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# Proposition 187: California's Fear of Immigration

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Proposition 187: California's Fear of Immigration

By

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In 1994 the state of California, under the leadership of a Republican legislature, put forward an initiative for a referendum vote during the general election on November 8<sup>th</sup> that was highly praised by then Governor Pete Wilson. Proposition 187 was called the “Save Our State” or the SOS but the question arises to whom or what was the initiative attempting to save the state from? The purpose was to halt or at least lessen illegal immigration, the answer is simple enough: it was to save the state from illegal immigration; however, because of California’s geographic location clear that the initiative was not targeting people from Canada, Nigeria, or any other country but was aiming at people that were of Hispanic descent, and more specifically, of Mexican descent.

How did a piece of legislation that was very direct in its intention to single out a certain group of people pass with such high favorability at almost sixty percent of the vote? What factors led to the sweeping victories this initiative and others like it, such as in Arizona with the motorist ID law years later, to win with tremendous public support? The United States is a country of immigrants; The Statue of Liberty, known to all Americans reads, “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!” Most Americans have at least heard of the first line in the inscription yet this message was forgotten when Californians passed Proposition 187. Where did the values of embracing immigrants to this country go? Were these values thrown out the window, or were they nonexistent to begin with?

Such measures and the attitudes to create them are not a reflection of values that embrace and welcome immigrants but instead are its antithesis. Was this initiative simply xenophobic? The answer is no, not entirely but an issue to consider is that not all those who voted for its passage were xenophobic but all xenophobes voted for it. The contrast is a small nuance but an

important one to distinguish. Although the motivations to approve Proposition 187 did include a racist element, it was one irrational fear among others such as nativism, economic difficulties, and political problems. Each of these reasons intertwined and for some proponents coalesced with a vote for Proposition 187. All of the above mentioned components are needed to produce a culture that can not only accept legislation that obviously targets certain minorities but also to vote for it in such overwhelming numbers. This measure was largely a scapegoat for the state's financial and social problems at the time it singled out one group in particular: those of Mexican descent. Another point that must be noted is that others in Central America were targeted as well but all were lumped together as being Mexican.

This paper will demonstrate several topics: how the bill was created, the context of the bill, what the bill actually entailed, its passage, and the reactions of Hispanic community. An illustration will be presented of how a bill labeled "Save Our State" was really a guise to discriminate against non-white minorities and how some of the same issues behind the bill still linger today.

Proposition 187 was not the first time a piece of legislation or government action, state or federal, singled out one particular group of people. The United States has a long troubled past of legislating atrocious acts which expose racism, xenophobia, and nationalism. California's attempt to put into law this measure is just one example among many. The very first legislation to limit immigration was the Naturalization Act of 1790. It placed no restrictions on immigration, but citizenship was restricted to white persons. The Alien Friends Act and Alien Enemies Act in 1798 were laws which allowed the president to deport any resident immigrant considered dangerous and to deport resident aliens if their home countries were at war with the United States. The Naturalization Act of 1870 was a changed in directions in that it extended

naturalization process persons of African descent and African nativity but other “non-whites” were not included.

Another piece of legislation was more blatant than the others was the Chinese Exclusion Act in 1882 which prohibited Chinese naturalization and marked the beginning of illegal immigration in the United States. This exclusion was extended with the Geary Act ten years later that lengthened and strengthened the original act. Other acts of the government to target a group of people include the Trail of Tears to remove Native Americans, including Cherokee, Muscogee, Seminole, and others from their ancestral homes in the Southeastern United States to the west of the Mississippi following the passage of the Indian Removal Act in 1830. Another example is the internment of Japanese citizens during World War II because the United States was at war with Japan. Based on heritage, Japanese Americans were forcibly placed in internment camps. One final example is Operation Wetback in 1954 which sought to deport Mexicans from the United States saw over a million apprehensions the first year alone. These few examples could each be their own research paper but here they provide some background context in regard to the continuous immigration issue that rises up every time the country faces a crisis such as war, economic downturn, or political. This is a brief overview of some notable examples of the history of the United States’ approach to immigration.

In 1994 Proposition 187 was passed which barred undocumented migrants (actual term in the bill is *illegal-alien*) from attending public schools. The schools were required to verify the legal status of the students and parents. Also, it required all non-emergency health care services to verify the legal status of a person for the health care institution to be reimbursed. Additionally all service providers would have to report suspected undocumented people to California’s Attorney General and the Immigration and Naturalization Service (INS). The police would then

determine the legal status of anyone arrested. Proposition 187 also required that people had to prove their legal status when seeking cash assistance and other benefits. Finally, creating or using false documents to conceal citizenship would be a state felony and carry either imprisonment for five years or a fine of seventy-five thousand dollars.

