argue that this “redirected nationalization” becomes possible when a salient national issue impinges on a local government service, enabling challengers to expand the scope of conflict against valence-advantaged incumbents. In the highly nationalized 2018 election, the question of cooperation with Immigration and Customs Enforcement in the nation's jails provided a compelling link between local Sheriffs and national politics, infusing new interest and energy in these races. Though redirected nationalization can help align local policies with voter preferences, the politicization of local law enforcement might also undermine police professionalism and credibility.

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## Introduction

Though the 2018 midterm election was by all accounts a referendum on President Trump, this highly national election brought unusual interest in America's quintessentially local office: the county Sheriff. Hopkins (2018) defines political nationalization as a dual process of (1) convergence of local and national political conflict along a single dimension and (2) intensified interest in national politics to the detriment of state and local politics. But the link between the first and second point is empirical, not analytical. And as I show in this paper, in 2018 national politics infused Sheriff races with new energy and outside money, reorienting ordinarily sleepy campaigns around a hot-button national issue: cooperation with federal immigration enforcement. This linkage with immigration enforcement provided the "contest of evocative symbols" (Hopkins 2018, 61) usually absent in local races, allowing Democratic and progressive challengers to link their election with resistance to the President.

Under what conditions does nationalization *increase* attention to local politics? Through case studies of 2018 sheriff races, this paper shows how this *redirected nationalization* results from newly-salient national issues impinging on local government services and changing the strategic incentives of candidates. For Sheriffs, renewed attention to immigration enforcement—reified by agreements between Sheriffs and Immigration and Customs Enforcement (ICE)—provided the conduit through which nationalized politics defined local elections. This external change enabled savvy challengers to emphasize ideological and partisan differences – in other words, nationalize their races – to expand the scope of conflict against incumbents (Schattschneider 1960). I trace this process in primary elections, general elections, and even in nonpartisan elections and show how, in purple and blue counties with substantial immigrant

communities, challengers who nationalized their races around immigration enforcement benefited electorally, consistent with theories of Congressional elections (Stone & Simas 2010).

The normative implications of redirected nationalization are ambiguous. Informative partisan labels can help align law enforcement policies with voter preferences (APSA, 1950). But nationalization can also undermine accountability, if local officials are evaluated not for their own behavior but the President's. Moreover, overt politicization could erode the frequently espoused goal of law enforcement practitioners to "keep the politics out of public safety."

### **Going National and a theory of Redirected Nationalization**

Why might candidates invoke national politics in their appeals to voters in local races? "Going national"—explicitly calling on voters to make up their minds about local races by considering the President—exemplifies a broader strategic behavior of invoking ideology. Theoretical (Ansolabehere & Snyder 2000; Groseclose 2010) and empirical (Stone & Simas 2010) literatures about strategic candidate behavior in Congressional races predict that savvy challengers facing a valence disadvantage against incumbents might take more extreme ideological positions to compete on issues and attract activist support, while valence-advantaged incumbent pivot towards the middle, emphasize their experience, and downplay the importance of party politics in their jobs. This provides an opportunity for challengers to expand the scope of conflict (Schattschneider 1960). In nonpartisan races, the incentive to "go national" may be even greater, as voters are often less informed and more influenced by incumbency (Hagensick 1964; Schaffner, Streb, and Wright 2001).

In 2018, Sheriff candidates seem to have strategically "gone national" as these theories predict. Across primary, general, and nonpartisan counties, I find that challengers adopted ideological stances while incumbents emphasized nonpartisan obligations of the role.

## Changing Dynamics of Sheriff Races

County Sheriffs provide a hard test for the theory, as campaigns for Sheriffs are traditionally played out over “local concerns and the personalities of those seeking office” (Crotty 1971) with candidates appealing to voters on their trustworthiness, connection to the community, and law enforcement experience. The space for ideological debate in Sheriff races is limited by the fact that “virtually all candidates for Sheriff wisely promise to combat crime aggressively in their area” (Lublin 2007, 72). Consequently, Sheriffs have enjoyed a buffer against the swings of national politics. In Massachusetts, for example, where all of the states sixteen counties voted for Hillary Clinton in 2016, five re-elected Republican Sheriffs. Even today, contrasting with Presidential voting, most Sheriffs in Louisiana and Mississippi are Democrats, while most in Vermont are Republicans, as Figure 1 illustrates.