Proposition 187 has its origins in the economic recession and in politics. At the time of 187's passage the state was in a recession which lasted from 1990 through 1994. Employment in California dropped through those four years by approximately 752,000 jobs and unemployment peaked at almost ten percent.<sup>1</sup> At the same time the incumbent Republican Governor Pete Wilson, who was up for reelection, had low approval ratings. When the governor jumped on board Proposition 187 his polling numbers increased substantially and enabled to him winning by almost fifteen percent over the other candidate.<sup>2</sup> This mirrored county measure results which voted in favor of the measure and for Wilson's reelection. Those counties which voted for the democratic candidate also voted against 187 except for only one.<sup>3</sup>

A broad array of different ethnic groups supported Proposition 187 on Election Day. Exit polls show that sixty-four percent whites, fifty-six percent African-American, fifty-seven percent Asian, and thirty-one percent Hispanics voted in favor of the Proposition 187.<sup>4</sup> Clearly this is not a solely white versus non-white issue, since each of the largest ethnic groups voted heavily in favor of the initiative. Other issues were therefore at play.

Proposition 187 was meant to begin a wave of anti-immigration legislation to spread to other states. The official argument in favor of Proposition 187 shows in the first line that the

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<sup>1</sup> Federal Deposit Insurance Corporation, *Banking Crises of 1980s and 1990* (1997), 394.

<sup>2</sup> 1996 California Voter Information: Statement

<sup>3</sup> Ibid.

<sup>4</sup> University of California, Davis, *Prop 187 Approved in California* (1994).

law's impact was meant to spread to other states. "California can strike a blow for the taxpayer that will be heard across America; in Arizona, in Texas and in Florida..."<sup>5</sup> Again the argument is centered around economics; it is presented to positively impact every tax payer in the state. The second line is that the idea to spread the anti-immigrant rhetoric to encompass more of the nation. It is followed shortly by, "If the citizens and the taxpayers of our state wait for the politicians in Washington and Sacramento to stop the incredible flow of ILLEGAL ALIENS [capitalized in original], California will be in economic and social bankruptcy."<sup>6</sup> The main threat from immigrants is exposed in the word choice here; illegal aliens are a threat to California because they will somehow devastate the state's economy as well as its social system. Not only does this issue relate to monetary issues but the social system itself. The society will be destroyed because of illegal immigration.

Further wording in the bill goes further, "Proposition 187 will be the first giant stride in ultimately ending the ILLEGAL ALIEN invasion... Should our children's classrooms be overcrowded by those who are ILLEGALLY in our country?"<sup>7</sup> 'Invasion' and the fear of destroying their institutions of education are tied into the argument to vote against immigrants. The threat of immigrants was pushed by the proponents of the measure to win popular support as connections between crime, ethnicity, the economy, and other factors coalesced into a hostile environment; it created the "us" versus "them" dynamic between different sectors of the population.

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<sup>5</sup> Kent Ono, John Sloop, *Shifting Borders: Rhetoric, Immigration, and California's Proposition 187* (2002), 176.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

Just how grave a threat was illegal immigration? The “Findings and Declaration” section of the measure states, “The people of California find and declare: That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this state. That they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state.”<sup>8</sup> Thus the bill states the whole premise that immigrants are not only causing economic hardship but also are a dangerous and physical threat to Californian’s well-being.

The media discourse heavily influenced Californian’s perception of immigration. Authors Kent Ono and John Sloop contend that one part of the media’s discourse on Proposition 187 portrayed undocumented immigrants as “economic units.”<sup>9</sup> The only reason immigrants were important was because of how much they contributed to the state’s economy in either one of two ways: those opposed to the measure argued that undocumented immigrants are underpaid laborers and their work strengthens the economy. Those in favor of the measure argued that those same people are welfare recipients who drain social welfare programs and the education budget.”<sup>10</sup> The proponents did not mention that these undocumented workers were already ineligible to receive benefits.<sup>11</sup> Both arguments argue that people are viewed as cogs in the clockwork that is the economy, instead of a human being. A former Immigration and Naturalization Service commission weighed in on the issue, “There is no free lunch because if illegal aliens are going to be educated here, they’re going to be depriving citizens and lawful

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<sup>8</sup> Ibid.

<sup>9</sup> Kent Ono, John Sloop, *Shifting Borders: Rhetoric, Immigration, and California’s Proposition 187* (2002), 28.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid., 4.



immigrants of educational opportunities.”<sup>12</sup> Not only are immigrant children depicted as causing other kids to go hungry, the distinct use of “lawful” forms the argument that undocumented immigrants are inherently unlawful or criminal. In their book *Shifting Borders*, many instances of reports by the news media were recorded and one from NBC stated, “California incurs a debt of five thousand dollars a year for each undocumented student.”<sup>13</sup> Here is a number that Californian voters can grasp onto for their anxiety about the economy. The news is telling them that each undocumented student, among tens of thousands, is draining California’s taxes.

Politics influenced the media discourse on Proposition 187 significantly. Governor Wilson began to run attack advertisements on Mexican immigrants coming across the border. In these ads people would be depicted as swarming into California creating chaos by taking jobs and causing violence or criminal conduct. A message of fear was combined with people who were frustrated with either the economy or the government directed their anger towards immigrants. One point that author Nicolaus Mills makes is that:

The opponents of immigration now include trade unionists who see their collective bargaining power being weakened still further, archconservatives who want to put troops on our border with Mexico, congressional representatives who favor a computer registry with the names of everyone eligible to work in the United States, Zero-Population Growth advocates frightened by Census Bureau estimates that our population in 2050 will be eighty-two million greater than it would have been if immigration had ended in 1991, and black workers--73 percent of whom believe, according to a 1992 Business Week/Harris poll, that businesses would rather hire immigrants than African Americans.<sup>14</sup>

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<sup>12</sup> Ibid., 29.