[FIGURE 1 HERE]

But that electoral buffer is facing new pressure as national politics filters downwards (Hopkins 2018). For Sheriffs, who run the nation’s jails and operate much of its rural and suburban police forces, immigration enforcement drives that connection (Farris & Holman, 2017). Immigration gets at core questions of belonging—who is in the community, and who is not—cleaving along social, racial, and political lines. When police aggressively investigate immigration status, questions arise about racial profiling and undermining the citizenship of ethnic minorities. When local law enforcement becomes tied to fears of deportation, citizens may be reticent to report crime to the police (Kirk et. al 2012).

Add to that charged rhetoric of “Trump’s deportation force” and you get a toxic injection of national partisanship. The 2016 election, followed by intensified deportation efforts and administrative decisions designed to curtail immigration, has catapulted immigration into the

national consciousness. Because immigration enforcement is federalized and politically salient, the interplay between local police and federal immigration agencies has provided an opening for political nationalization (Gulasekaram & Ramakrishnan 2015). No institution more embodies the national tension and polarization over immigration than ICE. Within the latitude granted by state laws, Sheriffs have discretion over cooperating with ICE. One channel is detainer requests, holding suspected undocumented immigrants in jail pending federal investigation (Thompson 2018). A second is through the 287(g) program, through which ICE authorizes and trains officers of local law enforcement agencies to act as deputies, force multipliers for immigration enforcement. Some research points to political pressures galvanizing immigration enforcement practices (Wong 2012) while other work implicates the personal views of the county Sheriff (Farris & Holman, 2017).

Under the Trump Administration, the number of 287(g) agreements negotiated between the President and local Sheriff Offices has more than doubled, after declining somewhat at the end of the Obama Presidency (*The Economist* 2018). These concrete connections with ICE make it easy to attribute local politicians with national politics. Macleod-Ball, a political consultant and former legislative chief of staff at the ACLU, explains that “287(g) is one of the few clear areas of intersection between the federal government and local government. Usually you can’t engage in a sheriff’s race and say ‘look what’s happened to you and your community’, and then tie that to particular issue voters know and care about on the federal level” (Madrid 2018). Within two years, 287g had shifted from a relatively unknown issue to the single issue deciding some Sheriff elections (Boone 2018). One headline even reads “How to Beat ICE in your hometown? Run for sheriff” (Perry 2018).

One consequence of nationalized politics is the increasing role played by national political organizations—and outside money—in local races (Reckhow et. al 2017). Liberal philanthropist George Soros was a first mover on Sheriffs, pouring \$2 million into a successful campaign to unseat hardline Republican and immigration enforcement extremist Sheriff Joe Arpaio in the 2016 Maricopa County race (Bland 2016). But in 2018, liberal organizations have, for the first time, poured money into Sheriff races across states. The ACLU spent hundreds of thousands of dollars to oppose incumbent Sheriffs with 287g agreements, finding a new role for itself as a kingmaker in local electoral politics (Wallace-Wells 2018). The ACLU spent \$175,000 on ad-buys and mailers in the Mecklenburg, County, North Carolina Sheriff race and \$140,000 in Wake County, North Carolina. An ACLU-backed group called Fairness Maryland spent \$160,000 on ads and canvassing in an ultimately unsuccessful bid to unseat Frederick County Sheriff Chuck Jenkins (Madrid 2018). (Fairness Maryland appears to have formed for the sole purpose of influencing the 2018 Frederick County Sheriff race.) Spending by the ACLU in these races dwarfs spending by candidates themselves: about triple the quarterly fundraising of the winner in Mecklenburg (Seitz-Wald 2018) and ten times the \$15,000 raised over the entire campaign by the winner in Wake County (Molina & MacDonald 2018).

### *Out of Step, Out of Office?*

For Sheriffs, partisanship has not always translated into policymaking. The professional norms produced by a law enforcement background, often a prerequisite for serving as Sheriff, smooth over partisan differences (Thompson 2018). David Clarke, Milwaukee’s longtime conservative Sheriff, repeatedly ran and won as a Democrat in a county dominated by Democrats. But he was also an extremely conservative politician who told the Republican National Convention in 2016 that the only time he’d reach across the aisle is “to grab one of

them by the throat” (Smith 2017). And Sheriff partisanship may not structure the way officeholders behave (Thompson 2018).