<sup>13</sup> Ibid.

<sup>14</sup> Nicolaus Mills, *Lifeboat Ethics and Immigration Fears* (1996), 37-44.

In short, this quotation is stating that a great number of people, including a substantial amount of nonwhite citizens, due to a rough economy, turned their frustration towards immigration as the source of all their anguish. He also adds that the exit polls showed, “Proposition 187 got 47 percent of the black vote, 47 percent of the Asian vote, and 23 percent of the Latino vote.”<sup>15</sup> This point is a slight reiteration made earlier about different ethnic groups supporting the measure; however, this one is more to reinforce the connection to economics and the numbers are slightly different than the other poll. This clearly shows that the voting results are not only a race/ethnicity issue; immigrants were just a convenient scapegoat for the severe economic problems felt by everyone in the state. Yet this should not downplay the significance of race for a motivation because it is still a part of the issue.

Advertisements in the media were used to influence voters. One advertisement in particular demonstrates some of the factors involved with the measure’s wide popularity. Pete Wilson ran a political advertisement arguing in favor of 187 in his reelection campaign in 1994. In the beginning it shows the Statue of Liberty and says, “It’s how most of us got here. It’s how this country was built.”<sup>16</sup> It then shows Mexicans swarming over the border, running through traffic stating that “now the rules are being broken.”<sup>17</sup> This is followed by showing a crowd of almost entirely white people swearing in to become citizens and Pete Wilson standing up to defend Californians who “work hard, pay taxes, and obey the laws.”<sup>18</sup> Something to note is that when the political ad makes that statement, it shows “Californians” who do those things are all white; there is no diversity in the room that room the people shown are in. What is really being said with that statement? Immigrants do not work hard, they do not pay taxes, and they do not

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<sup>15</sup> Ibid.

<sup>16</sup> Pete Wilson *Pete Wilson Ad on Prop 187 (1994)*. <https://www.youtube.com/watch?v=VZI7Q2pduUI>

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

obey the laws. This demonstrates connections to different motivations for those in favor of the law. Mexicans are overrunning the border and white immigrants complete the process correctly; this is the racist element. They do not obey the laws illustrates the rule of law argument which will be discussed further later. One last point to make on this primary source is the creation of a divide between law abiding, hardworking Americans and law breaking immigrants who do not pay taxes or work hard. It is a separation that creates an “us” versus “them” which will be discussed in further detail later on.

Supporters of Proposition 187 contend they voted for other reasons that were not xenophobic. One source outside the field of history was a study conducted to determine why some would vote in favor of the proposition. People who voted in favor of the measure were asked questions about their support. The results are a blow to racism being the main factor for supporting the initiative. “Individuals may believe that current immigration patterns threaten the U.S. economy and support Proposition 187 because it reduces this threat.”<sup>19</sup> That is the main conclusion of this study and shows again how the economy was a main issue in voting for the measure. However, it also indicated that, “ethnicity, perceived economic threat, and commitment to the rule of law each exerted a unique and significant impact on the participants' scores for humanistic treatment of an illegal immigrant.”<sup>20</sup> This study is an example of how other motivations were at play in regard to citizens supporting the measure. Race is also a factor as evidenced by this last line from the source, “The Anglo-American participants evinced greater

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<sup>19</sup> Yueh-Ting Lee, Victor Ottati, and Imtiaz Hussain, *Attitudes toward “illegal” Immigration* (2001), 430-443.

<sup>20</sup> *Ibid.*

support for Proposition 187 when it affected the Mexican immigrant than when it affected the Anglo-Canadian immigrant.”<sup>21</sup>

This is critical in the discussion because it illuminates race as an important factor; why would Anglo-Americans have greater support for the proposition if it targeted one non-national instead of another? Perhaps the reason is simply Anglo-Americans are fine with other Anglo immigrants because they either look alike, share the same language, or share a common culture and take issue with other non-Anglo immigrants. Something that should be considered with this study is it states that, “There [are] limitations to this research... there are other explanations for attitudes toward illegal immigrants. Party affiliation, ideological values, and a prejudiced or authoritarian personality may have affected the participants’ perceptions of illegal immigrants.”<sup>22</sup>

In short this study gave examples that lined up with the reasons stated above but also acknowledge other reasons that may affect attitudes towards 187. In regards to party affiliation: most Democrats voted against the initiative and most Republicans voted in favor of it. Some may have voted in favor of the measure because ideologically they were racist, anti-immigrant, or some other reason that the study could not identify. Though not a primary source, this study illustrates a variety of motivations that these individuals had which can be applied statewide.

Professor at law, Ruben Garcia, discusses race theory in regard to Proposition 187. He states, “Proposition 187 was similarly used to marshal white fears.”<sup>23</sup> He mentions that, “In contemporary society, crime is closely associated with race, and politicians have successfully used the fear of crime to defeat opponents who were seen as too lenient on nonwhite

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ruben Garcia, *Critical Race Theory and Proposition 187* (1995), 135.

criminals.”<sup>24</sup> Essentially Garcia is arguing that because Governor Wilson connected crime with illegal immigration he was able to stir up bigoted attitudes towards a select group of people and in this case that is people that look Hispanic and more specifically, Mexican. This goes together with the reason of rule of law mention above; people who come into the U.S. without proper documentation are breaking the law by default.

Rule of law was another talking point in the immigration debate in California. Ono and Sloop discuss in their book how Proposition 187 was constructed to the public. In one section regarding related to the rule of law. Immigrants were constructed as criminals for a number of reasons. Proponents argue that illegal aliens are prone to violence and commit crimes if they are not allowed into institutions of education or if they are unemployed.<sup>25</sup> Another part added is that an argument of “us” versus “them” was constructed so if Proposition 187 were to pass immigrants would be criminals.<sup>26</sup> In short, immigrants are portrayed as being prone to committing violent crimes. The opposing argument was not much better in that the assumption remains that criminal behaviors by people without documentation are inevitable because “they are by nature delinquents.”<sup>27</sup> In either case, immigrants are painted as being criminals or will become criminals if the measure passed or not. Since all media reporting on Proposition 187 described or showed only Mexican immigrants, a connection was made between criminal behavior and Hispanics at whole and Mexicans specifically. In this instance ethnicity was not the main factor but a connection was made possible leading to racism because of the rhetoric involved.

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<sup>24</sup> Ibid.

<sup>25</sup> Kent Ono, John Sloop, *Shifting Borders: Rhetoric, Immigration, and California's Proposition 187* (2002), 28.

<sup>26</sup> Ibid. 32.

<sup>27</sup> Ibid. 32-33.

Yet fear of certain groups of people breaking the law goes even further. This does not include what Wilson or other proponents of the measure would describe as immigrants breaking other laws after coming into the country and putting strain on law enforcement. This becomes a crutch for people who voted in favor because of law and order: if they break the law to get here, what is to stop them from breaking more laws? It is not a great leap of logic for people to come to that conclusion and it is why this is an important reason for why 187 got passed. Breaking the law is one reason and it leads into the next: fear for safety.

Californians were portrayed as fearing for their safety in Proposition 187. “The undocumented are cast as a threat to not only the economic security of California, but also to the personal safety of Californians.”<sup>28</sup> Not only does this law alienate people of Hispanic heritage as lawbreakers but also as a threat to their economic well-being in a rough economy but also to their physical well-being because they “commit crimes” that nonwhites supposedly do not commit. Fear of both economic security and personal safety were preyed upon by the Governor and other proponents of this legislation.

Fear of crime, politics, and the media intersected that exasperated ethnic tensions. “The political advertisements used by Wilson only further pushed the notion that crime was a nonwhite occurrence.”<sup>29</sup> Proposition 187 help fuel bigotry and racial tension because of that distinction of a nonwhite race committing crime. Since most “illegal aliens” are Hispanics, most Hispanics look like “illegal aliens”.<sup>30</sup> In other words, those who are not immigrants would be discriminated against because they may look like the people most likely to migrate to California because of the close distance with the shared border, Mexicans from Mexico. If someone looks

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<sup>28</sup> Ruben Garcia, *Critical Race Theory and Proposition 187* (1995), 135.

<sup>29</sup> Ibid

<sup>30</sup> Alfredo Estrada, *Who's Afraid of Immigrants?* (1994).

like the criminals shown on political advertisements on television who are draining California's resources then there is a chance that looking like that group of people, Mexicans, will lead to citizens also being discriminated against. It is obvious to whom the legislation targeted: Hispanic communities but they were all lumped together and referred to as all being Mexican.

Ruben Garcia goes on to further connect both points: the perception that immigrants break laws and Mexicans are supposedly the principle lawbreakers. He states that the ads used to push the proposition strengthened the misconception that those who disobeyed immigration laws were more likely to commit other crimes.<sup>31</sup> The ads basically made it appear that people who broke immigration laws would be criminals who broke other laws and because most immigrants were of Mexican descent, people correlated the two groups into one. Another point he adds is that many Canadians enter the norther border without documentation but no one cared about white people coming into the country.<sup>32</sup> This goes along with the study mentioned above about how people care less if white people were to do it instead of nonwhite people. So again, the idea of race being a factor for why this initiative got such widespread support does indeed have role in the discussion. Yet the main argument is about law and order but it has connections that make it racist. In other words the main law and order argument is not racist itself but in the way it was portrayed resulted in processing a racist undertone.

Assimilation is also a reason for this measure's popularity according to Lennon. The initiative furthers national assimilation because it attempts to mitigate the number of people who could come to attempt to be naturalized.<sup>33</sup> Basically the argument is that this measure would severely limit the number of people coming into the state and country and would make it easier

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<sup>31</sup> Garcia, *Critical Race Theory and Proposition 18*, 135-136.

<sup>32</sup> *Ibid.*, 136.