However, qualitative accounts of 2018 Sheriff contests suggest that an important subset of these races have become more ideological and partisan. Several Sheriffs faced tough challenges in the general election against candidates who invoked the national issues around immigration enforcement. Here, the partisanship of the candidates mapped onto real ideological differences about immigration policy. In Wake County, North Carolina Democratic Challenger unseated longtime Republican Donnie Harrison with 55% of votes. The victorious Democrat promised that the 287g agreement would be terminated "as soon as we walk in the door." In Frederick County, Maryland, incumbent Republican ultimately prevailed—though with much reduced margins—over an ACLU-backed Democratic challenger’s campaign focused on ending the 287g agreement. Ideological contests for county Sheriff, waged over the question of local cooperation with federal immigration enforcement, occurred in counties all around the country (Greenblatt 2018; Madrid 2018; Nichanian 2018). Like the electorate more broadly (Schreckhise & Shields 2003), ideology and partisanship may be becoming increasingly intertwined for Sheriffs.

Primary races also took on a more national flavor. Some incumbent Sheriffs lost in the primary to challengers who promised to decouple local resources from federal immigration enforcement. David Clarke’s chosen successor Richard Schmidt lost in the Democratic Primary in 2018 after immigration activists linked him to President Trump with a photoshopped picture (Bice 2018) and “hammered... his cooperation with federal Immigration and Customs Enforcement” (Graham 2018). In North Carolina, two Democratic incumbent Sheriffs lost their seats in primary races to more progressive candidates. In his victory speech, challenger Garry

MacFadden proclaimed “287(g) is going to be history in Charlotte-Mecklenburg. It’s going to be an event” (Boone 2018). Clarence Birkhead, who also became Durham’s first Black Sheriff, “vowed to not cooperate with federal immigration officials.” In these races, the politics of the Sheriff race became nationalized as local officials are brought into alignment with the national ideology of the Democratic Party.

Similarly, in Ulster County, NY: a state senate candidate said of the incumbent Paul Van Blarcum: “I would submit that our sheriff isn’t a Democrat, I don’t care what the label is” (Koronowski 2018). The three-term incumbent who was criticized for meeting with President Trump resoundingly lost his renomination for the Democratic ticket to Juan Figurero, ran as a Republican, and lost again to Figurero, who promised to reduce ICE cooperation. This cycle differed considerably from 2014, when the incumbent ran unopposed. Andrew Zink, President of Ulster County Young Democrats, explained “Trump’s election woke people up. Trump made us look at these local issues and evaluate our local elected officials and ask ourselves, ‘is this what we want?’ And when the Democratic voters of Ulster County looked at that question in that race, they said, ‘no, we don’t want our own Donald Trump’” (Holland 2018). Figurero himself said that he “got interested in the race after the last presidential election” (Koronowski 2018).

#### *Partisanship in Nonpartisan Sheriff Races*

Even in races where party labels are not on the ballot, challengers galvanized their campaigns by linking their races to national partisan battles. In a rare incumbent loss in Los Angeles County, politicians cite “cues [challenger Alex] Villanueva provided to voters about being a Democrat and taking a stand against immigration agents” as key to his successful challenge (Lau 2018). His opponent, incumbent Jim McDonnell, called for keeping the office nonpartisan. Prior to 2018, the incumbent Sheriff had not lost a re-election bid in more than 100 years. In

Hennepin County, Minnesota, where local races are nonpartisan, challenger Dave Hutchinson unseated the 12-year incumbent Rich Stanek by earning the endorsement of the state Democratic Party, local unions, and Hillary Clinton. Saying “You will notice the difference between a Republican sheriff and a Democratic sheriff, a sheriff who stands with ICE and a sheriff who stands with immigrants,” Hutchinson pitched his candidacy as an opportunity to resist President Trump: “These local races now, with our current national administration, and the craziness that's happening. This is how we can fight back.” Stanek countered that “When you call 911, you don't press one for Republican and two for Democrat, because it is nonpartisan, and that's how these races should be run” (Collins 2018).