<sup>33</sup> Tara Lennon, *Race, Nationalism, and Democratic Ideals* (1998), 84.

to convert Hispanic people to become more “Americanized” socially or economically. At the same time it also is not attempting to assimilate those who are already there undocumented but instead make them invisible by denying them access to public services.<sup>34</sup> So the goal is to assimilate those with documentation and either force out those without documentation or isolate from all facets of society so they leave of their own volition. Officials in schools and medical clinics under law had to report anyone suspected to be illegal and because they are not trained in how to determine if one was suspicious, their only suspicion could only come from a position based on race.<sup>35</sup> This simply means that people in public services had to be suspicious of any that seemed they might be undocumented. Because people do not walk around with a sign that declares that they are lacking documentation then the only recourse is to judge someone based on how they look. Since most of the immigrants in this region of the country come from Mexico, then anyone that looks Mexican or Hispanic is suspect. This is significant because of how large this subset of the population in, Hispanic-Americans, in California was at the time being the largest group besides Anglo-Americans.

The outcry from this bill was clear. Activists began to deride the bill and so did state employees. The University of California, Davis stated, “Several commentators predicted that the activism born of opposition to SOS would be a defining moment for Hispanics, turning them into a political force in the same way that the Civil Rights movement of the 1960s encouraged Blacks to participate in the political process”<sup>36</sup> Certain demonstrations leading up to the passage of the measure make this appear to be true. One section of the population was targeted: immigrants, and a connection was created between immigrants and non-immigrants because of a shared

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid., 85.

<sup>36</sup> University of California, Davis, *Prop 187 Approved in California* (1994).



heritage or appearance. Frustration and outrage was widespread because Hispanic Americans were targeted indirectly through directly targeting Hispanic immigrants.

October 9, 1994 the Cardinal of three million Catholics in Los Angeles and a leader in the Hispanic community said in regards to Proposition 187, “The measure would undermine clear moral principles of compassion and welcome.”<sup>37</sup> He also continued that argument by stating that it would tear families apart; this is combined with other major religious denominations that came out in opposition to the initiative.<sup>38</sup> This demonstrates that this also crossed into religious domains as well; not one that signaled out any religion but that many in those churches were staunchly opposed to Proposition 187. However this does not mean that all Catholics specifically voted in favor of or against the measure; there is no way to find a number for that question. What can be gained from this is that at least one motivation for people to oppose this measure was due to their religious faith.

On October 17, 1994 one of the largest demonstrations took place where 70,000 protestors joined together to condemn Proposition 187 and the governor. Joe Hicks, the executive director of the Southern Christian Leadership Conference said, “We’ve got to send a message to the rest of the nation that California will not stand on a platform of bigotry, racism and scapegoating.”<sup>39</sup> That is the sentiment of that march and illustrates how people of the Hispanic community felt about Proposition 187 as they waved flags of Mexico, El Salvador, and other Latin American countries. However the story is more complicated because it also states that some Hispanic groups saw it as a bad tactic because, “A sea of brown faces marching

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<sup>37</sup> Rohrlich, *Mahony Calls Prop 187 a Threat*, LA Times, October 9, 1994.

<sup>38</sup> *Ibid.*

<sup>39</sup> McDonnell, Patrick, Lopez, Robert. *LA March Against Prop. 187*, LA Times, October 17, 1994.

through LA would only antagonize voters.”<sup>40</sup> These sorts of marches would help push a nativist into voting for such a measure because of the demand to be treated equally like all other citizens while at the same time waving the flag of a different country; plus these countries are places that political ads supporting the measure are showing criminals pouring in from.

On October 22, 1994 about two-hundred students from Estancia High School staged a march to protest the governor’s support for 187. There was a consensus for the students. “We think [Governor] Pete Wilson is a racist.”<sup>41</sup> “I think (Proposition 187) is just an excuse to get us (Latinos) out of here.”<sup>42</sup> Another student said, “It’s not treating us like human beings.”<sup>43</sup> Obviously these students were upset because the legislation would directly impact their school because the initiative would target certain students in the schools. A counselor at the school was quoted in the same story saying that the march was counterproductive; this is evinced earlier in the same story because it states that some motorists honked their horns for the students as they waved Mexican flags.<sup>44</sup> However many were annoyed and told them to, “Go back to Mexico.”<sup>45</sup> That in itself sounds racist and may have well been but holding a flag of a different country certainly did not gain support from those who had worries due to nativism or a swarm of people invading their state or country. Like the large march mentioned above, students raising flags of a foreign country did not garner support among many who saw it as proof of an immigrant invasion from over the border.

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<sup>40</sup> Ibid.

<sup>41</sup> Everly, Alan. *Students Stage March Against Proposition 187*, LA Times, October 22, 1994.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

Though those under eighteen could not vote, that did not deter other students from expressing their agency. In the San Fernando Valley on October 28, 1994 at least 1,100 students from different schools left to demonstrate against the measure.<sup>46</sup> In short, large numbers of Hispanic students walked out of high schools to protest the initiative.<sup>47</sup> Again the reasoning is easy to identify as students marched because they know that even if they are not explicitly targeted by the legislation they would inadvertently be targeted because of how they look. Proposition 187 targeted Hispanic families and very specifically students through cutting immigrant children to their right to education mandated by the Supreme Court of the United States in *Plyer v. Doe*. In 1982, the outcome of this court case required public schools to educate all children regardless of their legal status thus creating the conditions needed for them to express their agency by protesting. This raises the fact that even if this law somehow was not discriminatory, it would be unconstitutional based on this one issue.

Proposition 187 created a divide among communities in California. Deborah Escobedo wrote that this bill “Exacerbated existing racial and ethnic tensions between students, immigrant and nonimmigrant, educators who approved and disapproved of the bill... and an increase in overt animosity toward Hispanic students by teachers already hostile to the students in their classrooms.”<sup>48</sup> Not only did this bill create a division to different groups of people on the outside of the classroom but because it targeted schools it also created divisions within the schools between both students and their educators. School is supposed to be a place where students go to learn, but Proposition 187 would lead to everyone within the confines of schools to constructing walls between students and teachers and one another which would hinder their educational

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<sup>46</sup> Becker, Maki. *Students Walk Out in Prop. 187 Protest*, LA Times, October 28, 1994.

<sup>47</sup> Ibid.

<sup>48</sup> Deborah Escobedo, *Propositions 187 and 227* (1999).

achievement. Yet it would not just impact Hispanic students but also all students according to a piece by the LA Times. It stated that the Los Angeles Unified School District could lose more than \$450 million in federal funds.<sup>49</sup> Not only would the ballot initiative penalize children who had no choice when brought to the country but also the rest of the students because the loss of federal funds would penalize everyone and cancel many programs and classes.<sup>50</sup>

One unintended consequence that arose from cutting that amount of funding is that by pushing kids to the streets, the chance of crime would increase because the adolescents would not be engaged in positive activities according to a sheriff in the article.<sup>51</sup> There is a connection that goes back into the argument earlier that putting Hispanics on the streets will cause them to become criminals. It is widely known that when juvenile programs are cut, there is a uptick in some crime; more people on the street means that there is a higher chance of crime. However, because of the way the argument about opposing the legislation was constructed it just legitimizes the point that Hispanics will commit more crime. In either instance, Hispanics were given the short end of the stick.

The teachers and administrators argued that school districts and the state would save by cutting teachers and classes due to eliminating a large number of students. However what they failed to take into account was that by doing so federal government would cut their aid and the loss of federal funds would far surpass the money they would save by cutting classes and teachers. The fallacy for those in favor of Proposition 187 is they thought it will save the state money, which is technically true in the short term because they could cut some teachers, programs, and classes; but because they would lose federal funding the schools would fall further

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<sup>49</sup> Shuster, Beth. *Prop. 187 Cost to L.A. Schools Put at \$450 Million*, La Times, September 21, 1994.

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

into disarray because the lost revenue would be greater than the amount they would save. Also, the proposed savings did not include the cost of verifying the students' legal status because teachers and schools would have to investigate student's documentation. This also does not mention the fact that this measure would cut educational jobs when "jobs" are one of the main focuses for proponents of the initiative. Several school districts joined together to have the denial-of-public-education in Prop. 187 declared unconstitutional.<sup>52</sup> The simple reason, as mentioned above, is that in regards to education it is unconstitutional. The Ventura County Board of Education came out against the measure on September 28, 1994.<sup>53</sup> Even the Los Angeles City council directed its employees to ignore most provisions of 187 after its passage.<sup>54</sup> Though some division was created in classrooms, the overwhelming majority of the schools themselves were against the measure because it would impact the classes significantly. However, education was not the only are where there was pushback and a backlash.

Proposition 187 also had implications for the health of the communities in California. Those in healthcare also rejected Proposition 187 because of the measure's health implications. After the initiative was passed a child named Julio Cano died because his parents, who were undocumented, did not seek treatment fast enough for fear of being deported.<sup>55</sup> If they had gone to the hospital, under the measure, they feared that the hospital's staff would report them because they were undocumented and they would be deported. Ron Prince, a proponent who headed the pro-187 campaign was quoted in the same story stating, "The parents are endangering the children by bringing them here illegally... they are not absolved of their parental responsibility

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<sup>52</sup> Escobedo, *Propositions 187 and 227*.

<sup>53</sup> Davis, Maria. *County School Board Opposes Prop. 187*, LA Times, September 28, 1994

<sup>54</sup> Frankel, David. *Restricting Care for Illegal Immigrants*, (1994).

<sup>55</sup> Romney, Lee. *Boy Whose Parents Feared Deportation Had Leukemia*, LA Times, November 24, 1994.

simply because of their other illegal acts.”<sup>56</sup> Though it seems harsh the Governor, Pete Wilson commented that the measure will, “Ensure more medical services for legal residents of California.”<sup>57</sup> Though that would not have helped that family he also added, “We get all kinds of stories of that sort, I suppose.”<sup>58</sup> Obviously it was not intentional for the measure to lead to the death of one or more children but it was an unintended consequence of denying medical service to people who do not have papers. Something that should be noted is that the measure had been blocked from taking effect but this family among many others was not aware of that fact. What must also be noted is that medical service cannot be denied in an emergency situation but this measure would try to prevent emergency medical aid even though it is illegal. The medical aspect of this initiative was to take aim at people of Hispanic descent and tried to cut them off from maintaining their own physical well-being.