### *Accidental Upsets*

The races described thus far show how renewed attention to local races injected national political debate, money, and activism into Sheriff races. These races shared a salient connection to national politics over federalized immigration enforcement. But counties lacking this salient connection experienced the usual case of nationalization burying local politics. In partisan strongholds, this means that general elections coronated on-brand incumbents, but some swing-counties had it different. In two suburban Colorado counties experiencing a “blue-wave” in 2018, incumbent Republican Sheriffs unblemished by scandal or controversy faced upset losses to cops from a small town with fewer residents than their new Offices employed (Seaman 2018). A spokesman for the defeated Adams County Sheriff candidly voiced his frustration on Facebook, saying that “It makes me completely sick that some complete dumb ass will win as sheriff with no ability only and I mean only because he has a d in front of his name.” The Sheriff of Boulder County (a Democrat) expressed his “shock” over losing “top-notch Sheriffs” to “a partisan-wave,” saying “in the office of sheriff, we come from different parties, but that doesn't

typically define how we work together” (Seaman 2018). The election prompted one town which had contracted out its police force to the Sheriff since 2001 to consider rebuilding its police department (Schmelzer 2019).

### **Consequences for Electoral Politics**

How do electoral results differ when local campaigns are nationalized? Incumbent Sheriffs who run for re-election win more than 90% of the time (Zoorob 2019). When politics is nationalized, however, incumbents are less safe. In 2018, in the dozen or-so races where media reports describe immigration enforcement as the central issue, incumbents lost more than half of the time, as shown in Figure 2. As Democratic consultant Mark Mellman warned, working with ICE is now perilous in Democratic counties: "Cooperate with Trump's deportation squad and voters will punish you" (Greenblatt 2018). Where incumbents prevailed – often because the county was Republican-leaning (e.g. Frederick County, Maryland) or the incumbent extremely well-funded (Hillsborough County’s Sheriff Chad Chronister raised \$1.3 million for his re-election, the biggest haul ever in the county) – their margins were much reduced.

[FIGURE 2 HERE]

These local backlashes could seriously impede interior immigration enforcement. Since undocumented immigrants are even more concentrated in big cities than the general population (Passel and Cohn 2017), the very counties where it makes sense for ICE to develop formal cooperation with local authorities are those where electorates throw out officials who cooperate with ICE. This also highlights the scope conditions of nationalized immigration politics shaping local Sheriff contests. National politics leaks down to these races proportionate to the salience of immigration and immigration enforcement – so while Sheriffs in North Carolina and Maryland

were affected, those in Vermont (where Sheriffs remain overwhelmingly Republicans) and Mississippi (where they remain Democrats) were not.

An additional scope condition is the presence of challengers. In Rensselaer county, New York – home to the state’s only 287g agreement – incumbent Republican Sheriff Patrick Russo coasted to reelection without an opponent in 2019 (he also ran unopposed in 2015). The county’s Democratic Party Chairman “thought Russo’s stance supporting 287(g) would have helped attract someone to run against him, but it didn’t” and cited a change in the state’s election calendar as hindering recruitment efforts (Crowe 2019).

## **Conclusion**

The 2018 election was a national referendum on President Trump. Though nationalization typically buries interest in local politics, in this case a highly national election *redirected* energy towards county Sheriff elections, enabled by federalized immigration enforcement in county jails. Sheriff challengers accelerated this process by “going national” to expand the scope of conflict. With Democrats out of the White House, this time it was Democratic and progressive challengers who defeated local incumbents by linking their struggles with nationwide resistance to the President. Voters in blue and purple counties terminated 287g agreements with ICE in Milwaukee, Charlotte-Mecklenburg, Anne Arundel, and Wake counties and empowered officials who promised to resist ICE cooperation in Durham, Hennepin, Los Angeles, and elsewhere.