One argument that needs to be considered in opposition to the measure is that by forcing immigrants to avoid going to medical facilities, the state is unintendedly setting up a situation where people with potential contagious pathogens may choose to not get treatment and cause the spread of disease. One issue raised by the medical community is that Proposition 187 would make the medical profession into a larger bureaucracy. Another, as mentioned above, could pose a threat to public health.<sup>59</sup> By denying medical service, the citizens are at threat of a health risk because a large subset of the population would not seek medical care. One other issue related to the medical implications for the measure is that it would infringe on patient confidentiality because medical professions would have to disclose their patient’s immigration status.<sup>60</sup> Doctors

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Zucker, Arthur. *Proposition 187* (1995).

<sup>60</sup> Ibid.

would be forced to become informants to immigration officials instead of focusing on their primary job, healing people.

However, the health risk argument is questioned because the way it is constructed is that it portrays undocumented immigrants and their children as being disease ridden and susceptible to spreading their disease.<sup>61</sup> Since a connection is created between immigrants and disease with non-immigrant Hispanics, the notion is made that Hispanics and specifically Mexicans carry disease. Since there is no reasonable way to identify if someone is undocumented or not just by looking at them, this races the ethnic question again. Yet this leaves out a simple fact that if a sick person or a group of sick people do not go to the hospital for whatever reason, they do run the risk of spreading disease and because of the connection with immigrants, it distorts this simple health fact and adds a racist undertone to the argument. Again, racism was not the cause but in this case it became a result.

To further make the issue of immigration even more continuous, Governor Wilson suggested on October 26, 1994 that every Californian should be required to obtain an official identity card.<sup>62</sup> This was just throwing logs on the fire over the issue of immigration because if any person really wants to do anything besides be homeless and a wanderer, they already need some form of identification to get a job, buy a car or house, have a bank account etc. The national director for the immigrants' rights program for the Mexican-American Legal Defense fund called the plan "fascist" in the same article.<sup>63</sup> Though this argument about an identity card is pointless from either side, the take-away is that the Governor began using more rhetoric from the issue of immigration to strengthen his political support.

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<sup>61</sup> Kent Ono, John Sloop, 34.

<sup>62</sup> Drummond Ayres, B. *The 1994 Campaign*, NY Times, October 27, 1994.

<sup>63</sup> Ibid.

There was some backlash that followed after the passage of the measure. Fortunately justice prevailed as a federal judge blocked the implementation of almost all of the initiative's provisions because it did not provide due process.<sup>64</sup> Though it was unconstitutional on many fronts, the issue the court decided on was due process. However not everyone was pleased with the ruling as some people protested against officials who voted to spend taxes to fight Prop. 187.<sup>65</sup> Other activists advocated boycotting California as a result, such as the mayor of Denver, the League of United Latin American Citizens, and other Hispanic organizations.<sup>66</sup> This was before the judge ruled the measure unconstitutional. Other ideas about nativism were also present.

Nativism has been prominent in American history for decades. During the middle of the 19<sup>th</sup> century, nativism surround anti-Catholic sentiment fermented into the Know-Nothing Party that was a million strong.<sup>67</sup> People have raised issue with many things such as “unassimiliability, dirtiness, backwardness, hostility to American values and institutions, sexual immorality, and criminality against many groups such as the Irish, German, Chinese, Latinos and Catholics.”<sup>68</sup> Also, Ono and Sloop contend that “the history of nativism in the United States is well documented. So new migrants have been treated suspiciously for anything such as race, gender, religion, ethnicity, sexuality, and socioeconomic class.<sup>69</sup> In short, nativism is nothing new within the United States and should not be treated as such in relation to Proposition 187. The real problem with the nativist fervor is the question of: what is it to be American; is it an question of

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<sup>64</sup> Escobedo.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> Robin Dale. Jacobson, *The New Nativism: Proposition 187 and the Debate over Immigration* (Minneapolis: University of Minnesota Press, 2008), Kindle.

<sup>68</sup> *Ibid.*

<sup>69</sup> Kent Ono, John Sloop, 44.



ethnicity, of values, of culture, of language, or a combination of those? From this line of thought race is just around the corner and it does play a role in Proposition 187's popularity.

According to Jacobson, race is strongly associated with nativism within Proposition 187's context. Through his interviews with voters who voted on the measure, what can be demonstrated is that the term "race" was thrown out by both those in favor and those against this measure. The opponents argued that the initiative was racist and a "thinly veiled attempt to penalize the state's Latino population."<sup>70</sup> The other side, the proponents of the ballot, argued that the opponents were the racist ones because they were playing the race card and their own stance on the issue was race neutral.<sup>71</sup> Jacobson calls this the "colored-blind conservative movement; the idea being that if race is nothing but a social construction than it is not real."<sup>72</sup> The idea is that, "We can't be racists if race isn't real." They follow this line of argument while advocating for singling out an entire group of people based on how they look. In this new light, nativism and racism intersect at multiple points and form a dichotomy to shield the racist elements from view and portray a more friendly or racist-lite message about immigration. This new form of racism is different in that it, "Acknowledges race as a social construction; it uses American values at its core; and it is more subtle or less explicit than pre-civil rights discrimination."<sup>73</sup> Basically the overt hatred for another race is replaced with American values because hating someone on a social construction is ridiculous but hating someone because of an artificial line on a map and does not have the same values is justifiable. This is where the question of intent comes into play: are the proponents intentionally being covertly racist or unintentionally being racist because of nativist ideas about American values? Was the intention racist and thus the outcome was as well