In the long term, however, the increased responsiveness that comes from political nationalization may come at the price of law enforcement, and indeed all local politics, becoming just another front in the partisan fray. The theory of redirected nationalization applies equally well to district attorney races, with “law-and-order” establishments upended by progressive

challengers tapping into interest in criminal justice reform. And the trend of increasingly partisan and ideological Sheriff campaigns appears poised to continue. Shortly after the November 2018 midterms, Josh King announced his candidacy for the 2019 Sheriff race in Prince William County, VA by “casting the election as a referendum on President Trump.” Hoping to build on recent Democratic shifts in the county’s Presidential and gubernatorial vote, King, the first Democrat to run for Sheriff in 16 years, stated the county’s 287(g) agreement “needs to go.” The longtime-incumbent Glendell Hill, a popular Republican, said that attempting to link him to Trump would be a mistake, because voters know that partisan politics don’t gel with local races. He countered that a Sheriff’s “responsibility is to serve the citizens of Prince William County... Not your party. The citizens” (Olivo 2018). Hill hung on with just 45% of the vote, defeating King (44%) and another challenger who opposed 287g (10%).

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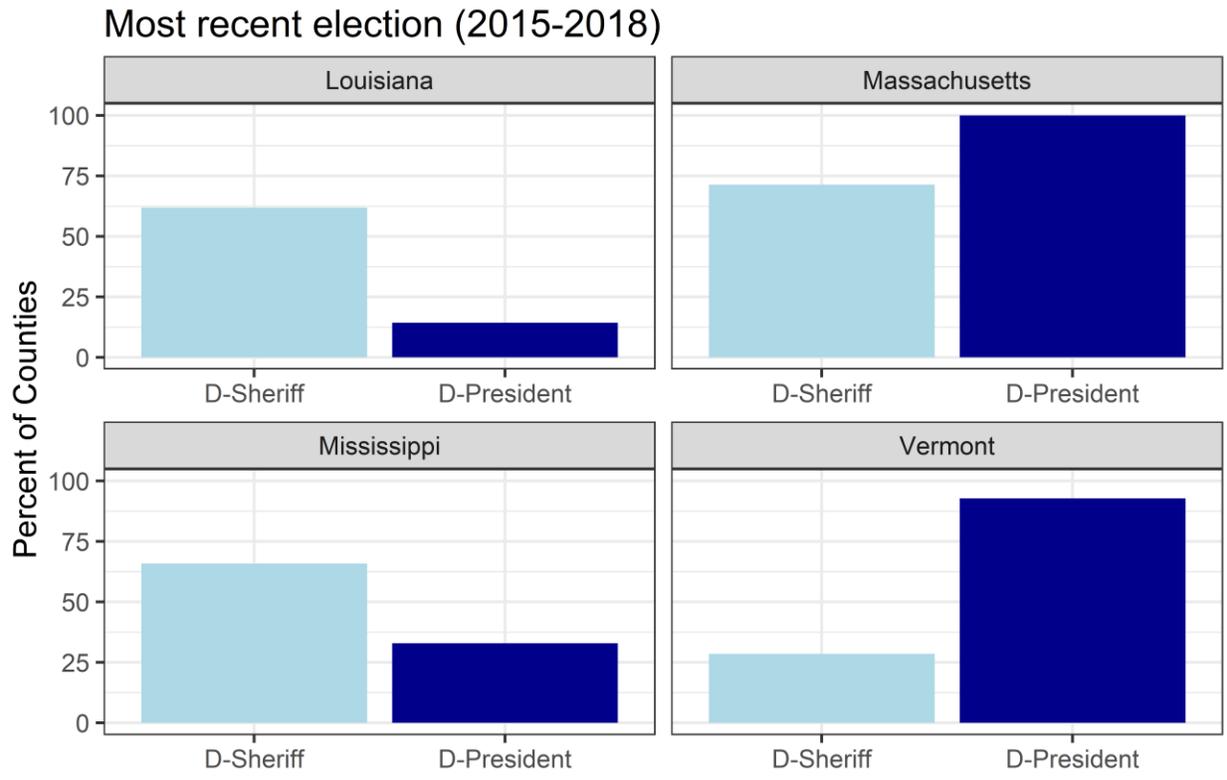
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Figure 1: Partisan Breakdown of Elected Sheriffs in Four States



Source: State Secretary of States. Years: MA (2016), MS (2015), VT (2018), LA (2017).

Figure 2: Immigration-based Sheriff Races in 2018



Races primarily drawn from Nichanian 2018.