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<sup>70</sup> Jacobson, Kindle.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

or was the measure race neutral but had a racist outcome. One thought for this issue is that the real concern is the attempt to re-institutionalize native interest's supremacy instead of the notions about race.<sup>74</sup> In other words, racial supremacy is not the goal but instead native interest must reign supreme; it is just that in this case the "native" populace happens to be mostly white.

Throughout this literature the author interviews proponents of the measure and the responses express different motivations. Fairness was central to three-fourths of supporters, while the fear over loss of country is in others, as well as repelling an invasion of the ballot box because as one interviewee said about Latinos taking over an area with a conscious plan, "They think that, and just rightly so, that they take over southern California. And they will. And they don't care how."<sup>75</sup> Another stated, "So it's just a trend that's going to happen... Eventually this will all be entire southern California, will be Mexican politically controlled."<sup>76</sup> These irrational fears all operate under the umbrella of nativism. The fear is "us" vs "them" and cemented into each opposing camps' logic. Are "they" with "us" or against "us?" The main take-away is in the wording of the question itself. "They" are separate and not part of the social whole and in the proponents arguments "they" actively try to cause an upheaval in the society. Twisted logic had a grasp on social consciousness about fairness for this measure; the logic was that it is fair to strip children of their education and prevent families from seeking medical care; it should be implemented immediately because immigrants are coming to California. At no point for the argument for fairness that proponents put forth did anyone play devil's advocate for the immigrants themselves. Is it fair to target kids? For the proponents, it was fair since they do not

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<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

refer to children as innocent adolescents along for the ride but as illegal aliens in order to dehumanize them.

A last small point to make is political aspirations of one man: Pete Wilson. As mentioned previously, the incumbent Republican governor was behind in the race to win reelection. As soon as this piece of legislation was put forward he jumped all over it. Its popularity helped him not only catch back up to his opponent in opinion polls but actually win substantially over her. Yet this was not his last stop because he then began to run for president the next year in 1995 even though he promised in his campaign for governor not to do so. Oddly enough he announced his candidacy in front of the Statue of Liberty, the irony of its plague was lost on him. In 1995 he traveled to Miami to meet privately with Cuban American leaders to discuss Proposition 187; his campaign stated that the leaders are not opposed to his initiative they just do not understand it.<sup>77</sup> After his failed bid for the presidency he moved on to private enterprises such as working for multi-national banks and being a distinguished visiting fellow at the Richard Nixon Foundation.

One result of this battle to pass this legislation that Governor Wilson led is that it may have cost the Republican Party support from the Hispanic community. The political director California's Republican Party stated, "We mobilized the Latino electorate."<sup>78</sup> In other words, the Mexican-Americans in California became active after the passage of this bill because they felt it was an attack on them, their families, and their communities. This was a moment that cemented in many young people's minds that if they do not stand up for their rights, thinly veiled legislation may be passed to try and strip those rights away all because they share either a common culture, ethnicity, or language with the perceived enemy: the illegal alien.

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<sup>77</sup> Leshner, Dave. *Wilson Travels to Florida With Prop. 187 Message*, LA Times, June 18, 1995.

<sup>78</sup> William Schneider, *Prop 187's Backlash* (1999).

Proposition 187 was an attack on Mexican-Americans and Mexican immigrants. It was pushed for numerous reasons. The economy was in the slumps and seeing an opportunity, incumbent Republican Governor Pete Wilson was down in the polls for reelection so he pushed out advertisements to latch onto fear of xenophobia and crime to get reelected. The proponents of the legislation put out advertisements that depicted immigrants as criminals and a drain on society both socially and economically; Hispanics and specifically Mexican immigrants became a target and used as a scapegoat for the economic problems facing the state.

The racial connotations of the bill created widespread anger and set the stage for activists expressing their agency in protesting the legislation. A candidate attacked all of the Hispanic community and specifically people of Mexican heritage. Political points were needed and through the use of ethnic tensions, nativism, fear mongering, and financial hardship; Governor Wilson was able to push this bill to the people who ultimately voted in favor of it because of these reasons. These are the deciding factors for the widespread popularity of the measure. Xenophobia did play a role but it is more of a footnote to the overall support of the initiative. The Governor, Pete Wilson, did not create the legislation but he championed it through to the people to win his reelection and maintain his seat in government. At the same time it caused a backlash in Hispanic communities as young Hispanic Americans in California began to rise up and follow a path of activism to prevent discriminatory legislation from passing again. These are the reasons for the passage of this legislation and provide a lesson for future elections for citizens to be vigilant for. However, not all states experienced something similar like this on a state level and instead got to experience it on a national level recently. This is why this topic is important because a lot of the same effects and issues are still at large in society today.

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